

# PLANNING COMMITTEE

7 FEBRUARY 2018

Present: Councillors Street (Chair), Scott (Vice-Chair), Dowling, Sinden, Rogers, Wincott, Beaver, Edwards, Clarke and Bacon

## 6. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Roberts.

## 7. DECLARATIONS OF INTEREST

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

Councillor	Minute	Interest
Bacon	10.1 – Land to the south of Barley Lane, Hastings	Prejudicial – Has made view clear in opposition to item.
Scott	11.1 – Former Ore Business Park, Farley Bank, Hastings	Personal – Member of East Sussex County Council.

## 8. MINUTES OF PREVIOUS MEETING HELD ON 14 DECEMBER 2017 AND 10 JANUARY 2018

**RESOLVED** – that the minutes of the meeting held on 10<sup>th</sup> January 2018 be approved and signed by the Chair as a true record.

## 9. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

## 10. PLANNING APPLICATIONS ATTRACTING A PETITION

### 10.1 Land to the south of Barley Lane, Hastings

Proposal: Outline application for the erection of 3 detached dwellings and 3 pairs of semi-detached dwellings (9 total).  
Application No: HS/OA/17/00709

## PLANNING COMMITTEE

7 FEBRUARY 2018

Conservation Area:	No
Listed Building	No
Public Consultation	51 letters of objection and 1 petition of objection received.

Having raised his prejudicial interest, Councillor Bacon was absent from the Chamber during discussion and voting of this item.

The Planning Services Manager presented this report for an outline application, with matters of access and layout for consideration only, for the erection of 3 detached dwellings and 3 pairs of semi-detached dwellings, 9 in total (Appearance, landscaping and scale are all reserved and were not considered) at land to the South of Barley Lane, Hastings.

The site is located to the south of Barley Lane (a narrow single width road) and comprises 0.25ha. The site falls from the south east to the north west and slopes up from the road towards the rear boundary. Although not designated as countryside, the site is considered very rural in character which continues to the cliff edge, south of the site. The site sits within an undeveloped area and is heavily overgrown with a few trees and vegetation. Opposite and north of the application site are nos. 25 to 31 Barley Lane, two pairs of semi-detached two-storey dwellings. These properties are located at a lower ground level than Barley Lane. A public right of way, 'Hastings 363b' runs from Barley Lane, adjacent to no. 42 Barley Lane through the Country Park to Rocklands Lane.

The application proposes the erection of 9 dwellings, 3 of which will be detached and the remainder semi-detached. 18 car parking spaces are proposed, allowing two parking spaces per dwelling. The mix of housing is set out on the application form as 1 x two bedroom; 5 x three bedrooms and 3 x four + bedroom two-storey dwellings.

Each dwelling is located between 5.9m and 13.5m from Barley Lane and is orientated to front onto the lane. Each plot benefits from two parking spaces accessed immediately off Barley Lane. Rear gardens range in depth between 6m at the shortest point and 23.5m. Spacing between properties is noted as ranging between 2m and 3.5m. The side elevation of the dwelling at plot 1 is located 1.5m from the edge of the application site. The side elevation of the dwelling at plot 9 is located 0.25m from the site boundary.

The Planning Services Manager informed members of several updates to the report:-

- Objection from Wealden District Council noted as Consultee response in officer report and web site. This is a letter of objection and Wealden District Council are not a consultee.
- 55 representations received from 49 different properties

## PLANNING COMMITTEE

7 FEBRUARY 2018

- 1 petition

### **Reason for refusal no. 2/5**

- Condition No. 2 - Remove 'countryside' and 'replace with rural and undeveloped land'
- Condition No. 5 – The proposed development will introduce an incongruous urban form of development into existing green landscape out of keeping with and harmful to both the rural character of the area and the setting of the Old Town Conservation Area. The development would therefore be contrary to policies DM1 and HN1 of Hastings Development Management Plan (2015), policy EN1 of the Hastings Planning Strategy (2014), guidance contained within the National Planning Practice and paragraphs 58 and 64 and sections 131 – 138 of the National Planning Policy Framework

Members were shown plans and photographs of the application site.

In summary, the Planning Services Manager highlighted the reasons for refusal, stating there was insufficient manoeuvring room in respect of parking spaces having regard to the width of Barley Lane. There will be a loss of private open space contrary to policy HN10. The type and form of development will be very urban in nature and harmful to the character of the area and special conservation area. There will be a loss of TPO trees. There is insufficient information regarding ecology. In respect of drainage in connection with land stability and in addition there is insufficient information in regard to the Ashdown Forest Special Area of Conservation, and whether the development would have a significant effect on conservation objectives and special integrity of that special area of conservation and there is insufficient infrastructure to support the flow of waste water.

Tim Brice, petitioner, urged the committee to reject the application. He said the feeling amongst the residents was unanimous and the application, if approved, would be devastating to the whole community. He said the application had been submitted twice during the year he had lived there.

Members raised concerns regarding Barley Lane stating that it was a narrow one way lane with restricted turning space.

Councillor Wincott asked the Planning Services Manager why the application had been brought to committee for determination, given the officer's recommendation for refusal. She explained that, where a petition had been received either in support of, or against, the officer's recommendation, in accordance with the Planning Protocol, the application must be determined by the Planning Committee.

Councillor Beaver proposed a motion to refuse the application, subject to the amendment of Conditions 2 and 5. This was seconded by Councillor Scott.

**RESOLVED – (unanimously) that planning permission be refused for the following reasons.**

## PLANNING COMMITTEE

7 FEBRUARY 2018

1. **Due to the narrow width of Barley Lane the proposed layout as submitted would not allow for sufficient room for vehicles to be able to manoeuvre in and out in and out of the parking spaces in a safe and convenient manner. The proposed layout is, therefore, considered unacceptable by East Sussex County Highways;**
2. **The application site lies within a wider area designated as 'Private Open Space', DMP Policy HN10, the designation affords the site protection and the proposed development would cause the erosion and harm of this open space asset. The site is a transition zone from the Hastings urban area to the rural and undeveloped land that includes an Area of Outstanding Natural Beauty (AONB), its loss is contrary to Policy HN10;**
3. **The submitted ecology information is insufficient in detailing the implications on protected species such as slow worms and common lizards from any development. Further there is no evidence the layout has been informed by the constraints imposed by protected species. The application is contrary to policies HN8, HN10 and EN3 of the Hastings Local Plan;**
4. **Unacceptable loss of protected oak tree (No.291), this is prominent in the landscape and provides significant amenity value;**
5. **The proposed development will introduce an incongruous urban form of development into existing green landscape out of keeping with and harmful to both the rural character of the area and the setting of the Old Town Conservation Area. The development would therefore be contrary to policies DM1 and HN1of Hastings Development Management Plan (2015), policy EN1 of the Hastings Planning Strategy (2014), guidance contained within the National Planning Practice and paragraphs 58 and 64 and sections 131 – 138 of the National Planning Policy Framework;**
6. **Insufficient information has been provided in respect of drainage and land stability and the inter connection between the two to be able to assess whether the development in the manner proposed could be achieved. The application is therefore contrary to policy DM5 of the Hastings Local Plan – Development Management (2015);**
7. **The application proposals do not consider the effect of traffic arising from the proposed development crossing the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC. A likely significant effect could not be ruled out as an appropriate assessment has not been undertaken to identify the current situation and impact arising from the development with regards to pollutants and site integrity of the SAC areas. An objection to the application has therefore been made by Wealden DC, without the required assessments the planning application cannot be supported; and**

## PLANNING COMMITTEE

7 FEBRUARY 2018

8. The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

### 11. OTHER PLANNING APPLICATIONS

#### 11.1 Former Ore Business Park, Farley Bank, Hastings

Proposal:	Variation of conditions 2 (approved drawings), 4 (soft landscaping), 6 (hard landscaping) and 7 (provision of drainage facilities) of planning application HS/FA/13/00177 - Amendments to allow for development phasing.
Application No:	HS/FA/17/00798
Conservation Area:	No
Listed Building	No
Public Consultation	7 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for the variation of conditions 2 (approved drawings), 4 (soft landscaping), 6 (hard landscaping) and 7 (provision of drainage facilities) of planning application HS/FA/13/00177 - Amendments to allow for development phasing at Former Ore Business Park, Farley Bank, Hastings.

The site comprises a steeply sloping area of land served by an access road from Farley Bank to Hurrell Road where there are residential properties. To the south-west at the upper level is an area where residential flats have been demolished. The site was previously occupied by single storey industrial units, which have since been demolished.

Planning consent HS/FA/13/00177 was granted for the erection of 19 dwellings at Ore Business Park. Phase 1 of the approved application (Units 11-19) has been completed, approximately 7 of the 9 units are occupied, and this is contrary to the provisions contained within the conditions and S106 of the extant planning consent.

Phase 2 of the development involves the erection of 10 dwellings fronting Farley Bank (units 1 to 10); the landscaping of the site, and the construction of the play area close to unit 1. The applicant has sought to commence works to the remaining units 1-10. Occupation of Phase 1 houses, prior to the completion of Phase 2, requires the amendment of conditions: 4, 6 and 7 (ii and iii) to allow temporary access to the site

## PLANNING COMMITTEE

7 FEBRUARY 2018

from Hurrell Road and a new S106 Agreement to provide an open space and play area prior to the occupation of units 1-10. To date, details have not yet been provided by the applicant to confirm the build timetable or when the temporary access will be closed off. The basic structure of the new internal road is in place within the second phase of the site but not yet finished to a standard usable by domestic traffic. Funding for Phase 2 is dependent on the pre-sale of the 9 houses in Phase 1 (units 11 to 19) and agreement from the funding sources once the necessary amendments to the consent have been secured. Residents of Hurrell Road have complained that they have experienced disruption during the construction phase of the project.

The landscaping and play area will be provided later in the development programme when the last 10 houses have been constructed. This is because construction traffic could harm any landscaping and make use of the play area unsafe. Similarly, whilst drainage is being provided for the site in accordance with details already approved by the Planning Authority, the entire drainage system for the whole site is not yet in place (as work on phase 2 has not yet commenced).

The Planning Services Manager informed the members of several updates to the report:-

- Condition 6 - Amended:

Before 'phase 2' of the development hereby approved is commenced, details of the construction of the new estate road, which shall be designed and constructed in accordance with the Local Highway Authority's standards, including traffic calming measures and provision of a cycle route, 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.

Reason : To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.

- Informative Note No. 5 - Added:

The applicant is advised that whilst some details have been submitted and approved in respect of condition 6, planning application HS/CD/17/00836 also seeks to discharge condition 11 (estate road details) of planning permission HS/FA/13/00177 (the original consent) and is yet to be determined.

Members were shown plans and photographs of the application site.

The Planning Services Manager explained that certain pre-commencement conditions were meant to be discharged before the units were capable of being occupied. This had not happened, so conditions 4, 6 and 7 require amendment to allow the phasing of the development. The developer came up against some financial issues and therefore needs to sell some of the units to enable the developers to commence the build. Once the development has been completed bollards will be erected to control residents' access on the site and construction traffic. She said the Highways Authority had been consulted and did not object to this application.

Councillor Charman, Ward Councillor for Tressell, spoke in objection to the

## PLANNING COMMITTEE

7 FEBRUARY 2018

application. She said the original application received no objections because the access was via Farley Bank. The developer needs to put in place proper access at Farley Bank and manage it with a proper local traffic management plan to ensure the rest of the site can be developed safely. The residents do not want access through Broomgrove Road or Hurrell Road. She questioned whether the properties should be occupied as there is no permitted access to site. The developer, she said, has not complied with many elements throughout the planning application and there has been much enforcement, this is a problem of their own making and this application should be refused.

The Planning Services Manager referred to the officer's report, (c) Impact on neighbouring residential amenities, on page 85. She said the report should have read. 'Provision **will be** made within the s106 agreement...'...instead of 'Provision **is** made within the S106 agreement...' She said there were many concerns about the way in which developer had commenced work and, as a consequence, several enforcement notices had been served in respect of various breaches of conditions. She said they cannot force the developer to apply to the highway authority for the road to be adopted, but can require via this application and the original application, for the road to be built to adoptable standards. With approval from the Highway Authority, the condition can be discharged soon.

Members discussed this application in detail and whether it was possible for all traffic (residents and construction) to access the site via Farley Bank.

Having listened to comments from members, Councillor Street suggested the application be deferred to obtain advice from the Highway Authority regarding blocking access at Hurrell Road now and for both construction and residential vehicular access to be via Farley Bank.

Councillor Clarke proposed a motion to defer the application to a subsequent Planning Committee meeting following receipt of advice from the Highway Authority. This was seconded by Councillor Rogers.

**RESOLVED** – by (by 9 votes to 1 against) that the application be deferred to a subsequent Planning Committee meeting following receipt of advice from the Highway Authority.

### 11.2 4 Cockcrow Wood, St. Leonards on Sea

Proposal: Single storey rear extension to enlarge kitchen & dining area.  
Application No: HS/FA/17/00963

## PLANNING COMMITTEE

7 FEBRUARY 2018

Conservation Area:	No
Listed Building	No
Public Consultation	Application by serving employee in a restricted post.

The Planning Services Manager, Mrs Evans, presented this application a single storey rear extension to enlarge the kitchen and dining area at 4 Cockcrow Wood, St. Leonards on Sea.

The application site is a detached two-storey house located on the west side of Cockcrow Wood. The site is located in a predominantly residential area characterised by 1960s detached and semi-detached estate housing. There is a group TPO on the trees located in the rear section of the application garden. The group TPO stretches beyond the site boundary to the north-east and south-west. The site backs onto the Conquest Hospital site.

The application seeks permission for the erection of a single storey flat roof rear extension with a depth of 4.5m, height of 3.3m and width of 6.3m. The extension would be finished in facing brickwork to match the main house.

The Planning Services Manager advised that the application had been brought before the Planning Committee because the applicant was a council employee in a politically restricted post.

Members were informed of several updates to the report:-

- Additional details:

A section of trellis fence (1.8m above ground level) is proposed on the northern boundary shared with 5 Cockcrow Wood opposite the proposed extension. Amend condition 5 as follows:

- Condition 5

The extension hereby approved shall not be occupied until a 1.8m high section of trellis fence has been erected on the northern boundary in accordance with drawing 2017.069.2 and the trellis manufacturing details submitted on 30.01.2018.

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**



## **PLANNING COMMITTEE**

**7 FEBRUARY 2018**

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:**

**2017.069.1, 2017.069.2 & 2017.069.3**

- 3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building;**
- 4. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 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; and**
- 5. The extension hereby approved shall not be occupied until a 1.8m high section of trellis fence has been erected on the northern boundary in accordance with drawing 2017.069.2 and the trellis manufacturing details submitted on 30.01.2018.**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. In the interests of the visual amenity of the area;**
- 4. To safeguard the TPO trees within and adjacent the site; and**
- 5. In the interests of the amenity of the neighbouring residential occupiers.**

### **Notes to the Applicant**

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

## **PLANNING COMMITTEE**

**7 FEBRUARY 2018**

### **12. PLANNING APPEALS AND DELEGATED DECISIONS**

The Planning Services Manager reported that two planning appeals that had been dismissed and two had been allowed. No appeals had been received. She also reported on the number of delegated decisions.

All matters had arisen between 19 December 2017 and 26 January 2018.

The report was noted.

(The Chair declared the meeting closed at. 6.56 pm)