

# Planning Committee Agenda

**Wednesday, 10 January 2018 at 6.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.  
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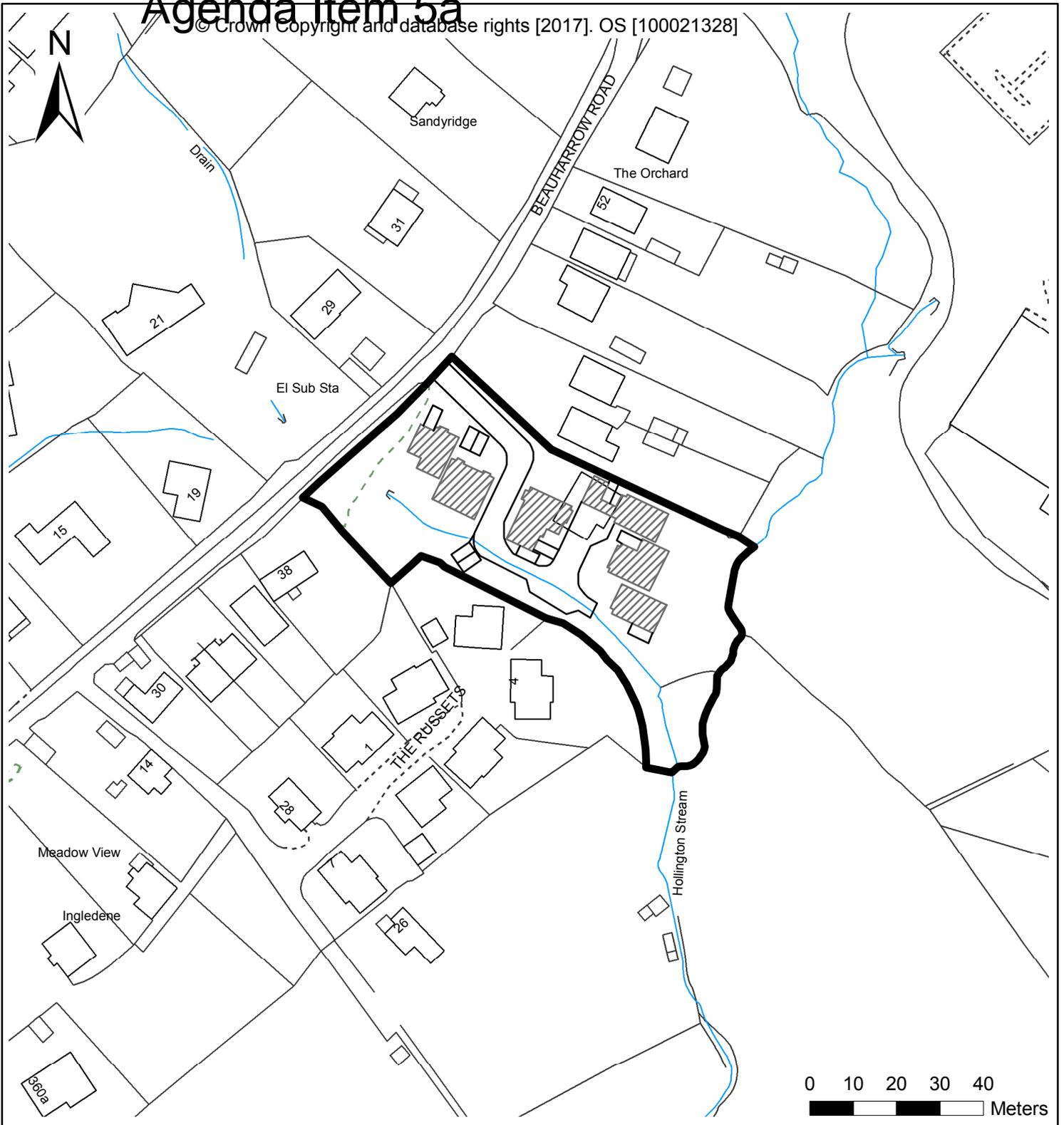
For further information, please contact Emily Horne on 01424 451719 or email: [ehorne@hastings.gov.uk](mailto:ehorne@hastings.gov.uk)

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of previous meeting held on 14 December 2017	To follow
4.	Notification of any additional urgent items	
5.	Other Planning Applications	
(a)	42 Beauharrow Road, St. Leonards on Sea (Mr P Arthurs – Principal Planning Officer) <a href="http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_105159">http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_105159</a>	1 - 18
(b)	Discovery Playground, Old Town Hall, High Street, Hastings (Mrs L Fletcher - Planning Officer) <a href="http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_114640">http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_114640</a>	19 - 26
6.	Planning Appeals and Delegated Decisions (Mrs E Evans – Planning Services Manager)	27 - 28

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# Agenda Item 5a

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**42 Beauharrow Road  
St Leonards-on-sea  
TN37 7BL**

Proposed demolition of existing dwelling, erection of seven number dwellings together with garages, access road and parking spaces



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Hastings, East Sussex TN34 3UY  
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Date: Dec 2017

Scale: 1:1,250

Application No. HS/FA/17/00810

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 10 January 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 42 Beauharrow Road, St Leonards-on-sea,  
TN37 7BL  
**Proposal:** Proposed demolition of existing dwelling,  
erection of seven number dwellings together  
with garages, access road and parking spaces  
**Application No:** HS/FA/17/00810

**Recommendation:** Grant Full Planning Permission

Ward: ASHDOWN  
Conservation Area: No  
Listed Building: No

Applicant: OAKHURST HOMES AND PROPERTY LTD per  
CKA ARCHITECTURAL CONS. LTD 36 Church  
Street Eastbourne East Sussex BN21 1HS  
Interest: freeholder/leaseholder

Existing Use: Residential

### **Public Consultation**

Site Notice: Yes  
Press Advertisement: Yes - General Interest  
Letters of Objection: 6  
Petitions of Objection Received: 0  
Letters of Support: 0  
Petitions of Support Received: 0  
Neutral comments received 0

Application Status: Not delegated - 5 or more letters of objection  
received

## **1. Site and Surrounding Area**

The site is positioned to the south east of Beauharrow Road and consists of a large plot for 42 Beauharrow Road and an existing private access drive. The application site itself adjoins

38 Beauharrow Road and the recently developed Russets to the west and south and 44 Beauharrow Road to the North-East. Ancient woodland with mature trees (TPO in place) and a watercourse are present to the southern boundary; this area is a wildlife corridor. The north-western boundary of the site adjoins the unmade access drive, Beauharrow Road.

A private watercourse runs along the south-west boundary of the site, discharging into the water course to the south and into the Hollington Stream which is in parts culverted and built over; the eastern part of the site is in an identified Flood Risk Zone 2 and 3.

At present, a large, detached, two-storey house is on the site. This is a very large plot extending to 0.42 ha and is set much lower than the unadopted road from which it is served. There is a sloped access from Beauharrow Road into the site. The land fall across the site is approximately 10m, the level difference from Beauharrow Road and Unit 3 is 4.7m and to Unit 6 it is 7.67m.

Aside from the house, access and large turning area, the site remains mostly undeveloped as a mixture of formal private garden space and unkempt natural space. The eastern end of the site extends into a designated Local Wildlife Site and preserved Ancient Woodland. Given the lower level of the site compared with Beauharrow Road, properties to the south and its relatively natural secluded character, the site is well screened.

The following other constraints have been identified:

- Risk of surface water flooding
- Adjoining area of Council owned land to the south east
- 2km buffer of a high pressure gas pipeline
- 250m buffer of a historic landfill

## **Background**

Planning Application (HS/OA/16/00321) was approved in October 2016, this granted consent for 8 semi-detached houses on the site with all matters reserved with the exception of access. The indicative scheme layout suggested four dwellings immediately to the south of the access with four dwellings to the south of the site with a central car parking court for 16 cars.

## **2. Proposed development**

Proposed demolition of existing dwelling, erection of seven dwellings together with garages, access road and parking spaces.

The application is for the erection of 7 dwellings: 5 detached and 2 semi-detached. They are to be 2 and 2.5 storey properties. Each house will benefit from a rear garden of at least 10m long, in most cases more. A total of 21 car parking spaces are proposed, this includes 2 visitor spaces; each unit has at least two car parking spaces, some have 3. Each plot shows a cycle store area for two cycles. The access drive on the site has been widened to allow for access by larger vehicles including the bin lorry.

Properties have a ridge height ranging from 93.100 to 87.500, eaves height 90.550 to 84.575 and a building slab level of 85.00 to 79.350.

The application is supported by the following documents in addition to application drawings:

- Design and Access Statement
- Arboricultural Report
- Preliminary Ecological Appraisal
- Construction Traffic Management Statement
- Waste Minimisation Statement
- Site Investigation Report
- Flood Risk and Drainage Assessment Report

### **Relevant Planning History**

- HS/OA/16/00321 Erection of 8 no. semi detached dwellings. (outline application).  
Approved 20 October 2016
- HS/OA/14/00901 Erection of 8 no. semi detached dwellings. (outline application).  
Refused 27 January 2016 (Approved at Committee s106 not signed)
- HS/OA/87/00178 Erection of house and garage. Refused 12 June 1987 and Appeal  
Dismissed 10 June 1988

There is an extant outline consent for 8 new houses on the site (HA/OA/16/00321), four pairs of semi-detached dwellings with car parking for 16 cars.

### **National and Local Policies**

#### Hastings Local Plan – The Hastings Planning Strategy (2014)

- DS1 - New Housing Development
- FA1 - Strategic Policy for Western Area
- SC1 - Overall Strategy for Managing Change in a Sustainable Way
- SC3 - Promoting Sustainable and Green Design
- SC4 - Working Towards Zero Carbon Development
- SC7 - Flood Risk
- EN2 - Green Infrastructure Network
- EN3 - Nature Conservation and Improvement of Biodiversity
- EN4 - Ancient Woodland
- EN6 - Local Wildlife Sites
- H1 - Housing Density
- H2 - Housing Mix
- T3 - Sustainable Transport

#### Hastings Local Plan – Development Management Plan (2015)

- LP1 - Considering Planning Applications
- DM1 - Design Principles
- DM3 - General Amenity
- DM4 - General Access
- DM5 - Ground Conditions
- DM6 - Pollution and Hazards
- HN8 - Biodiversity and Green Space

#### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 7 of the NPPF sets out the requirement for good design in development, Para 56 states: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".

### **3. Consultation comments**

Highways - **No Objection - suggested conditions** (Conditions 7&8)

LLFA - **No Objection - suggested conditions** (Conditions 16-19), also note alterations to the on-site watercourse will require consent from the LLFA.

The Environment and Natural Resources Manager - **No Objection** (Conditions 11-13)

Borough Arboriculturalist - **No Objection in principle provided the works to protect the retained trees as outlined in the applicant's Arboricultural Report are undertaken.**

Natural England - **No Objection**

Waste Services - **No Objection - suggested conditions** (Conditions 8&20)

Forestry Commission, South East and London Area - **No Objections**

Southern Water - **No response to date** (Standard condition applied)

Estates Services - **No comments received**

Environment Agency - **No comments received**

Hastings and Rother Disability Forum - **No comments received.**

### **4. Representations**

6 representations received from 5 different properties

6 letters of objection have been received raising the following concerns:

- The primary concern is in relation to the unadopted access road, Beauharrow Road
- Negative impact of development on this in terms of increased volume of traffic from new residents and from construction traffic.
- Poor drainage in the section of lane adjacent to the site.
- Restrictions required in relation to volume and times of construction related operations to reduce impacts.
- Plot 1-3 will impact on the daylight of No.44 Beauharrow Road, particularly during winter months; the height of these plot units should be reduced.
- Rubbish collection, issue with access to the site and unreasonable to expect residents to place bins by roadside on northern boundary entrance.
- First floor window of Plot 7 obscured to protect privacy of No. 44 Beauharrow Road.

## 5. Determining Issues

### Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

This is a detailed application, the main considerations are, therefore, the principle of the development, the suitability of the access and the overall scheme design and layout. In determining the principle, layout and design of the development, it will be necessary to consider the impact on the character of the area, the impact upon neighbouring residential amenities, parking and highway matters, impact on protected species and ecological designations, impact on trees and flood risk.

### Impact on the character of the area

The proposed development has evolved to accommodate six detached and a pair of semi-detached units on the site. They are grouped along a new access road that enters the site off Beauharrow Road at the existing driveway, the new access road falls away to unit No.4 and then bends around this unit to provide access to Units 5-7 to the rear of the site. The curve of the access road will help slow vehicles and deals with the steep slope on the site.

As explained above, the proposed development site sits lower than Beauharrow Road and is lower than neighbouring properties No.38 and those at The Russets. The site sits closer to the land level with the adjoining property to the north No.44 Beauharrow Road but, given the change in levels from the road and the fact that the site is relatively well-screened, any development at the site is unlikely to be prominent. Therefore, there is more flexibility when it comes to using this site efficiently and effectively. That being said, the proposed density in this instance is approximately 17 dwellings per hectare. Compare this with the new development at The Russets, which is approximately 19 dwellings per hectare, and the fact that new development should try to achieve at least 30 dwellings per hectare (in accordance with policy H1 of the HPS), the proposed development is not an overly intensive use of the site.

Despite concerns about the density of the development being out of character with the otherwise quite low density of the surrounding area, the above shows this is simply not the case. The development is more dense but a good balance has been struck between maintaining the very low density of the area and the Borough's planning policy aspirations to ensure that proposals make full and effective use of the land.

Properties in the area are a mixture of two-storey dwellings, bungalows and chalet bungalows. Properties are predominantly detached but there are a number of semi-detached pairs. The proposed development will add to the types of dwellings on offer by creating larger detached family homes and a pair of semi-detached units. This will help in diversifying the neighbourhood and creating a mixture of property types.

The indicative design of the proposed houses has changed since the previous submission. In the previous application it was stated that the design:

*"...follows a pattern similar to that seen in some new developments elsewhere in town - i.e.*

*Seacrest View and the new development at Pennine Rise. The design is unambitious and I believe that more effort should be made to create distinctive semi-detached pairs which reflect the relative suburban and well secluded natural surroundings. As the appearance of the buildings is indicative at this stage they are not being approved and there is an opportunity for the appearance to be revised and submitted as part of any reserved matters application."*

The design of the scheme has evolved to provide a variety of individual designs but with a common pallet of materials and roof forms of hipped and part hipped, which creates a more harmonious and distinctive roofscape that is typical of the local vernacular. The two-storey scale, with a number of rooms in the roof space, skylights and rear dormers is considered acceptable for the location. The design of the properties is varied but generally with reference to the Sussex style with a brick base, tile hung or wood clad effect first floor.

Other concerns have related to the general intensity in activity in the area, including increased vehicular movements. There have been worries that such increases in activity would change the local character for the worse. It is true that Beauharrow Road is a quiet area of town but nonetheless, it is part of the Borough's urban area and a certain level of activity is to be expected. Although the development will increase the local population very slightly and result in a small increase in traffic movements, it cannot be accepted that this would be to the detriment of local character. Whilst the proposal will certainly change the relationship of the site with existing surrounding development, it has a low density and is for residential use and it is not considered that an increase in development at the site of this small scale warrants a refusal.

The 7 houses can be provided on site without causing harm to local character and achieve an appropriate layout. The proposal would comply with policies SC1, H1 and H2 of the HPS and policy DM1 of the DMP.

#### Impact on neighbouring residential amenities

The proposed development is suitably distanced from surrounding properties to cause no harm from loss of light, overshadowing or from being overly dominant. The main concerns from local residents relate to noise and disturbance and the impacts of overlooking.

With regard to noise and disturbance, as described above it is not considered that the development is of a sufficient size to have a significant change in its relationship with the surrounding area. Development would be well-spaced from existing properties and the existing topography and natural screening should provide some protection to any increase in day-to-day household noise.

It is accepted that the number of vehicle trips along the boundary with 44 Beauharrow Road will increase but a section of acoustic fencing will help alleviate this. This can be secured by condition (Condition 14).

In terms of overlooking the indicative layout can be split into two sections - Units 1-3 and Unit 4-7.

Units 1-3 run at right angles to the existing houses on Beauharrow Road, however, there is a minimum of 14m from Units 3 to the boundary with 44 Beauharrow Road, 18m between building frontages; the window to window distance at first floor level is 20m, as this is at an approximate 45 degree angle and with variation in site levels, overlooking is limited. To the south-west a minimum of 32m between the rear elevation of Unit No.2 and side elevation of 38 Beauharrow Road. The rear elevation and windows of proposed Unit 3 and No.3 The

Russets is approximately 20m. These distances will ensure that there is no harm from overlooking in planning terms, the boundary screening and changes in levels will add to the level of protection from overlooking and reduce any potential overshadowing impacts.

Unit 4 is in a similar location to the present house, its northern elevation is 10m from the boundary fence, the bathroom windows on the first floor has caused concern to the residents at 44 Beauharrow Road, this window will be controlled by condition to ensure it is obscured to prevent overlooking, Condition.23. The ground floor windows are set at a lower level, 1m, than No.44 and a fence is proposed to run along the edge of 44 Beauharrow Road, the nature of the fence will be controlled by a condition, No.14.

Unit 7: The house is located 2m from the boundary of No.44 Beauharrow Road and set back some 8m from the rear projecting elevation of the property, which has what would appear to be a bedroom window at 1st floor. The garage block and entrance of the proposed property are in a similar location to the existing property, which has an obscured bathroom window on the upper floor on the northern elevation. The applicant submitted revised plans to include a bay window to the first floor of unit 7, the bedroom window has obscured glass on the western elevation and clear glass to the southern window of the bay to help protect the privacy and reduce overlooking to No.44. The ground levels difference, approximately 2m from slab floor level, and orientation of windows and use of obscure glazing on the first floor en suite and bathroom windows will help prevent overlooking, controlled by Condition 23.

Units 5-6 are set to the south of unit 7 so will not impact on No.44 Beauharrow Road, the side elevation of No.5 is 20m from the nearest rear elevation of no.4 The Russets and set at a lower finished ground floor slab level (2.2m) thus avoiding overlooking. The side elevation of no.5 is located approximately 9.5m from the boundary fence of no.4 The Russets.

Some noise and disturbance during construction is inevitable but this can be minimised by restricting working hours and the submission of a construction management plan which should be followed during construction. Both can be secured by condition (No.3 and 25).

It is considered that the proposed development will not result in any harm to neighbouring residential amenities. It complies with policy SC1 - Overall Strategy for Managing Change in a Sustainable Way, of the Hastings Planning Strategy, and policy DM3 - General Amenity of the Development Management Plan.

#### Access, parking and highway safety matters

Beauharrow Road is an unadopted road with some poorly constructed sections and issues relating to drainage.

In this particular instance, the Local Highway Authority (LHA) have raised no objection following the submission of amended plans showing the tracking of refuse lorry movements (272400.27.C). As such emergency vehicles and refuse lorries can enter the site and leave in a forward gear. As stated by the LHA in the previous application, this is a private road with rights of way permitting pedestrian and vehicle access to the site. The main considerations would be whether adequate parking is being provided so that the access roads (in this instance Beauharrow Road and the access into the site) are not blocked and whether the public highway (Battle Road) can be accessed safely. A total of 21 spaces are proposed, this includes 2 visitor spaces. This is in accordance with the East Sussex County Council parking standards and is considered acceptable. Two cycle parking spaces per unit are to be provided in a safe and convenient location, this is also acceptable in policy terms.

Given the comments of the LHA, the access is not considered to cause any harm to highway safety or restrict vehicular (including emergency vehicular) access and the parking provision proposed on site is acceptable and will help in restricting parking on Beauharrow Road.

Whilst concerns are raised by local residents about the quality of the construction access the default position is not to refuse applications on unadopted roads outright as the roads themselves can be improved. Therefore, in this instance, it is recommended that a condition is added to any consent requesting that Beauharrow Road is upgraded - between the access to the site and the repaired section of road to the Russets as outlined in submitted plan 272400-41 - to an appropriate standard, including appropriate drainage (Condition No.4).

The LHA recommend a condition that parking and turning space should be provided as per the submitted drawings (Condition 7&8).

Subject to appropriate conditions the proposed development would comply with policy DM4-General Access of the Hastings Development Management Plan (2015).

### Ecology and trees

The application site extends into a Local Wildlife Area on its south-eastern boundary which adjoins an area of Ancient Woodland. The site also includes a number of mature trees. The applicant submitted an Arboricultural Report (Tree Survey, Arboricultural Impact Assessment and Tree Protection Plan), this identifies all individual and grouping of trees within the site, this includes the ancient woodland protected by a Tree Protection Order (TP042, W2). All trees identified as Grade A, B and most of C are to be retained and appropriate protection measures for the retained trees including root protection are to be put in place.

No objections to the suggested tree works including those to be removed have been made by the Arboricultural Officer and the application is considered acceptable in this respect. Two U Grade trees are recommended for removal immediately irrespective of the development and 13 C Grade trees or grouping of trees to be removed from the central area of the site to allow for the development; the loss of trees in these categories are usually considered acceptable in order to accommodate development. The tree removal and protection of retained trees will be controlled by condition (No.11&12).

In terms of the Ancient Woodland, the applicant has followed standing advice from Natural England and a 15m boundary would be maintained between any development and the woodland itself. This will ensure protection of the woodland. Conditions (No.13 & 24) are recommended to ensure that no development can take place within the identified buffer zone to ensure protection in perpetuity, especially from permitted development rights. This buffer will also ensure protection of the Local Wildlife Site.

The Ecology Report has investigated many types of protected species and concluded that no protected species will be harmed by the development. There was an absence of most species but the report identifies that there is potential for reptiles to be present. Recommendations on how to avoid reptiles inhabiting the site are referenced in the report as well as mitigation measures to avoid harm to protected species during construction. The submitted report also makes a number of recommendations in terms of biodiversity enhancements. These recommendations can be secured by condition (No.25).

Subject to appropriate conditions the proposed development is considered to comply with policies EN2, EN3, EN4 and EN6 of the HPS and HN7 and HN8 of the DMP.

### Flood Risk

The site is within Flood Risk Zones 2 and 3 - this relates to the Hollington Stream which runs along the south-eastern boundary. There is also a stream running along the southern boundary of the site. These constraints prompted a requirement for a flood risk assessment which has been submitted by the applicant.

The report ultimately identifies that the proposed development will not be at risk of flooding but states that appropriate drainage will need to be put in place to control surface water run-off from the site as water impermeability will increase by 90%. It also suggests that finished floor levels are set higher than surrounding floor levels and that flow paths are created to control surface water flows during extreme rainfall.

Following consultation with the Environment Agency and the Lead Local Flood Authority (LLFA) the applicant submitted amended plans to reduce the culverting of the open watercourse to the southern edge of the site. The LLFA raises no objections provided conditions are attached to ensure surface water runoff from the development site is managed.

Subject to appropriate conditions (No.15-19) the proposal is therefore considered to comply with the requirements of policy SC7 - Flood Risk of the HPS.

### Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutants and conditions are attached which require details of surface and foul water drainage. The development is, therefore, in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

### Other

The applicant has identified that the access into the site will be at least 5m wide and the carriageway at least 4.5m wide within the site. The identified turning head by unit 5 on the Site Layout Plan 272400.27.C (Vehicle Tracking) is to be maintained and kept free of parked vehicles by way of condition (No.8). Therefore it is not considered there will be a problem with refuse collection; each property will have an allocated bin storage area, secured by condition No.20).

The proposed development makes no specific reference to policies SC3 and SC4 of the HPS and the requirement for new development to be sustainably designed. Green and sustainable building design measures are secured via appropriate Building Regulations that ensure a fabric first approach that helps reduce the energy load and carbon footprint of the buildings. A condition (No.21&27) is attached to require submission of details to show how this would be achieved.

The proposed development is not subject to affordable housing following Government guidance concerning schemes of fewer than 10 units.

The site is in a historic landfill buffer. In accordance with guidance from Environmental Health, an appropriate note to the applicant about the potential for land contamination is recommended below. (Informative No.1)

Scotia Gas Networks have raised no objection. Their information confirms that there will be no harm to the local gas network and the proposed development is not large enough or close enough to have any impact on the high pressure gas pipeline.

## **6. Conclusion**

It is considered that through the use of conditions the proposal will not have any adverse impacts on the character of the area or the amenity of neighbouring residents and will not result in highway safety issues. On planning balance the application is, therefore, recommended for approval subject to conditions.

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

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

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

## **7. Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
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 shall take place until there has been submitted to and approved by the Local Planning Authority a scheme for the improvement of Beauharrow Road between the proposed access to the application site and the made up section of road by the turning to The Russets, as identified on Site location plan 272400.41. Such scheme shall provide for the timing of the improvement works in relation to the implementing of the development,

and shall be implemented in accordance with such timing before any of the dwellings are occupied.

5. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building.
6. Prior to commencing development on site visibility splays for the junction of the private road and Beauharrow Road shall be submitted for approval by the Local Planning Authority. Once approved the development will be completed in accordance with the approved details.
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 area(s) shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
8. No part of the development shall be occupied until the vehicle turning space has been constructed with the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use and shall not be used for the parking of vehicles at any time.
9. The private access drive shall have a minimum width of 4.5 metres from the carriageway to allow for two way traffic in accordance with the approved plans.
10. The means of vehicular access to the permitted building shall be from Beauharrow Road only.
11. No development shall take place until the measures outlined in the submitted Arboricultural Report prepared by The Mayhew Consultancy Ltd, dated August 2017, have been fully implemented, unless otherwise first varied, by way of prior written approval from the local Planning Authority.
12. No development shall take place until temporary protective fences have been erected to safeguard the trees and hedges. These fences are to be erected in accordance with the current BS5837.2005 - Trees in Relation to Construction Standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
13. The existing trees and hedges along the south-eastern boundary of the site shall be retained permanently. Any trees or plants within this area which within 5 years of the completion of the development die, are removed or become damaged or diseased, shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives prior written consent to any variation.

14. No development shall take place above ground until full details of all boundary fences, including acoustic fencing on boundary with 44 Beauharrow Road and provision for free access to wildlife including badgers, have been submitted to and approved in writing by the Local Planning Authority. All such boundary fences shall be erected before the building to which it relates is occupied.
15.
  - (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 hereby approved shall occur until those works have been completed.
  - (iii) No occupation of any of the dwellings 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.
16. The surface water drainage strategy outlined on JMLA Drawing No.1706638/200/S5 should be carried forward to detailed design. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
17. Prior to construction commencing on site, the applicant should undertake a hydraulic assessment to confirm that the capacity of the watercourse would not be compromised by the proposed development.
18. A maintenance and management plan for the entire drainage system, including culverted and open watercourses, should be submitted to the planning authority before any construction commences on site.

This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
19. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
20. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.
21. Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the

given building(s) with dedicated off street parking, and shall thereafter be retained for that purpose.

22. The development hereby permitted shall be carried out in accordance with the following approved plans:

1706638 200 S3, 272400 01, 272400 02d, 272400 03A, 272400 04, 272400 20f, 272400 21A, 272400 22A, 272400 23B, 272400 24B, 272400 25B, 272400 26e, 272400 27f, 272400 28e, 272400 29a, 272400 30, 272400 41a

23. Units 4 and 7 shall not be occupied until the obscure glass is installed to the windows on the upper floors as identified on the approved plans, once installed, the windows shall be permanently maintained in that condition. Any changes to these windows must be approved in writing by the Local Planning Authority.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no extension to Units 5, 6 and 7, including garden sheds/structures, shall take place without the grant of an additional planning permission.

25. Prior to the commencement of development and during the construction phase all mitigation measures as outlined in the Ecological Appraisal, August 2007, submitted with the application will be undertaken to protect existing biodiversity during any construction activity on the site.

26. Construction Environmental Management Plan

No development, including any works of demolition, shall take place until the appointed main contractor has submitted a detailed Construction Environmental Management

Plan (CEMP) based on the submitted Construction Traffic Management Statement (CTMS) and the detailed CEMP has been approved in writing by Local Planning Authority. In addition to the issues identified in the Outline CTMP the document shall include:

- i. parking provision for site operatives and visitors;
- ii. provision for loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. measures to prevent deposit of mud on the highway;
- v. measures to minimise dust during demolition;

The approved CEMP shall be adhered to throughout the construction period.

27. 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.

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the visual amenity of the area.
3. To safeguard the amenity of adjoining residents.
4. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
5. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
6. In the interests of vehicular and pedestrian safety.
7. To provide car-parking space for the development.
8. In the interests of road safety
9. In the interests of traffic safety.
10. In the interests of traffic safety.
11. To ensure a satisfactory standard of development.
12. To ensure a satisfactory standard of development.
13. To preserve the visual quality of the surrounding historic landscape.
14. To safeguard the amenity of adjoining residents.
15. To safeguard the amenity of adjoining and future residents.
16. To safeguard the amenity of adjoining and future residents.
17. To safeguard the amenity of adjoining and future residents.
18. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
19. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
20. To ensure a satisfactory standard of development.
21. To ensure a satisfactory standard of development.
22. For the avoidance of doubt and in the interests of proper planning.
23. To safeguard the amenity of adjoining and future residents.

24. To preserve and protect the historic woodland landscape and ecology.
25. To preserve and protect the biodiversity on the site.
26. In the interests of highway safety and convenience and to minimise the impact on the amenity of local residents arising from dust, emissions and noise during the construction phase.
27. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.

### **Notes to the Applicant**

1. 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.
2. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
3. 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.
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.

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### **Officer to Contact**

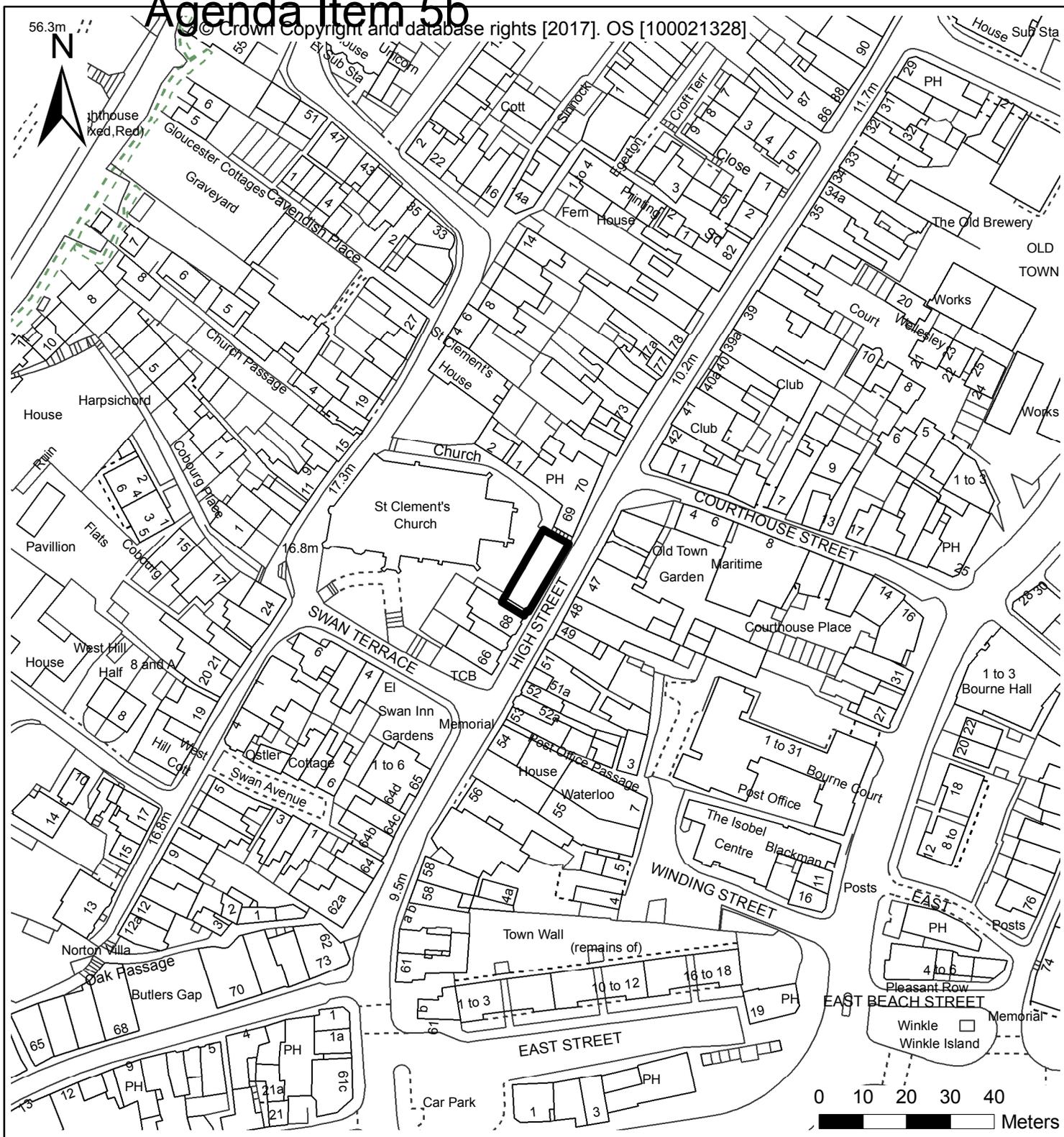
Mr P Arthurs, Telephone 01424 783275

### **Background Papers**

Application No: HS/FA/17/00810 including all letters and documents

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# Agenda Item 5b



**Discovery Playground, Old Town Hall  
High Street  
Hastings  
TN34 3EW**

Install CCTV camera on rear external wall, facing the churchyard, and 2 motion activated solar lights.



Assistant Director Housing & Built Environment  
Hastings Borough Council,  
Muriel Matters House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: Dec 2017

Scale: 1:1,250

Application No. HS/LB/17/00845

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 10 January 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Discovery Playground, Old Town Hall, High Street, Hastings, TN34 3EW**  
**Proposal:** **Install CCTV camera on rear external wall, facing the churchyard, and 2 motion activated solar lights.**  
**Application No:** **HS/LB/17/00845**

**Recommendation:** **Grant Listed Building Consent**

Ward: OLD HASTINGS  
 Conservation Area: Yes - Old Town  
 Listed Building: No

Applicant: Discovery Playground 32 Etchingam Drive St  
 Leonards on sea TN38 9AB  
 Interest: Certificate B

Existing Use: Indoor children's playground

**Public Consultation**

Site Notice: Yes  
 Press Advertisement: Yes - Affects a Listed Building  
 Letters of Objection: 0  
 Petitions of Objection Received: 0  
 Letters of Support: 0  
 Petitions of Support Received: 0  
 Neutral comments received 0

Application Status: Not delegated -  
 Application on Council owned land.

**1. Site and Surrounding Area**

The site is a prominent two storey building which was built in 1823 and abuts the High Street. The building is Grade II listed, first listed on the 19th January 1951. The building was formerly the Town Hall and was used a museum for many years, from 1949 until 2014. The building is now an indoor children's playground since a recent change of use approval in December 2016 under HS/FA/16/00651 and HS/LB/16/00711. The building is within the Old Town Conservation Area. The front of the building features a ground floor arcade of five

large round arches with windows and the main door with five tall traditional sliding sash windows to the first floor. To the top and middle of the building there is a rectangular panel with the coat of arms of the town and the date.

The surrounding area is predominantly made up of buildings with retail use at ground floor and residential to the floors above. The building is located within The Old Town defined shopping area and is also listed as an Asset of Community Value so that it can be retained as a venue of social interest. To the rear of the building is St Clements Church which is Grade II\* listed and stands at a higher elevation than the site.

### Constraints

SSSI Impact Risk Zone

Old Town Conservation Area

Archaeological Notification Area

Asset of Community Value

## **2. Proposed development**

This application seeks listed building consent for the installation of a CCTV camera and two ispecle motion activated and solar powered security lights to the rear external wall of the building. The camera is positioned to the north-eastern corner of the building, with one light positioned to the middle of the building and the other light positioned to the south-western end of the building. Both the camera and the two lights are positioned to the upper section of the building. This application follows a recent enquiry in which we worked alongside the applicant and advised them to apply for listed building consent, and to choose the ispecle lights due to their compact form and being lighter in colour. Both the camera and the two lights will be small and subtle in their light coloured appearance, the camera will measure 170x78x200mm and each light will measure 160x70x115mm.

The proposed works are necessary in order to protect the building from the imminent danger of further lead thefts from the building's roof. Since March this year, the lead from the roof has been stolen four times. The camera and lights are to be installed in the hope this will deter any future lead thefts and protect the listed building. At the time of writing this report the CCTV camera and two ispecle lights had not been installed.

The application is supported by the following documents:

- Block plan
- Site location plan
- Design and access statement
- Heritage statement
- Camera and light images and spec
- Location of camera and lights

### **Relevant Planning History**

None relevant.

### **National and Local Policies**

Hastings Local Plan – Planning Strategy (2014)

Policy FA5 - Strategic Policy for Eastern Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 132

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

### **3. Consultations comments**

Conservation Officer - No Objection

The CCTV camera and lights are small and discrete and will deter future lead thefts and ultimately protect this listed building. The camera and lights are to the rear of the building, so views will be limited. No objection from a conservation view.

### **4. Representations**

No letters of objection have been received following the erection of a site notice and an advert being placed in the local newspaper.

### **5. Determining Issues**

In determining listed building applications consideration needs to be given to matters of heritage. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected.

### a) Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

### b) Heritage

The proposed works are for the installation of a CCTV camera and two ispecle solar powered, motion sensor lights to the rear external wall of the listed building. The proposed camera and lights are necessary in order to deter future lead thefts, to protect the fabric of the building from further water damage and to conserve this listed building. As stated in policy EN1, there is a presumption in favour of the conservation of heritage assets and their settings. The more important the asset, the greater the weight that will be given to the need to conserve it.

The camera and lights will both be small and light in colour and so will be sympathetic to their setting. There will also be no wiring with small fixings to avoid any damage to the fabric of the building. The proposed works are considered minor and are to the rear elevation of the listed building, the rear is fairly well enclosed and there are only limited views available from the streetscene. It is considered the proposed works will not have a negative impact on the character and appearance of the listed building itself and the surrounding conservation area, but will help to conserve this important heritage asset. The conservation officer raises no objection to the works and states the camera and the lights will deter future lead thefts and protect the listed building. This proposal is in agreement with policy EN1 and HN1 of the Hastings Local Plan and The National Planning Policy Framework.

## **6. Conclusion**

In view of the above, the camera and two ispecle lights are necessary in order to deter any future lead roof thefts. This will avoid any further water damage to the building's interior and will protect this important grade II listed building. The proposed works are considered sympathetic to the character and appearance of the listed building and its setting. The small and discrete camera and lights will not cause harm to the significance of this heritage asset. The proposal meets the requirements of the Hastings Local Plan and The National Planning Policy Framework, and also the conservation officer has no objections to the proposal. The installation of the camera and the two ispecle lights is therefore recommended for approval.

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

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

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

## 7. Recommendation

### Grant Listed Building Consent 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 works hereby permitted shall be carried out in accordance with the following approved plans:  
  
Camera and light images and spec and location of camera and lights.

### 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.

### Notes to the Applicant

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

The reason for granting this consent is:

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

### Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

### Background Papers

Application No: HS/LB/17/00845 including all letters and documents

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# Agenda Item 6

## Agenda Item:

<b>Report to:</b>	Planning Committee
<b>Date:</b>	10 January 2018
<b>Report from:</b>	Planning Services Manager
<b>Title of report:</b>	<b>PLANNING APPEALS &amp; DELEGATED DECISIONS</b>
<b>Purpose of report:</b>	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 4 December 2017 to 19 December 2017
<b>Recommendations:</b>	That the report be noted

### **The following appeals have been received:**

Nothing to report

### **The following appeals have been dismissed:**

Nothing to report

### **The following appeals have been allowed:**

Nothing to report

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
General PD (Approval)	1
Granted Permission	52
Part Granted – Part Refused	1
Refused Permission	1
Withdrawn by Applicant	2

**Background Papers:**

Various correspondences with Planning Inspectorate

**Report written by:**

Courtney Dade – Tel: (01424) 783264

Email: [dquenquiries@hastings.gov.uk](mailto:dquenquiries@hastings.gov.uk)