

## PLANNING COMMITTEE

15 NOVEMBER 2017

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

### 12. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Roberts and Scott.

### 13. DECLARATIONS OF INTEREST

The following councillors declared their interests in the minutes as indicated:

Councillor	Minute	Interest
Beaver	5B - 2 Sedlescombe Road South, St. Leonards on Sea	Personal – Member of East Sussex County Council
	6B – 8 Grosvenor Crescent, St. Leonards on Sea	Prejudicial – Called item to Committee. Has known the objector for the past 30 years
Rogers	6B – 8 Grosvenor Crescent, St. Leonards on Sea	Personal – On behalf of all members, one objector, former Councillor Maureen Charlesworth, is known to us.
Sabetian	6C – First and Second Floor Flat, 74 Marina, St. Leonards on Sea	Prejudicial – In laws live in close proximity to the site.
Street	5C – The Kings Head Inn, 61 Rye Road, Hastings	Personal – Had several conversations regarding procedural aspects with the objectors.

### 14. MINUTES OF THE MEETING HELD ON 19 OCTOBER 2017

**RESOLVED** – that the minutes of the meeting held on 19th October 2017 be approved and signed by the Chair as a true record.

### 15. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 16. PLANNING APPLICATIONS ATTRACTING A PETITION:

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### 16.1 8 Amherst Road, Hastings

Proposal:	Approval of all reserved matters relating to the Access, Appearance, Landscaping, Layout and Scale of Outline Permission HS/OA/14/00806 - Erection of three detached dwellings with access.
Application No:	HS/DS/17/00416
Existing Use:	Partially completed dwellinghouses
Conservation Area:	No
Listed Building	No
Public Consultation	15 letters of objection and 1 petition received.

The Principal Planner, Mr Batchelor, presented this report for the approval of all reserved matters relating to the access, appearance, landscaping, layout and scale of outline planning permission HS/OA/14/00806 – Erection of three detached dwellings with access at 8 Amherst Road, Hastings.

The site was formerly a two-storey detached property which has been demolished since outline planning permission was granted in 2011. The site now contains three partially completed dwellings and includes substantial planting and protected trees around its boundaries. The site measures 0.3 hectares in total.

Outline permission was granted in 2011 (with all details reserved) for the redevelopment of the site for 3 detached dwellings and amendments to existing access. The permission was initially refused but granted on appeal. This permission lapsed but was granted outline consent in 2014 (ref HS/OA/14/00806).

Approval has been given under reference HS/DS/16/00285 for the external appearance, layout and scale of the development with the landscaping being approved under HS/DS/17/00024.

Reserved matters from the outline planning permission have been approved, this reserved matters application was submitted to resolve an issue regarding damage to protected trees that has occurred on the site. Since the last reserved matters were approved, the developer commenced works on the site, damage two protected oak trees (shown to be retained in the previous permissions) and now seeks approval for the amended scheme involving the removal of the oak trees, significant replacement planting and slightly amended layout details.

Since the application was submitted, it has been amended to show details of the retaining wall and planting area along the boundary with 14 Amherst Road and a slight amendment to the layout to show the protection of the remaining oak tree to the east of the proposed driveway and adjacent to no. 8 Amherst Road.

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Members were informed of an update to the report:-

- Matters relating to landscaping and conditions

The Principal Planner advised the most notable changes to the application related to the internal road layout where the access road will be set back and changes to the boundary details along Plot 3, 14 Amherst Road. He said the Arboriculturalist had recommended the damaged trees should be removed and replaced with a robust replacement planting plan.

Members were shown plans and photographs of the application site.

Mrs Alexandra Hudson, petitioner, spoke against the application. She referred to the damaged oak trees stating that one of the trees could have been saved with correct pruning to distribute the weight. She questioned why the trees had been left for 8 months if they were deemed unsafe and felt the council should have issued a stop notice and the developer fined £20,000.

The Applicant, Mr Sherlock-Scougall, had been invited to the meeting, but could not attend.

The Principal Planner advised that the badger corridor was not there during construction but he was satisfied that the site was otherwise accessible for badgers. as the badgers could still migrate through the site without the corridor

Councillor Rogers proposed a motion to defer the application to the next meeting that the Borough Arboriculturalist could attend. This was seconded by Councillor Dowling.

**RESOLVED – (Unanimously) that the application be deferred until the next meeting that the Borough Arboriculturalist could attend.**

### 16.2 2 Sedlescombe Road South, St. Leonards on Sea

Proposal:	An artwork by artist Greg Shapter, commissioned for Coastal Currents Arts Festival 2017. An image of a face (Robert Tressell) mounted on the external side wall of Martell Colour Print. Approx 3.5m x 2.5m. It is a single point perspective piece which only 'reads' as a face from one angle, and from other angles doesn't appear to be anything significant other than a framework on a wall. (link to the artist and similar artwork: <a href="http://gregshapter.com/">http://gregshapter.com/</a> )
Application No:	HS/FA/17/00632

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Existing Use:	Commercial premises.
Conservation Area:	No
Listed Building	No
Public Consultation	1 petition of support received.

The Senior Planner, Mrs Meppem, presented this report for the installation of artwork by artist Greg Shapter, commissioned for Coastal Currents Arts Festival 2017 on the side elevation of 2 Sedlescombe Road South, St. Leonards on Sea.

The application seeks permission for the placement of a piece of artwork displaying the face of Robert Tressell mounted on the external side wall of Martell Colour Print. The dimensions are approximately 3.5m x 2.5m. It is a single point perspective piece which only 'reads' as a face from one angle. From other angle the structure would appear as a metal framework on the wall.

The premises is a semi-detached property in a prominent location on the junction of Sedlescombe Road North, Sedlescombe Road South, Battle Road and London Road in St. Leonards. Surrounding the site is a mix of residential and commercial properties including, Asda to the north west, Barclays bank to the north-east, and Silverhill shopping area to the east. The property itself houses Martel Colour Print, a small independent digital printing business.

Members were updated on further information:-

- Image of a face (Robert Tressell) mounted on the external side wall of Martell Colour Print.
- Approx. 3.5m x 2.5m.
- It is a single point perspective piece which only 'reads' as a face from one angle, and from other angles doesn't appear to be anything significant other than a framework on a wall.

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

Mrs Meppem referred to the comments from the Highways Authority, she said they had stated the proposal would create a driver distraction and cause additional hazards at that junction. Concern was raised as this junction is a persistent collision site and the art installation proposed has the potential to create further distraction. This risk was considered to be a severe impact and they had recommended that the application be refused on safety grounds.

She said the agent had been asked if the scheme could be amended to a single face or mural, this request was declined.

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Councillor Street said they had requested that a representative from the Highways Authority attend this meeting, unfortunately no one was available to attend to provide clarification.

Ms Tina Morris, petitioner, spoke in support of the application. She said the application was part of the Coastal Currents Arts Festival and the artwork will be supplied by the Arts Council as a tribute to Robert Tressell. She said junctions were seen as a good place for public art and public monuments which were proven to slow traffic down e.g. the Angel of the North and Piccadilly Circus. The artwork will be positioned 7.4m above ground and will not be in the sight line of drivers. Set back against a building the artwork will not glint or glare, it will be built from materials that are not flashing or colourful. Asda is a few meters away. She said the artwork will beautify the area.

Ms Morris said they had spent two months looking at other sites and had identified 6 or 7 potential locations, this was the most suitable. She said they wanted to put the artwork in this ward to give the opportunity to a deprived area. Ms Morris said that the artwork would not be illuminated. They had reduced the size of the artwork by a third to make smaller. She said they would install a plaque below the artwork.

Councillor Street said if the artwork was painted as a mural it would not need planning permission so why did they choose this format? Ms Morris said it was part of the festival to break new boundaries and create new pieces.

Jon Tyrrell, applicant and production manager, was present and spoke in support of the application, he said the artwork will be 2.4m by 1.67m, mounted 7m high on the building. The materials will be non-reflective matt. He referred to examples of other artwork that had been granted e.g. Piccadilly Circus which has moving images and The Angel of the North which is 54m wide and 20m high and is seen by 1 person every second. He said traffic passing through Sedlescome junction will be travelling at modest speed, drivers will see the artwork from Battle Road and Sedlescombe heading south. He referred to the concern expressed by the Highways Authority and said a risk assessment will be submitted prior to the works going ahead. The work will be undertaken locally and covered by insurance. Mr Tyrrell said the dimensions stated in the officers report are when the application was submitted, the artwork has since been reduced to a smaller size. 2.4m high by 1.67m wide.

Mrs Meppem explained the Highways Officer had said that flat face artwork may be acceptable. She said the suggested amendment was not accepted by the applicant. Details of the other sites that were considered were not submitted by the applicant. No safety audit has been undertaken to demonstrate this will address the concerns raised by the Highways Officer.

The Planning Services Manager explained that this piece of street signage is unique in that it is more of a puzzle and does not reveal itself until you are in front of it.

The Principal Solicitor advised members to consider this application on its own merits. She said there had been a clear strong objection from ESCC Highways. Members were asked to bear in mind that whilst there were other examples around the Country, there was no evidence to say that this particular artwork in this particular

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location will prove to calm traffic rather than distract it. Unless we had evidence to contradict the objection from ESCC Highways we were open to legal challenge.

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

**RESOLVED – by (6 votes to 3 against) that planning permission be refused for the following reason:-**

- 1. The proposed artwork would constitute a distraction to the drivers of vehicles using the adjacent section of Sedlescombe Road South [C664] and Battle Road [B2159] resulting in severe highway impacts. The development is therefore considered contrary to Policy DM3 of the Hastings Development Management Plan, T3 of the Hastings Planning Strategy and Paragraph 32 and 67 of the National Planning Policy Framework.**

### Note to the Applicant

- 1. 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.**

### 16.3 The Kings Head Inn, 61 Rye Road, Hastings

Proposal:	Demolition & redevelopment site with 12 x 2/3 bedroom units/flats.
Application No:	HS/FA/17/00168
Existing Use:	Vacant public house and car park
Conservation Area:	No
Listed Building	No
Public Consultation	1 petition and 1 letter of support received

The Planning Services Manager, Mrs Evans, presented this report for the demolition and redevelopment of site with 12 x 2/3 bedroom units/flats at The Kings Head Inn, 61 Rye Road, Hastings.

The site is a vacant public house positioned to the north-east of a large car park, also within the site. It is proposed to demolish the existing public house and redevelop the site with 12 flats comprising 10x2 bedroom units and 2x3 bedroom units. The building

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will be two storeys in height comprising a mainly hipped roof with small gable frontages. It will be constructed from stock brick work with a part render finish. The proposed block of flats will be positioned in a similar location to the existing public house with the car parking area to the south west of the site. A refuse and recycling storage area is located at the front of the site within the car parking area (15 spaces). The 3 ground floor flats will each have a rear garden and landscaping to the front of the development will be provided. No cycle spaces are proposed. The site will be accessed by the existing access point.

The area is predominantly residential but also includes Hastings Academy to the north-east.

Members were informed of several updates to the report:-

- Revised elevations submitted to show change in site levels at front of scheme - Plan numbers (condition 2) to be amended: SD-555-06C
- Para 5 o) of the report refers to attenuation tanks under the car parking area and the rear garden areas. This plan to which that relates has however been superseded and the drainage plan reverts to that shown within the Drainage Strategy & Sustainable Drainage Management and Maintenance Plan produced by Monson

Members were shown plans and photographs of the application site.

Mr Ingleton, petitioner, spoke against the application. He said the development was governed by the Hastings Local Plan; Policy H1 = 30 dwellings per hectare across the town. He said that Hastings has double the average number of flats. Policy H2 states that Hastings needs large homes. Policy DM3 states 2 or more bedrooms. All of the flats should have 10 metre gardens. Mr Ingleton said it was a Heritage Asset. He said the development will not be sympathetic to the area, it is too dense and is opposed by the local community.

Councillor Street asked Mr Ingleton why nobody in the local community had signed the petition Mr Ingleton said it is only necessary for people who live in Hastings to sign. Councillor Street referred to the petition opposing the previous withdrawn application which a large number of local residents had signed.

Steve Durhun, applicant, was present and spoke in support of the application. He said he had worked comprehensively with the Planning Department. 3D models to support the scheme were shown in the case officers presentation. Mr Durhun said whilst there was no public consultation as they had communicated directly with the Council. They felt the design worked with the community.

The Planning Services Manager confirmed that Policy H1 = development of at least 40 dwellings per hectare would be applicable. She said the site is outside a busy shop opposite a school in a sustainable location. There are three rear gardens for three flats on the ground floor. Some flats have balconies, the dwellings either side have rear gardens. The site is not heritage site and is not locally listed. She said

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they like to encourage pre-application consultation with public, but it is not required for development of this scale. The applicant chose not to do it, but through discussion with the applicant they significantly reduced the bulk of the building and design.

Councillor Street asked that the applicant keeps the name 'The Kings Head'.

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

**RESOLVED** – (unanimously) that:

**A) That planning permission be issued upon completion of an agreement under S106 of the Town and Country Planning Act to secure affordable housing unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 1 May 2018 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Planning Strategy 2014 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) Subject to A) above**

**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:**

**SD/555/03 - SD/555/04A - SD/555/05A - SD/555/06B - SD/555/07A - SD/555/08A - SD/555/09A**

**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. (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;**

**Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the flats hereby approved shall occur until those works have been completed; and**



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**(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.**

- 5. Surface water runoff from the proposed development shall be limited to 2.5l/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 and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. Hydraulic calculations should take into account the connectivity of the different surface water drainage features;**
- 6. A site investigation which incorporates infiltration testing in accordance with the BRE365 and groundwater monitoring between autumn and spring should be carried out prior to the design of the detailed drainage design. Evidence of this should be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.**
- a) If infiltration is found to be unfeasible, the permeable pavement should connect to the proposed pipe network on site.**

**The design should leave at least 1m unsaturated zone between the base of the permeable pavement and sealed storage tank, and highest recorded groundwater level. If this cannot be achieved, details of measures to be taken to manage the impacts of high groundwater on the drainage system shall be provided. In addition, evidence of how impacts of high groundwater on the structural integrity of the tank will be managed shall also be provided;**

- 7. A maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority prior to the commencement of development. The Plan shall clearly identify responsibilities for managing all aspects of the surface water drainage system and provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.**

**All works shall be undertaken and maintained thereafter in accordance with the approved details;**

- 8. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles;**
- 9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been**

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submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway 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;
  - the loading and unloading of plant, materials and waste;
  - the storage of plant and materials used in the 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.
10. The vehicle turning space shown on the approved plan shall be constructed and provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose;
11. 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 spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
12. No part of the development shall be occupied until such time as the vehicular access has been reconstructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The reconstruction shall include upgrading of the kerb to make it flush with carriageway to ensure that the footway is not overrun;
13. 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 a scheme for replanting. 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

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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;

- 15. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; refuse storage, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, storage units, signs lighting etc.), where relevant. The refuse storage area shall be enclosed with a brick wall surround of sufficient height to provide a visual screen between the storage area and the surrounding locality;**
- 16. 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;**
- 17. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;**
- 18. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre-based broadband;**
- 19. 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, 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**

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### Authority.

The submitted ecological statements and reports referred to are:

- **Arboricultural Report (The Mayhew Consultancy Ltd, August 2016)**  
**Preliminary Ecological Assessment, August 2016)**
20. **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;**
  21. **Windows in the upper floor north east side elevation shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The flats hereby approved shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition; and**
  22. **No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the flats 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.**

### 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 prevent increased risk of flooding;**
5. **To prevent increased risk of flooding;**
6. **To prevent increased risk of flooding;**
7. **To prevent increased risk of flooding;**
8. **To ensure a satisfactory form of development that provides adequate car-parking spaces;**
9. **In the interests of highway safety and the amenities of the area;**

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- 10. In the interests of road safety;**
- 11. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 12. In the interests of road safety;**
- 13. To ensure a satisfactory standard of development in the interests of the character and amenity of the area;**
- 14. To ensure a satisfactory standard of development in the interests of the character and amenity of the area;**
- 15. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 16. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 17. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014;**
- 18. To ensure the development complies with Policy SC1 of the Hastings Planning Strategy 2014;**
- 19. To protect features of recognised nature conservation importance;**
- 20. To prevent the further spread of Japanese knotweed and to comply with Wildlife and Countryside Act 1981 and Part II of the Environmental Protection Act 1990;**
- 21. To safeguard the amenity of adjoining and future residents; and**
- 22. In the interests of the visual 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. Consideration should be given to the provision of a domestic sprinkler system;**

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4. 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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works;
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](mailto:developerservices@southernwater.co.uk);
6. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
7. The applicant is advised that they will need to apply for a licence to reconstruct the access as required by condition. The applicant should contact East Sussex County Council on 01273 482254 to apply for a licence to ensure the construction is to an acceptable standard;
8. 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;
9. The Council will require the applicant to provide 1 x 1280 litre metal bulk bin for waste containment and capacity. Hastings Borough Council will provide 1 x 1280 metal green bulk bin for mixed recycling and 2 x 240 wheeled bins for the glass collection, to be sited in the bin store area. The bin store floor will need to be even and unobstructed for the bulk bins to be moved to the collecting truck on the road;
10. The applicant is advised that the cycle store, required by condition 11, should not be placed to the front of the building in order to ensure the landscaping remains as shown and to secure a well planned development;
11. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access, and these details provided to Southern Water before any further development takes place;
12. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water. For further advice, the applicant is advised to contact

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**Southern Water, Southern House Sparrowgrove, Otterbourne,  
Hampshire SO21 2SW (Tel: 0330 303 0119) or  
[www.southernwater.co.uk](http://www.southernwater.co.uk);**

- 13. The applicant is advised that landscaping details required by condition 13, should include the planting of trees along the rear boundary.**

**17. OTHER PLANNING APPLICATIONS:**

**17.1 248 Wishing Tree Road, St. Leonards on Sea**

Proposal:	Erection of a pair of semi-detached dwellings on land rear of 248 Wishing Tree Road together with construction of new access from Crowhurst Road.
Application No:	HS/FA/16/00414
Existing Use:	Residential garden
Conservation Area:	No
Listed Building	No
Public Consultation	5 letters of objection and 1 letter of support received

The Principal Planner, Mr Batchelor, presented this report for the erection of a pair of semi-detached dwellings on land rear of 248 Wishing Tree Road together with construction of new access from Crowhurst Road.

The proposal is for a pair of semi-detached dwellings in the rear garden of 248 Wishing Tree Road and the construction of a new access from Crowhurst Road.

The site is delineated by shrubs to the rear and fencing along the side boundary. The rear garden slopes down and the site is set at a higher level than the adjoining properties of Ironlatch Cottages to the west. The site also adjoins residential development of The Suttons to the north which is characterised by detached dwellinghouses. Crowhurst Road lies to the south.

This application follows planning application (HS/FA/15/00303) which was refused. Although this development has the same description there are some differences:- The houses are now lower due to the proposal now being built into the site, and the roof design has been significantly revised to reduce the bulk of the building (roof now hipped on all sides with a shallower pitch).

Members were shown plans and photographs of the application site.

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The Principal Planner explained the previous proposal was considered too large and would have had an unacceptable impact on the residential area. He said the scheme has been built into the site so that it will fit in well and is more comparable with the surroundings.

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

**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:  
  
3043-200D, 210D, 215C and 220E;
3. The new access shall be in the position shown on the submitted plan (drawing no. 3043-210 Rev D) and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to the commencement of development;
4. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter;
5. The access hereby permitted shall not be used until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (drawing no. 3043-210 Rev D) and the turning space shall thereafter be maintained in a suitable condition for that use and shall not be used for any other purpose;
6. During any form of earthworks and/or excavations that are carried out as part of the development, suitable wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to adjacent roads;
7. The development shall not be occupied until the parking area has been provided in accordance with the approved drawings and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;
8. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;



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9. (i) Construction of the development shall not commence until details of the proposed means of 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.
10. No development shall take place until the measures outlined in the submitted ecological statements and reports 'Preliminary Ecological Appraisal, dated June 2016 by The Mayhew Consultancy Ltd (ref EA/35315/R1) 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.
11. No development shall take place until the measures outlined in the submitted arboricultural and landscaping reports:
- Arboricultural Report, dated June 2016 by The Mayhew Consultancy Ltd (ref AR/35315/R1); and
  - Planting Schedule & Planting, Maintenance and Establishment Specification, dated June 2016 by The Mayhew Consultancy Ltd (ref PP/35315/R1)
- 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, planting, maintenance) in which case the works shall be carried out in accordance with the timescales contained therein or;

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**(ii) unless the scheme(s), or programme(s) of measures contained within the reports is otherwise first varied, by way of prior written approval from the Local Planning Authority;**

- 12. Before the development hereby approved is commenced details of the climate change adaptation and mitigation measures to be implemented within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;**
- 13. The first-floor side elevation window facing towards nos 7 and 8 The Suttons shall be obscure glazed and fixed shut at all times;**
- 14. 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. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 4. To ensure the safety of persons and vehicles using the access and/or proceeding along the highway;**
- 5. In the interests of highway safety;**
- 6. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 8. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development;**
- 9. To prevent increased risk of flooding;**
- 10. To protect features of recognised nature conservation importance;**

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11. In the interests of the health of the trees and the visual amenity of the area;
12. To ensure the development complies with policy SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy;
13. In the interests of the amenity of the neighbouring residential occupiers; and
14. 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;
3. 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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works;
4. Consideration should be given to the provision of a domestic sprinkler system;
5. The surface water drainage details required by condition 9 above shall have regard to the comments provided by the Lead Local Flood Authority (email dated 19 June 2016 from Revai Kinsella, Principal Drainage Officer, Flood Risk Management Team, East Sussex County Council); and
6. 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](mailto:developerservices@southernwater.co.uk).

17.2 8 Grosvenor Crescent, St. Leonards on Sea

## PLANNING COMMITTEE

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Proposal:	Conversion of the existing building from 4 x flats to 7 x one and two bed flats, with extensions to the ground, first, second floors and roof of the western side/rear elevations, the raising of the rear section of existing ridgeline, the insertion of a window in the front elevation, the demolition of one chimney and reinstatement of another chimney, and the formation of an enclosed refuse/recycling & cycle store on the rear elevation
Application No:	HS/FA/17/00625
Existing Use:	Residential flats.
Conservation Area:	Yes - Grosvenor Gardens
Listed Building	No
Public Consultation	3 letters of objection received 1 letter of support

Having declared his prejudicial interest, Councillor Beaver was absent from the Chamber during discussion and voting. This item was brought to committee as requested by ward member, Councillor Beaver.

The Senior Planner, Mrs Meppem, presented this report for the conversion of the existing building from 4 flats to 7 flats (4 x 1 bed & 3 x 2 beds), extensions to the ground, first, second floors and roof; raising of the rear section of the existing ridgeline; insertion of a window in the front elevation; demolition of one chimney and reinstatement of another chimney; and formation of an enclosed refuse/recycling & cycle store on the rear elevation.

The site is located on the A259 opposite the seafront. The premises consists of an imposing semi-detached, three storey building with double height bay windows and large forward projecting gables at second floor level.

The Senior Planner stated that the premises is not a listed building and there is no parking associated with the premises. On street parking is available at the front of the site. She said the premises has historically been converted into four separate residential units and meets the minimum requirements for internal space standards. Although the site is in flood zone 2 and 3, this is covered by Condition 7 and Informative 4.

Members were shown plans and photographs of the application site.

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

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

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- 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: RS/00, RS/01, RS/02, RS/03, RS/04, RS05, RS/06, RS/07, RS/09, RS/11, RS/12, RS/13 and RS14;**
- 3. The materials to be used in the construction of the external surfaces of the extensions and alterations hereby permitted shall match those used in the existing building;**
- 4. The windows shown on the proposed plans shown serving bathrooms, en-suites or WCs shall be obscure glazed and remain as such at all times;**
- 5. A 1.8 metre high obscure glazed screen shall be erected on the 1st, 2nd and 3rd floor balconies as shown on approved plans RS/03, RS/04 and RS/05 prior to completion of the development and retained thereafter;**
- 6. Prior to completion of the conversion, the bin and cycle store as identified on plan RS/02 shall be provided on site;**
- 7. Prior to completion of the conversion, evidence that the flood risk mitigation measures have been incorporated in to the scheme shall be submitted to and approved in writing by the Local Planning Authority. These shall include;**
  - (i) Slot-in demountable barrier system at a height of 0.3 metres - 0.6 metres as per national guidance, to be positioned in front of each of the two external doorways at ground level;**
  - (ii) Airbricks and similar openings at ground level be made flood-proof;**
  - (iii) The hatch to basement level to be replaced with a flood-proof hatch door;**
  - (iv) Non-return valves to be installed to the foul effluent drainage network**

**The mitigation measures shall be fully implemented prior to occupation in accordance with the approved details and retained on site thereafter, unless otherwise agreed in writing by the Local Planning Authority in conjunction with the Environment Agency;**
- 8. The office within flat 7 as shown on drawing RS/05 shall only be used as office space and at no point be used as an additional bedroom;**
- 9. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**

**08.00 - 18.00 Monday to Friday**

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**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. To ensure that the finished extensions match the appearance of the existing premises;**
- 4. To safeguard the amenity of adjoining and future residents;**
- 5. To safeguard the amenity of adjoining and future residents;**
- 6. To ensure a satisfactory standard of development;**
- 7. To reduce the risk of flooding to the proposed development and future occupants in line with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change;**
- 8. To ensure a satisfactory standard of development and in the interests of highway safety; and**
- 9. 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;**
- 3. Consideration should be given to the provision of a domestic sprinkler system; and**
- 4. A Flood Warning and Evacuation Plan as included as Appendix D of the Flood Risk Assessment (dated June 2017) shall be prepared and a copy provided within each flat at all times.**

**17.3 First and Second Floor Flat, 74 Marina, St. Leonards on Sea**

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Proposal:	Like for like replacement of an existing stone balcony with inclusion of supporting ornamental iron brackets (front elevation), reinstatement of historic sash windows at first floor level on the front facade, reinstatement of the traditional canopy as a like for like replacement, reorganisation of the apartments internally from a 1st and 2nd floor apartment to front and rear duplex apartments, erection of a two storey rear extension to include an internal staircase connecting the floors of the proposed rear Duplex apartment.
Application No:	HS/FA/17/00360
Existing Use:	Residential.
Conservation Area:	Yes - Grosvenor Gardens
Listed Building	No
Public Consultation	5 letters of objection and 6 letters of support received

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

The Planning Officer, Ms Ranson, presented this report for like for like replacement of an existing stone balcony with inclusion of supporting ornamental iron brackets (front elevation), reinstatement of historic sash windows at first floor level on the front facade, reinstatement of the traditional canopy as a like for like replacement. Reorganisation of the apartments internally from a 1st and 2nd floor apartment to front and rear duplex apartments. Erection of a two storey rear extension to include an internal staircase connecting the floors of the proposed rear Duplex apartment at First and Second Floor Flat, 74 Marina, St. Leonards on Sea.

The site comprises terraced property no.74 Marina situated on the seafront. The property is over 6 floors (including basement) and is situated towards the foot of the cliff slope behind.

Members were informed of an update to the report:-

- Daylight model provided accessible at:  
<https://youtu.be/SUiQOyc-IBk>

Members were informed of key points of the application:-

- The works to the front elevation will enhance the character of the conservation area and improve the traditional appearance of this significant Sea-front

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property.

(There is support for the works to the front elevation and no objections.)

- The proposed rear extension will be an improvement on the existing dilapidated extension. It will not cause significant harm to neighbour amenity from loss of light or privacy. The new wooden design of the extension will clearly demarcate the new from the old and will be complementary to the original.
- The proposed internal re-configuration to two self-contained apartments will improve the quality of accommodation at this property, providing each apartment with private facilities.
- While the cliff slope behind is potentially subject to instability, evidence has been submitted that any actual or potential instability relevant to this development can be dealt with through appropriate measures.

Members were shown plans and photographs of the application site.

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

HGS16-74 P005 A (block plan); HGS16-74 010 (location plan); HGS16-74 101 (existing front elevation and details); HGS16-74 102 (proposed front elevation and details); HGS16-74-300 (proposed 1st floor window details); HGS16-74-301 (proposed canopy details); HGS16-74 104 Rev B (proposed rear elevation); HGS16-74 110 (existing 1st & 2nd floor plans); HGS16-74 120 (PR front apartment floor plans); HGS16-74-130B (proposed rear duplex apartment);

3. The bricks to be used in making good the new window opening in the west elevation of the rear off-shoot and the bricks to be used in making good the rear elevation of the off-shoot as it adjoins the new extension hereby permitted shall match as far as possible those used in the existing building.
4. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

**08:00 - 18:00 Monday to Friday**

**08:00 - 13:00 on Saturdays**

**No working on Sundays or Public Holidays.**



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- 5. The rear lower land slope that the proposed rear extension bridges across must be stabilised by battering this section back and fixing a geotextile to the surface with steel pins as recommended by Elliot Toms CEnv BSc (Hons) MSc MEnvSci FGS, Managing Director Land Science; and**
- 6. No disturbance of the rear, upper bank or cliff face behind the building shall be caused by the works undertaken for carrying out the development 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 ensure that the materials used are a suitable match the appearance of the existing dwelling;**
- 4. To safeguard the amenity of adjoining residents;**
- 5. To overcome any possible land stability in compliance with policy DM5 of Hastings Development Management Plan, 2015; and**
- 6. To protect against possible land instability in compliance with policy DM5 of Hastings Development Management Plan, 2015.**

### **Notes to the Applicant**

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;**
- 3. The building requires a maintenance program to ensure all new woodwork and iron work is properly painted and maintained to avoid rust scarring to the front of the building;**
- 4. Your attention is drawn to the Control of Asbestos Regulations 2012 should asbestos be found during the development hereby approved;**
- 5. The Building Regulations 1991 apply to this development and so a**

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building regulation submission will be necessary before development;

6. Your attention is drawn to paragraph 120 of the National Planning Policy Framework that states:-

To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

### 18. PLANNING APPEALS AND DELEGATED DECISIONS

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

All matters had arisen between 6 October to 3 November 2017.

The report was noted.

(The Chair declared the meeting closed at. 8.07 pm)