

# Planning Committee Agenda

**Wednesday, 7 February 2018 at 6.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.  
Please enter the building via the Tourist Information Centre entrance.

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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)

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(b)	4 Cockcrow Wood, St. Leonards on Sea (Mr A Jolly, Senior Planning Officer) <a href="http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_114736">http://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_114736</a>	93 - 100
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## PLANNING COMMITTEE

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

### 19. APOLOGIES FOR ABSENCE

None.

### 20. DECLARATIONS OF INTEREST

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

Councillor	Minute	Interest
All members	6E – Flat 1, 1 Wykeham Road, Hastings	Personal – Councillor's Partner has submitted the application
Beaver	5b – Rear of 4 Wykeham Road, Hastings	Personal – Colleague lives at this address
Beaver	6C – Carisbrooke Surgery, Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings	Personal – Has been referred to the surgery on a number of occasions.
Roberts	6C – Carisbrooke Surgery, Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings	Personal - Has been referred to the surgery.
Rogers	5b – Rear of 4 Wykeham Road, Hastings	Prejudicial – Owner of 4 Wykeham Road is a friend
Rogers	6a – Former Observer Building, 53 Cambridge Road, Hastings	Personal – As the Ward Councillor she was copied into emails, but did not take part in any discussion.

### 21. MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2017

**RESOLVED** – that the minutes of the meeting held on 15th November 2017 be approved and signed by the Chair as a true record.

### 22. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

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### 23. PLANNING APPLICATIONS ATTRACTING A PETITION:

#### 23.1 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 of objection 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.

This application was deferred from the previous meeting so that the Borough Arboriculturalist could attend and Members could ask questions of the Arboriculturalist.

The site, formerly 8 Amherst Road, was a two-storey detached property which had 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 had 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).

Since the application was submitted, it had been amended to show details of the retaining wall and planting area along the boundary with 14 Amherst Road and a slight

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amendment to the layout to show the protection of the remaining oak tree to the west of the proposed driveway and adjacent to no. 14 Amherst Road.

The main considerations of this application relate to the layout of the development in relation to plot 3 and protected oaks T1, T2, T3 and the landscaping proposals which include the removal of two of the protected oaks (T2 and T3) and a significant planting scheme. The Principal Planner advised that the tree numbering for the respective trees changed between this application and the previously approved one.

The Principal Planner stated that the relationship between the development and trees had changed, therefore the development was acceptable.

Members were shown plans and photographs of the application site.

Alexandra Hudson, petitioner, urged the committee to reject the application and save the larger of the damaged trees, tree T3. She referred to the comment made by the Tree Officer earlier in July, stating that with pruning and cabling, the tree could be saved. The main issue she said is to avoid severance of the roots. She questioned why the trees had been left for 8 months if they were deemed unsafe, endangering residents who back onto the site. She felt the council should have issued a stop notice and the developer fined £20,000.

Councillor Wincott asked Ms Hudson if the development would be acceptable to her if the tree T3 was saved. She confirmed it would be.

Karl Elliot (agent acting on behalf of the applicant), said it was unfortunate that 2 trees had been damaged during construction. He said his client had paid the consequences and was unable to sell the property and that he had worked tirelessly with both the Planning and Tree Officers to salvage the tree and he would do his best to save it and provide more robust planting.

Councillor Beaver asked Mr Elliot how the trees were damaged given the size of them. Mr Elliot said the trees were incorrectly located on the original application which was approved. Once on site there had been a clash between the development and trees. Councillor Beaver asked Mr Elliot why he did not notice the discrepancy between the location of the trees on site and on the original plan. Mr Elliot acknowledged this oversight.

Mr Wilkin, Borough Arboriculturalist, explained that both oak trees had significant root damage. He said there were ways to retain the trees with root damage by reducing the overall size of the tree; the crown and reducing the stress of the roots that keep the tree upright. Erring on the cautious side, he said his report recommends removing the trees because there are houses within a couple of metres of the tree.

Councillor Street asked Mr Wilkin if tree T3 could be saved. Mr Wilkin said he had spoken with the applicant and tree consultant and agreed how much the tree could be reduced.

Mr Batchelor advised Members how this application could be handled by committee. He suggested two options, the first being that Members could defer the application

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until revised details had been submitted; the second option is to amend the recommendation so that approval is subject to a specifically worded condition which makes reference to retaining and protecting one of the oak trees.

Councillor Clarke asked if there were any other ways to ensure the safety of the trees. Mr Wilkin said the trees could be braced, but felt the most effective way would be to reduce the crown of the tree.

Councillor Wincott said the height and size of the tree had already been significantly reduced. Councillor Dowling asked if the work was carried out because of damage or undertaken as a prelude to building works. Mr Wilkin explained that under the previous consent, 30% of the tree had already been reduced. The works were not crown reduction, a large branch had been removed in order to implement planning permission. Mr Batchelor added that the works were necessary and appropriate.

Members discussed this item at length and considered the options to protect the tree and potential for further delays if they deferred the application.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below, subject to the amendment to Conditions 1 and 6. This was seconded by Councillor Rogers.

**RESOLVED – (Unanimously) grant Approval of Reserved Matters subject to the following conditions:-**

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

**22803A\_10, 22803A\_100 REV. L, 22803A\_200 REV. B, 22803A\_210 REV. A, 22803A\_501 REV. B, 22803A\_502 REV. A, 22803A\_503 REV. A, 22803A\_505, 22803A\_5001 REV. A, and 22803A\_TG\_1.**

2. **No development shall take place until the measures outlined in the submitted ecological statements and reports *Land at 8 Amherst Road, Hastings, East Sussex: Badgers* by Martin Newcombe (dated 03 November 2016 and amended 04 August 2017) 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;**

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3. Before they are laid samples/details of the permeable block paving and paving slab materials to be used for the hard landscaping hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
4. Before they are installed details of the entrance gate and supporting pillars, as shown on drawing no. 22803A\_100L, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
5. The area identified as a 'wildlife protection zone', at appendix 5 of the submitted report 'LAND AT 8 AMHERST ROAD, HASTINGS, EAST SUSSEX: BADGERS by Martin Newcombe, dated 03 November 2016 and amended 04 August 2017, shall not form part of the curtilage of the dwellinghouses approved under HS/OA/14/00806 and, notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted, no development shall take place without the grant of an additional planning permission within the area identified as a 'wildlife protection zone';
6.
  - (i) No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained (which shall include retention of oak tree T2 as shown in letter from Connick Tree Care, dated 30 May 2017) together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
  - (ii) All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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7. Prior to the occupation of the dwellinghouses hereby approved details of a replacement fence along the front (Amherst Road) boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be no higher than 1m unless otherwise agreed in writing. The fence shall be installed prior to the occupation of the first unit.

### Reasons:

1. For the avoidance of doubt and in the interests of proper planning;
2. To protect features of recognised nature conservation importance;
3. In the interests of the visual amenity of the area;
4. In the interests of the visual amenity of the area;
5. To protect features of recognised nature conservation importance;
6. In the interests of the health of the trees and to protect the visual amenity; and
7. 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. 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 [parcs@hastings.gov.uk](mailto:parcs@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works; and
4. Consideration should be given to the provision of a domestic sprinkler system.

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### 23.2 Rear of 4 Wykeham Road, Hastings

Proposal:	Construction of eight apartments on land at the rear of 4 Wykeham Road
Application No:	HS/FA/16/00002
Existing Use:	Vacant land allocated for residential development.
Conservation Area:	No
Listed Building	No
Public Consultation	11 letters of objection and 1 petition of objection received

Having declared her prejudicial interest, Councillor Rogers was absent from the Chamber during discussion and voting of this item.

The Planning Officer, Ms Ranson, presented this report for the construction of eight apartments on land at the rear of 4 Wykeham Road, Hastings

The site is located on land to the rear of 4 Wykeham Road. Public access is from the end of Wykeham Road down to Braybrooke Road via a set of steep narrow steps that run to the west side of Wykeham Heights. Vehicle access is from Braybrooke Road up to No. 59 Braybrooke Road via a shared steep sloping drive that terminates at the turning area to the front of No.59, short of the application site. To the front of the application site there is double-yellow line parking restriction, on the opposite site there is a residents' parking scheme. The adjacent neighbouring site has recently been developed for a similar block of flats scheme.

The proposed new eight-apartment block of flats will be situated to the front of the site fronting Braybrooke Road. The proposed block would fill the full width of the site as a detached building. It would be four storeys high (ground, first, second and third floor) viewed from the front but only three storeys high viewed at the rear due to the steep sloping topography of the site. The third floor would be in the roof space designed as a mansard style roof with inset dormer windows to both front and rear.

This application follows previous planning application reference HS/FA/11/00794 for the erection of 6 two bedroom flats with off-street parking. Allowed on appeal in 2012 (APP/B1415/A/12/2171885), this new application would be an increase from 6 flats up to 8 flats.

The current proposal is an increase of around 20-25% of the volume. The roof ridge height would be increased by some 1.2m, from the previously approved height of 11.6m up to 12.8m. The rear (north) elevation would extend in depth by a further 1.5m (the depth of the building approved on appeal was approximately 10m and the depth of building for this application is 11.5m).

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The 8 flats proposed will comprise: 1 bedroom flat and five 2 bedroom flats.

Parking at ground floor level shown on the previously approved scheme (HS/FA/11/00794) has been replaced in this application with accommodation. This proposal does not include car parking provision. There is a cycle shed built into the front of the flats at ground floor level. A built in refuse store is located within the footprint of the building with doors opening adjacent to Braybrooke Road.

Members were updated on further information:-

2 late representations received. Further issues raised:

- Inadequate internal space of the flats.
- Raises issues of affect upon the locality and our residential property and this development has not been clearly communicated.

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

Ms Ranson referred to the key points of the application:-

- The proposal is for 8 flats and policy SAP8 of Hastings Development Management plan allocates this site for residential development.
- There has been earlier planning approval HS/FA/11/00794 for flat development of this site allowed by planning appeal.
- Geotechnical Reports have been submitted that satisfy that any land instability may be overcome.
- The flats would provide dwellings that meet the national space standards and are considered to provide an acceptable living standard and good general amenity for future occupants.
- The scale of the proposed flat building while approximately 20% larger than the previously approved flats are considered to be of an acceptable scale and height and would not cause unacceptable loss of amenity to neighbouring dwellings.
- The proposal is for a car free development and in this sustainable location within walking distance of the town centre, served by good facilities and local transport this is considered acceptable.
- There will be loss of trees (14), but most are of only low or moderate value.

Bruce Grant, petitioner, spoke against the application. He stated the application was below the national minimum space standards and that the applicant had submitted false information. The ground investigation was for a 3-storey development, not 4-storey boring to 2m in depth. A full site investigation is still required. He said parking is the most emotive issue, the applicant admits parking has got worse since 2014, it is 100% saturated. The area is notorious for anti-social behaviour. It has been suggested that residents park ½ mile away, residents need to park where they feel safe. The development has no external space and the dwellings fail to complement the character of area. Access is too narrow for vehicles to access.

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Adam Slater (agent acting on behalf of the applicant), spoke in support of the application; he said this application was the same as that approved on appeal. Additional amendments to the application includes: 2 additional units of accommodation; lift and internal cycle store to include feature and increased footprint of development. He said there was no requirement for affordable housing, it is in the Development Plan and is supported by consultees. He said the development met with approval from the Highways Authority. The site is in a substantial location and will provide a shared amenity space.

Councillor Beaver stated the original planning application in 2011 was refused and allowed on appeal. He asked Mr Salter why the planning application submitted in 2012 was withdrawn. The Salter explained the appeal was won before it was determined. Councillor Beaver asked why Mr Salter had applied for 8 apartments when 6 had been granted on Appeal. Mr Salter said the development was not financially viable with 6 apartments.

Councillor Clarke queried the matter of ground stability and uncertainty regarding the survey. Mr Salter said the Council had appointed an independent specialist to correspond with the parties. The consultant was happy with the proposals.

The Planning Services Manager referred to page 24 of the officer's report regarding the ground stability report submitted by VKHP Consulting. She said the concerns of the Council's Geotechnical Consultant, Keith Gabrielle, were addressed and he did not raise an objection. This application, she said, is about the additional flats and bulk of the building, the principal of the development has been approved.

In addition, Mrs Ranson said the Planning Inspector dealt with the matter of parking and highways at appeal and said the site was acceptable for car less development.

Councillor Beaver questioned the opposing opinions on whether the apartments met with the national space standards. Mrs Ranson confirmed the internal space area met with the national space standards – (Plan: Rev J).

Councillor Beaver said the site will be overdeveloped. For this reason, he proposed a motion against the officer's recommendation to refuse the application for the following reasons: DM1, Part B and E. The motion was not seconded and fell.

Members discussed at length the parking difficulties in the area and possibility for the applicant to increase the number of apartments. Councillor Scott said it would be difficult for the Planning Officer to defend on appeal.

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

**RESOLVED – by (6 votes to 1 against, with 1 abstention) 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;**

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

P1001 Rev I; P1002 Rev J; P1003 (dated 20.11.17); P1004 (street scene and site section dated 20.11.17).

3. i) Construction of the development shall not commence until details of the proposed final land drainage scheme including means of foul sewerage and surface water disposal/management and have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water;

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

iii) No occupation of any of the dwellings or flats hereby approved shall take place 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;

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping. 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;

5. All planting seeding or turfing, comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or otherwise 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 or mitigation features 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;

6. Prior to occupation of the dwellings hereby approved a method statement for creation of new wildlife and habitat features, e.g. bespoke bat roosts structures, erection of bird boxes in buildings/structures; creation, restoration and enhancement of semi-natural habitats; tree, hedgerow, shrub and wildflower planting/establishment. The content of the method statement shall include the following:

a) purpose and objectives for the proposed works;

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- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);
7. No occupation of the dwellings hereby approved 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. Submitted details shall include finished levels of contours; means of enclosure; pedestrian and cycle access; hard surfacing materials and proposed and existing functional services above and below ground including their positions (e.g. drainage, power, communications cables, pipelines, manholes);
8. Prior to construction works starting on site ground investigation must be undertaken and the findings submitted to and approved in writing by the Local Planning Authority;
- i) these investigations are required:
- to obtain parameters for foundation design purpose;
  - before any further slope analyses are undertaken, a suitable ground investigation must be undertaken to assess whether there are any sub-horizontal shear faces in the clays below the site;
  - any sub-horizontal shear faces in the clays below the site should be modelled in slope stability analyses;
- Continuous undisturbed sampling or coring is required in the clays in order to enable an adequate assessment of the presence of any pre-existing shear surfaces by a suitably experienced engineering geologist or geotechnical engineer;
9. Prior to construction works starting on site further Contractors Method Statement must be submitted to and approved in writing by the Local Planning Authority to include but not limited to:
- The adequacy of the temporary piling platforms;
  - The use of temporary support on the flank boundaries (where not supported by the bored pile walls (BPWs));
  - Allowance for 8 separate stages of excavation in the rear part of the site, such that each row of anchors is installed and “locked” before

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the ground is excavated down to the level for the next row of anchors;

- The design of the bored pile walls (BPWs) and associated ground water control system, to ensure no loss of ground can occur between the piles from the adjoining land;
- The final design of the excavated slope behind the proposed building (where the excavations will be approximately 9m deep) including associated slope stability analyses;

The Method Statement as approved must be fully implemented and adhered to;

10. 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.

11. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwelling flats hereby permitted have been submitted to/made available\* on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
12. The developer must provide details to the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development;
13. Prior to commencement of development a Traffic Management Plan (TMP) for management of removal of site waste and movement / parking of construction vehicles throughout the development works must be submitted to and approved in writing by the Local Planning Authority (LPA). The approved plan must be fully implemented unless otherwise first agreed in writing with the LPA;
14. No additional windows shall be inserted or alterations made to the windows hereby approved unless application has first been made to and approved in writing by the Local Planning Authority; and
15. The cycle storage provision hereby approved shall be retained for cycle storage use at all times.

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### **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 proper planning to help prevent risk from flooding and/ or land instability because adequate land drainage is fundamental to the stability of the excavated slope;**
- 4. To safeguard the amenity of adjoining residents and the character of the area;**
- 5. To safeguard the amenity of adjoining residents, occupants and the character of the area;**
- 6. To protect and/or mitigate the loss of features of recognised nature conservation importance;**
- 7. To safeguard the amenity of adjoining residents and the character of the area;**
- 8. In the interests of proper planning to ensure land stability of the site in compliance with policy DM5 of Hastings Development Management Plan (2015);**
- 9. Reason In the interests of proper planning to ensure land stability of the site in compliance with policy DM5 of Hastings Development Management Plan (2015);**
- 10. To safeguard the amenity of adjoining residents;**
- 11. In the interests of the visual amenity of the area;**
- 12. In the interests of proper planning and to help prevent increase in flood-risk;**
- 13. In the interests of residential amenity and highway safety;**
- 14. To protect local amenity; and**
- 15. To provide for modes of sustainable transport.**

### **Notes to the Applicant**

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

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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 extent of the temporary piling platforms required for safe operation of the piling rig shown on Temporary Works drawings 235517 - SK01 & SK02, do not extend sufficiently beyond each of the steps in the capping beams to allow safe installation of all the pipes. Use of scaffold staging may be required in some locations to enable the safe installation of the bored pile walls (BPW) profiles shown on these drawings. You are referred to the Gabriel Geo Consulting Letter Report on Land Stability Assessment, dated 8<sup>th</sup> September 2017 paragraph 2.5;**
4. **Your attention is drawn to the guidance in paragraph 120 of the National Planning Policy Framework:**

**120. 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;**
5. **Your attention is drawn to the requirements of the Party Wall etc. Act 1996;**
6. **Formal application to Southern Water for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk);**

**The foundation for the proposed development must be agreed with Southern Water before work can commence; and**
7. **Due to the nature of the highway in the vicinity of some locations, construction traffic has the potential to damage the carriageway and/or verges. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact the Area Highway Manager on 0345 60 80 193 to arrange a photographic survey and joint inspection of the local highway network.**

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### 23.3 Former Observer building, 53 Cambridge Road, Hastings

Proposal:	Proposed change of use and roof extension to existing building. To provide mixed use development comprising Artist Studio (Lower Ground), Shared Residents Gymnasium (Mezzanine), Restaurant & Shop (Ground) and 50 flats with private roof terrace. Proposal includes ancillary reception, common facilities and cycle storage/ shared car parking with ancillary plant and servicing facilities and external alterations.
Application No:	HS/FA/16/00367
Existing Use:	Former printworks and newspaper offices
Conservation Area:	Yes - Hastings Town Centre
Listed Building	No
Public Consultation	68 letters of objection; 2 letters of support and 1 neutral comment received

Members were advised that a petition had been received in respect of this item before the deadline; the date 12/12/17 printed on the petition was in error.

The Principal Planner, Mr Batchelor, presented this report for the change of use and roof extension to existing building. To provide mixed use development comprising Artist Studio (Lower Ground), Shared Residents Gymnasium (Mezzanine), Restaurant & Shop (Ground) and 50 flats with private roof terrace. Proposal includes ancillary reception, common facilities and cycle storage/shared car parking with ancillary plant and servicing facilities and external alterations at the Former Observer Building, 53 Cambridge Road, Hastings.

The Observer Building was formerly a printing works and offices for the Observer newspaper and has been vacant for almost 30 years. It is a multi-storey building located on the south side of Cambridge Road. It is located within the Hastings Town Centre Conservation Area.

Since becoming vacant the building had fallen into substantial disrepair although recent temporary uses (HS/FA/15/00641) have seen the internal state of the building improved.

The building is built with a strong reinforced concrete frame with front-facade details of Hathernware terracotta. It has a large footprint; it is four storeys in height at the

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Cambridge Road frontage with an added attic storey and lower ground levels accessed from Claremont; it has large windows to its eastern and western faces; and its eastern face has service pipes and chimney stands that provide the structure with an industrial character. All of these features contrast heavily with the small scale (two-storey) buildings in the locality.

The property is not listed but it is considered a non-designated heritage asset, principally for its interesting industrial façade, location close to the seafront and within a conservation area, and its history related to the local press and printing firm which all contribute to its strong local interest.

When originally submitted the application was for a proposed change of use, alteration and extension to the existing building. The extension consisted of 2 full storeys with additional roof top 'pavilion' buildings providing a further (third) storey of accommodation with rooftop garden area. The pavilion additions included a mezzanine level. The proposal was to provide:

- 49 flats
- Artist studio (lower ground floor)
- Shared residents' gymnasium (mezzanine within existing building)
- Restaurant and shop (ground floor)

The proposal also provided for ancillary reception space, common areas/facilities, cycle storage, parking for shared vehicles and plant and servicing areas.

The proposal was heavily criticised upon submission by members of the public and suggestions about improving the scheme were provided to the applicant following consultation and discussion with Historic England and the Conservation Officer. The applicant subsequently amended the proposal as follows:

- Reduction in height of the scheme - overall height reduced by 5m and eaves/parapet of full two-storey element reduced by 2.6m.
- Despite the height reduction the number of additional storeys remained, but, the seventh floor roof pavilion buildings and roof garden area have been removed and replaced with an inset seventh storey.
- Change in appearance of extension due to changes in materials proposed, building massing and windows.
- Internal layout amended which has resulted in the provision of an additional flat (total 50 flats proposed).

During the course of the application, the applicant has also provided updated viability information, revised ownership certificates, highway improvement details, a revised sunlight and daylight study and a further noise report.

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Members were updated on further information:-

- Petition received.

Members were shown plans and photographs of the application site.

The main considerations are the principle of the development; the impact on heritage assets and whether any harm has been sufficiently minimised before subsequently weighing up the benefits of the scheme against that harm; the impact on the character of the area; the quality of the proposed residential accommodation; the impact on neighbouring residential amenities; and the impact on highway safety and parking related matters.

Jess Steele, petitioner, was present and spoke against the application, he said they objected to proposal as it fails to maximise harm: No affordable housing contributions, the owner is a wealthy man and is experienced. It fails to provide affordable housing; lack of employment space, impact on neighbouring amenity. We ask you to defer application and create affordable housing and reconsider the use of the lower floor.

Councillor Wincott said he could not take into account the owner, as the site could be sold tomorrow. He stated that it is the impact of the application that is considered. Ms Steele said she wanted to see affordable living/workspace protected and put into the scheme.

Councillor Beaver asked if the application was deferred and applicant minded to adjust the lower floor and put in affordable housing. Ms Steele said some parts impact on the alley and impact on affordability. Glazing on east elevation makes it impossible to put affordable housing on Rock House.

Councillor Scott asked Miss Steele to clarify her comment regarding heritage. Ms Steele said this had been detailed in writing. She said there were potentially good benefits, but it is yet to be good enough.

Paul Koopman (agent acting on behalf of the applicant), spoke in support of the application; he said the building had lain derelict for 30 years. They had applied for a residential scheme that meets local and national policy subject to a S106 agreement. The core matters have been dealt with. The report accords with local / national policy. It is not a viable scheme with affordable housing. We ask you to grant planning permission.

Councillor Beaver asked Mr Koopman if 50 units were not affordable, whether that is the only way the scheme is viable. Mr Koopman said it was barely viable at this level.

Councillor Rogers said if windows were put down the side of Rock House, affordable housing cannot be built on top. Either take away the window or put in obscure glazing. Mr Koopman said there was no planning permission. It was difficult to envisage what might come through.

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The Principal Planning Officer said the application had been assessed by District Valuer on behalf of the Council. It had been shown that the development proposed is within the minimum amount of development to make redevelopment possible. We cannot dictate who lives in the building; it is not a planning consideration. Any extension to what is already a tall building will impact on local heritage. Buildings in the Town Centre are not too dissimilar eg commercial/residential bars at ground floors with offices and residential above. There must be expectation for people to accept the relationship of the building; it does not mean it is harmful.

Councillor Edwards referred to the petition, he asked whether it was valid on the grounds of harm minimised or public benefit maximised. The Principal Planning Officer said the petition was valid and must be taken into consideration. The test was not about maximising public benefit, it does outweigh harm.

Councillor Dowling asked how many car parking spaces were proposed. The Principal Planning Officer confirmed there are 5 electric vehicles which were part of shared driving scheme.

Members discussed the issues raised at length.

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

**RESOLVED – (by 7 votes to 2 against) that the Planning Services Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure a Travel Plan and Travel Plan audit fee. In the event that the Agreement is not completed by 14 June 2018 that permission be refused on the grounds that the application does not comply with policies T3 and T4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.**

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

**A-0001G, 0002G, 1001F, 1002F, 1003F, 1004F, 1005F, 1006F, 1007F, 1008F, 2001F, 2002F, 2003H, 2004F, 3001F, 3002F, 1101H, 1102H, 1103H, 1104H, 1105H, 1106H, 1107H, 1108H, 1109H, 1110H, 1112H, 2101H, 2102H, 2103H, 2104H, 3101H and 3102H;**

- 3. Before they are installed full joinery details (1:10 elevations and 1:2 or full size horizontal and vertical cross sections) or, alternatively, sample units of all new and replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved**

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details;

4. No development of the extension hereby approved or replacement of materials on the existing building shall take place until samples (in the form of sample board(s) measuring at least 1m x 1m) of the materials to be used in the construction of the external surfaces of the extension or the existing building have been made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
5. The samples required by condition 4 above shall include options for the tile cladding of the extension with the agreed tile being approved in writing by the Local Planning Authority. The sample panel of the agreed tile shall show how the tiles will be fixed and how they will be configured at window reveals and at the corners of the building. The development shall be carried out in accordance with the agreed details;
6. Before the development hereby approved is brought into use the existing faience tiles to the front elevation of the building shall be restored. Before this restoration is begun a full schedule of works covering the tile repairs and any related structural works needed to secure the tiles in place shall be submitted to and approved in writing by the local planning authority for approval. The works shall be shall be carried out in accordance with the approved schedule of works and completed prior to the building being brought into use;
7. At any time prior to or during the restoration, as approved under condition 6 above, it should become necessary to replace any of the existing faience tiles on the building frontage then, before such replacement, samples of the proposed replacement tiles shall be submitted to and approved in writing by the Local Planning Authority. The replacement shall be carried out in accordance with the approved details;
8. Prior to the commencement of development, including any internal alterations to facilitate the conversion of the existing building, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Highway Authority). This shall include the size of vehicles, routing of vehicles and hours of operation. (Given the restrictions of the access and/or the approach road the hours of delivery/collection should avoid peak traffic flow times). The development shall be carried out in accordance with the approved scheme;
9. The development shall not be brought into use 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;
10. The development shall not be brought into use until parking areas for

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the electric vehicles 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 electric vehicles;

11. No development shall take place until there has been submitted to and approved by the Local Planning Authority schemes for the construction of a controlled crossing on Cambridge Road and improved crossing points on Cornwallis Gardens. Such scheme shall provide for the timing of the works in relation to the implementing of the development, and shall be implemented in accordance with such timing before the approved development is brought into use;
12.
  - B) Prior to the commencement of development a remediation scheme relating to contamination including suitable monitoring and verification methodologies shall be submitted to and agreed in writing by the Local Planning Authority.
    - i) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval;
    - ii) On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.
13. Prior to the commencement of development, including any works to facilitate the conversion of the existing building, a detailed sound attenuation assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include measures to attenuate noise as necessary. The development shall be carried out in accordance with the approved details;
14. No activities that could result in disturbance to bats (such as internal works, demolition, roof stripping, excavations, building works or associated operations) shall be carried out between the dates of 01 December and 01 April in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed;
15. The retail and restaurant premises hereby approved shall not be used except between the following hours:-

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**7am to 11pm Monday - Saturday,  
7am to 10pm Sunday and Bank Holidays.**

- 16.**
- 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 the development shall not be brought into use until those works have been completed;**
  - iii) The building shall not be brought into use 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;**
- 17. No development shall commence until 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 have been 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. Before the development hereby approved is commenced a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include hours of building work, measures to control noise, dust and other potential sources of pollution relating to construction. The development shall be carried out in accordance with the approved plan;**
- 20.**
- i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority;**
  - ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development; and**
  - iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged**

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**to undertake the construction of the development.**

**Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 4. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 5. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 6. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 7. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 8. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 9. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development;**
- 10. In order that the development site is accessible by non-private car modes and to meet the objectives of sustainable development;**
- 11. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 12. To protect those redeveloping the site and any future occupants from potential contamination;**
- 13. In the interests of the amenity of the future occupants and neighbouring residential occupiers;**
- 14. To protect features of recognised nature conservation importance;**
- 15. In the interests of the amenity of the neighbouring residential occupiers;**
- 16. To prevent increased risk of flooding;**

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17. To ensure the development complies with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy;
18. In order that the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy;
19. In the interests of the amenity of the neighbouring residential occupiers; and
20. In order that the development complies with the requirements of policy E2 of the Hastings Local Plan: The Hastings Planning Strategy.

### 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. Your attention is drawn to the requirements of the Party Wall etc. Act 1996;
6. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
7. 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);
8. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water: Developer Services, Southern Water, Southern

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House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk) in to order to progress the required infrastructure; and

9. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

Councillor Scott left the Chamber for the remainder of the meeting.

With the agreement of the Chair, the Committee resolved to change the order of items on the agenda. Item 6(f) Castlemaine, 4 Avondale Road, Castlemaine Cottage, 5 Gillsmans Hill, St. Leonards, was considered next on the agenda.

### 24. OTHER PLANNING APPLICATIONS

#### 24.1 **Castlemaine, 4 Avondale Road and Castlemaine Cottage, 5 Gillsmans Hill, St. Leonards on Sea**

Proposal:	Outline application,(seeking approval of Access), for erection of up to 7 dwellings and a replacement dwelling together with access and parking
Application No:	HS/OA/17/00522
Existing Use:	
Conservation Area:	Yes - Springfield Road
Listed Building	No
Public Consultation	19 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for an outline application (seeking approval of Access only) for erection of up to 7 dwellings and a replacement dwelling together with access and parking at Castlemaine, 4 Avondale Road and Castlemaine Cottage, 5 Gillsmans Hill, St. Leonards on Sea.

The proposed development is in the grounds of an existing 2-3 storey large detached care home. Castlemaine is partially screened from the road to the front elevation by tree and hedge planting.

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This outline planning application was for the erection of up to 7 dwellings with a replacement dwelling at the side of Castlemaine Cottage. Indicative plans show the following units:

Plot 1 – 1x2 bed detached dwelling

Plot 2 – 1x3 bed end of terrace dwelling

Plots 3 and 4 – 2x2 bed mid and end of terrace dwellings

Plots 5 & 6 – 2 bed semi-detached dwellings

Plots 7 – 1x3 bed detached dwelling

Plot 8 – 1x4 bed detached chalet style dwelling (in place of existing Castlemaine Cottage).

Plots 1-7 are located in the rear portion of the application site, behind the existing care home, to the east of the replacement dwelling at Castlemaine Cottage. Plot 8 is located in the north-west corner of the site in the same position as Castlemaine Cottage, which is to be demolished.

Bin storage areas are proposed at either the front or rear of the houses. Bike storage is proposed in the rear gardens. A communal waste storage / collection area is proposed to be located to the east of the turning head on the eastern boundary of the site next to the care home.

A communal parking area is proposed, providing 17 parking spaces, enabling 2 per dwelling and 1 visitor space. The parking area is to be located on either side and at the end of the proposed access road. The access enters the site between 6 Avondale Road and Castlemaine Care Home and incorporates a turning head within the site to allow vehicles to enter and leave the site in forward gear.

New planting is proposed at various locations to provide additional screening, predominantly on the eastern boundary of the site; the front of Plots 1-7; on the rear boundary of the care home and to the east of the access road and on the boundary with the care home. There are several TPO trees located within the grounds of the care home. The indicative layout plan identifies the trees which are to be retained on the site, as well as the relevant root protection zones.

All matters are reserved except for the access. Full details relating to the appearance, layout and scale of the proposed housing will be submitted once approval has been granted. There is sufficient information to establish the principle of the development at this site for the proposed development.

Members were informed of several updates to the report:-

- Condition 20: Prior to the commencement of development on site, detailed drawings, including a new pedestrian footway to link eastwards to the existing footway network, site levels, sections and constructional details of the proposed access road, surface water drainage, outfall disposal, on-site turning, and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development.

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- Additional Informative No. 8: 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.

Members were shown plans and photographs of the application site.

The Planning Services Manager advised of a number of changes since the last application: plot 7 had been moved away from the boundary, refuse bins re-sited correctly and additional information on ecology submitted. Neither the Highways Officer, nor the Tree Officer had raised objection to the principle of this outline application.

Councillor Lee, Ward Member for Maze Hill, referred to the objection submitted by the Conservation Officer. He believed that reducing the density of buildings on site was not sufficient and that repositioning plot 7, meant that it almost touched No. 1 Southwood Close. Due to the height of the parking spaces on site, he said exhaust fumes will go into nearby residents' gardens. Furthermore, parking at the rear of 4 Wykeham Road was very sensitive due to lack of parking available to them. Refuse and larger vehicles have practical difficulties driving down the narrow roads. He advised the committee to reject the application, stating that it was ill thought out; it did not fit in with the historic character of the area and will create further traffic problems.

The Planning Services Manager confirmed the case officer had regard to all consultee comments and what weight to give them. She referred to the boundary treatment condition and did not believe the exhaust fumes will go into the gardens of the neighbouring properties. She said the refuse vehicles will continue to travel along Wykeham Road. The waste collection consultee had said the proposal was acceptable.

Councillor Beaver asked if the Conservation Officer was opposed to the density of the site. The Planning Services Manager said the area has character and a substantial building in the plot. Government guidance states it should not be below 30 dwellings per ha.

Councillor Clarke asked what the additional landscaping will look like. The Planning Services Manager said this was an outline application for access; the landscaping plan will form part of a detailed application.

Members discussed at length the impact of traffic and density of the site.

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

**RESOLVED – (by 6 votes to 2 against) that outline planning permission be granted subject to the following conditions:-**

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- 1. Approval of the details of the layout, scale, external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced;**
- 2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, parking, cycle storage and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved;**
- 3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;**
- 4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;**
- 5. The development hereby permitted shall be carried out in accordance with the following approved plans:**  
  
**4970/16/LBP**  
**4970/16/EX**  
**4970/16/1/D**  
**4970/16/2/B**  
**4970/16/3/A**  
**4970/16/4/A**
- 6. 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;**
- 7. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water;**  
**(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed;**  
**(iii) No occupation of the dwelling 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.**

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8. The reserved matters details submitted for conditions 1 and 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy 2014. The details 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;
9. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre based broadband;
10. 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;
11. During any form or earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site. Details of this equipment should be submitted to and approved in writing by the Local Planning authority prior to the commencement of development;
12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans (including replacement trees for those lost); 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;
13. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;
14. 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

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- approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant;
15. 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;
  16. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwelling 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;
  17. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal, Land at Castlemaine Care Home 4 Avondale Road St Leonards on Sea TN38 0SA prepared by The Mayhew Consultancy and dated February 2016 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination;
  18. 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 BS5837:2012: Trees in relation to design, demolition and 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;
  19. No part of the development shall be occupied until such a time as the vehicular access serving the development has been constructed in accordance with details to be submitted and approved by Local Planning Authority, to include the reposition of the lamp column;
  20. Prior to the commencement of development on site, detailed drawings, including a new pedestrian footway to link eastwards to the existing footway network, site levels, sections and constructional details of the proposed access road, surface water drainage, outfall disposal, on-site turning, and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the

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development;

21. The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater, and 11% (1 in 9) thereafter;
22. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use;
23. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
24. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reasons:

1. The application is in outline only;
2. The application is in outline only;
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;
5. For the avoidance of doubt and in the interests of proper planning;
6. In the interests of the visual amenity of the area;
7. To prevent increased risk of flooding;
8. To ensure a satisfactory standard of development in accordance with Policy SC3 of the Hastings Planning Strategy 2014;
9. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014;
10. To safeguard the amenity of adjoining residents;

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11. To prevent contamination and damage to the adjacent roads;
12. In the interests of the visual amenity;
13. In the interests of the visual amenity;
14. To ensure a satisfactory form of development in the interests of the visual amenity;
15. To ensure a satisfactory form of development in the interests of the visual amenity;
16. In the interests of the visual amenity of the area;
17. To protect features of recognised nature conservation importance and to secure ecological enhancements;
18. To protect the retained trees within the site and adjacent the site boundary;
19. In the interests of road safety;
20. In the interests of highway safety and for the benefit and convenience of the public at large;
21. To ensure the safety of persons and vehicles using the access and/or proceeding along the highway;
22. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
23. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;
24. In the interests of road safety.

### 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 the reserved matters details should show the house at plot 7 sited further from the shared boundary than shown on the indicative layout, to safeguard the amenities of the neighbouring

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properties. The applicant is advised to contact the planning department prior to the submission of the reserved matters to discuss this matter in greater detail;

4. Southern Water advise that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk);
5. 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 6 metres of the public water main without consent from Southern Water;
6. In respect of condition 7 the applicant is advised that surface water management proposals should be supported by detailed hydraulic calculations;
7. The proposed access and footway will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council; and
8. 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.

### 24.2 Proposed Catering Unit, Upper Promenade, Marina, St. Leonards on Sea

Proposal:	Change of use of land to concession site for stationing of catering vehicle (non permanent)
Application No:	HS/FA/17/00885
Existing Use:	Public Pavement
Conservation Area:	Yes - Burtons' St. Leonards
Listed Building	No
Public Consultation	None. Application on Council owned land.

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The Senior Planner, Mrs Meppem, presented this report for the change of use of land to concession site for stationing of catering vehicle (non permanent) at Upper Promenade, Marina, StLeonards on Sea.

The site consists of 30m<sup>2</sup> area of land located on the promenade on the St Leonards seafront. The pavement is approximately 18m in width with a cycle track running parallel to the pavement. The site is accessed from the public highway via a barrier on the Marina.

The Planning application had been brought to the Planning Committee for determination because the site is on Council owned land.

This application seeks permission for the change of use of an area of the promenade to be used for the stationing of temporary catering vehicles such as 'The Little Vintage Tea Box'. There is to be one catering unit at any one time and these are to be removed from the site at the end of each day. The site has been used during the summer 2017 for such a use, and due to its popularity, it is proposed for this to continue.

The hours proposed are:

Monday to Friday – 09:00 – 20:00

Saturday – 09:00 – 20:00

Sundays and Bank Holidays – 09:00 – 20:00

The Senior Planner stated there had been no local objections or any from consultees.

Councillor Wincott raised concern regarding the appearance of the vehicle and the potential for it to look like a greasy spoon. The Planning Services Manager said they would add an informative to request the mobile unit be of a design standard suitable for the locality.

Councillor Edwards asked if the application included tables and chairs. The Chair confirmed this was not included, but said there were benches nearby.

Members were shown plans and photographs of the application site.

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

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

- 1. Only one catering unit shall be stationed on the site at any one time and any associated vehicles required to move the unit shall only be on the promenade at drop-off and collection times and at no point parked on the promenade;**

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2. The catering unit shall only be located on site during the following times :-

09.00 - 20.00 Monday to Friday

09.00 - 20.00 Saturdays

09:00 - 20:00 Sundays or Public Holidays.

3. Upon removal of the catering unit each day the site shall be left clear of litter and refuse associated with the use.

### Reasons:

1. To ensure a satisfactory form of development in the interests of the character and amenity of the conservation area and surrounding listed buildings;
2. To ensure a satisfactory form of development in the interests of the character of the conservation area and surrounding listed buildings and the amenities of the local residential properties; and
3. To ensure a satisfactory form of development in the interests of the character of the conservation area and surrounding listed buildings and the amenities of the local residential properties.

### 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 the Local Planning Authority 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. Any proposed catering unit is strongly advised to contact the Environmental Health Division for advice on satisfying the requirements of food safety law;
4. The Food Business Operator will be required to register the food establishment with the Hastings Borough Council 28 days prior to opening. The registration form can be found online at [http://www.hastings.gov.uk/environmentalhealth/food\\_safety/businesses/foodpacks/caterers/](http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/)
5. Any proposed catering unit is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law; and

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6. All trade business must have the correct commercial waste disposal receptacle and contractor in place To fulfil their 'duty of care' (sec 34 EPA 1990).

### INFORMATIVE:

The applicant is advised that the mobile unit(s) should be of a suitable standard of appearance that enhances and is sympathetic to the character of the area.

### 24.3 Carisbrooke Surgery, Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings

Proposal:	Variation to condition 1 of Planning Permission HS/FA/15/00742 - To extend the temporary permission granted for 2 years for a further 2 years.
Application No:	HS/FA/17/00827
Existing Use:	Bowling Green and associated car park
Conservation Area:	No
Listed Building	No
Public Consultation	None. Application on Council owned land

The Senior Planning Officer, Mrs Meppem, presented this report to extend the temporary permission granted for 2 years for a further 2 years at Bowling Green, White Rock Pleasure Gardens, Falaise Road.

The site is one of two disused bowling greens, west of Falaise Road. The site is adjacent to Falaise Indoor Bowls Club to the north and there are various recreational areas including tennis courts; ball court, bike/skate board ramp, etc to the south. The site has been the location of the temporary Doctors' surgery since November 2013.

The temporary buildings consist of three 'portakabins' linked together providing a pharmacy with consulting room and kitchenette, doctors' surgery with 6 consulting rooms, 3 nurse rooms, one minor operations room, associated administration rooms and WC facilities.

This application seeks permission to the continued use of the Carisbrooke Surgery buildings on the Bowling Green at White Rock Pleasure gardens for a further 2 years. This was originally approved in 2013 and again in 2015, each time for a temporary period of 2 years.

Previously located at Marlborough House, both Carisbrooke and Warrior Square

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doctors' surgeries were affected by a major roof fire in 2013. Due to the level of repairs and time taken to commence the repairs due to weather, mould etc Marlborough House is presently unsuitable for a doctor's surgery and pharmacy.

Members were shown plans and photographs of the application site.

The Planning Services Manager advised that meetings had been held with East Sussex County Council regarding a potential development of a Medical Centre at an alternative site in the borough. She said the agent had advised that they are formally under offer for the purchase of a site. It is hoped that contracts will be exchanged by the end of January 2018.

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

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

- 1. This permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition; and**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plans:**

**P040-PL01**

### **Reasons:**

- 1. In the interests of the character and amenity of the White Rock Gardens and the area in general; and**
- 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 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.**

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### 24.4 Bowling Green Pavilion, Alexandra Park, St. Helens Road, Hastings

Proposal:	Change of use from a ladies changing room to a food and drink kiosk (A1 use).
Application No:	HS/FA/17/00342
Existing Use:	Bowling pavilion
Conservation Area:	Yes - Blacklands
Listed Building	No
Public Consultation	21 letters of objection

The Planning Services Manager, Mrs Evans, presented this report for Change of Use from a ladies changing room to a food and drink kiosk (A1 Use) at Bowling Green Pavillion, Alexandra Park, St. Helens Road, Hastings.

The site comprises a small, single storey bowling green pavilion to serve the Alexandra and Clive Vale Bowls Clubs, situated in the heart of Alexandra Park. Alexandra Park is Council owned land.

It is proposed to change the use of the existing attendant's room (also used as a ladies changing room) to a food and drink kiosk within an A1 use. The kiosk is to face out from the north-western side of the building facing towards St Helens Road, which runs to the north of the park. The kiosk will sell tea, coffee, soft drinks, ice creams and sandwiches only, and not be used for the cooking of sale of hot food.

External alterations to the building involve the removal of the existing mullions and casements of the existing casement window on the north-western elevation (leaving the frame in situ) and display of new signboards on either side of this opening. A new paved area will form the frontage to the kiosk and railings to match the existing perimeter fencing around the bowling green will be installed at the front of the kiosk providing its enclosure.

Members were informed of an update to the report:-

- 1 additional representation received  
Makes comments regarding changing facilities and lack of equipment storage space (already considered)  
Note that ladies changing room is an attendants room, used as a ladies changing room

Members were shown plans and photographs of the application site.

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Councillor Rogers said she was disappointed the changing room would be lost. She said the main reason it was difficult to encourage girls to take up sport was the lack of changing facilities.

The Planning Services Manager advised that Bowling England did not have a minimum requirement for changing facilities.

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

**RESOLVED – (by 7 votes to 1 against)–that planning permission be granted subject to the following conditions:-**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

**SD/573/02D,SD/573/03;**

3. No development shall commence until the following details of materials have been submitted to and approved in writing by the Local Planning Authority:
  - External block paving
  - Perimeter fencing

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

4. The premises shall not be used except between the following hours:-

**08.00 - 17.30 Monday - Friday,  
08.00 - 18.00 Saturdays,  
10.00 - 16.00 Sundays or Bank Holidays.**

5. If at any time the use of the cafe intensifies to include the provision of hot meals and more complex catering a scheme for the fitting of odour control equipment and its sound insulation to the building shall be submitted to and approved by the Local Planning Authority prior to the use commencing. The odour control equipment and sound insulation shall be maintained thereafter to the satisfaction of the Local Planning Authority in accordance with the manufacturers instructions and records of cleaning/replacement of filters/fans etc. shall be kept available on the premises for inspection.

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### 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 a satisfactory form of development in the interests of the character and amenity of the registered park and wider conservation area;
4. To safeguard the amenity of nearby residents; and
5. To safeguard the amenity of nearby 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 Health and Safety at Work Etc. Act 1974 will apply. The applicant is advised to contact the Environmental Health Division before services, fixtures and fittings are installed for advice on satisfying the requirements of Health and Safety Law;
4. The Food Safety Act 1990 will apply. The applicant is advised to contact the Environmental Health Division before services, fixtures and fittings are installed to the kitchen and other food rooms/areas for advice on satisfying the requirements of food safety law; and
5. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at [https://www.hastings.gov.uk/environmentalhealth/food\\_safety/businesses/foodpacks/caterers/](https://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/)

### 24.5 Flat 1, 1 Wykeham Road, Hastings

Proposal:

Conversion of existing outbuilding to summerhouse/annexe.

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Application No:	HS/FA/17/00751
Existing Use:	Garden building.
Conservation Area:	No
Listed Building	No
Public Consultation	None. The applicant is related to a Councillor

The Planning Services Manager, Mrs Evans, presented this report for conversion of existing outbuilding to summerhouse/annexe at Flat 1, 1 Wykeham Road, Hastings.

1 Wykeham Road is a large four-storey property, currently in use as flats. The outbuilding which is the subject of this application, is located adjacent the rear / western boundary of the site. Planning permission was sought to convert the outbuilding into an annexe / summerhouse to be used in conjunction with the host dwelling / flat. The internal floor space would be utilised as a bedroom / living space with a small en-suite shower. No external alterations or extensions are proposed to the building.

The Planning Services Manager advised the application had been brought to the Planning Committee for determination because the applicant is related to a councillor.

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 conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Flat 1, Wykeham Road, Hastings, TN34 1UA; and**
- 3. The development hereby permitted shall be carried out in accordance with the following approved plans:**

17.128/01

### Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**

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2. **The building is not capable of functioning as an independent dwellinghouse and to safeguard the amenity of neighbouring residents and future occupants of the building; and**
3. **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 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.**

### 24.6 Underground Car Park, Carlisle Parade, Hastings

Proposal:	Redecoration of the car park with adjustments to the existing decoration as follows: 1) Concrete wall and ceiling surfaces to be painted white to replace existing cream colour 2) Old sea wall to have decorative coatings removed back to original natural stone. 3) Removal of timber used for gutter support.
Application No:	HS/LB/17/00721
Existing Use:	Car Park
Conservation Area:	Yes - Hastings Town Centre
Listed Building	Yes
Public Consultation	None. Application on Council owned land

The Planning Services Manager, Mrs Evans, presented this report for Listed Building Consent for the redecoration of the underground car park with adjustments to the existing decoration as follows: 1) Concrete wall and ceiling surfaces to be painted white to replace existing cream colour. 2) Old sea wall to have decorative coatings removed back to original natural stone. 3) Removal of timber used for gutter support at the Underground Car Park, Carlisle Parade, Hastings.

The site is located beneath the A259 seafront road and is accessed underground from Carlisle Parade.

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The Grade II Listed Building is owned by East Sussex County Council and leased by Hastings Borough Council. In accordance with Part 8 of the Council's Constitution, this application was required to be determined by the Planning Committee because it had been submitted by Hastings Borough Council.

Members were shown plans and photographs of the application site.

Councillor Rogers proposed a motion to grant Listed Building Consent as set out in the resolution below. This was seconded by Councillor Roberts.

**RESOLVED – (Unanimously) that Listed Building Consent be granted subject to the following conditions:**

1. **The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted;**
2. **The works hereby permitted shall be carried out in accordance with the following approved plans:**  
  
**7105-01**
3. **Prior to commencement of development a detailed specification and method statement for the removal of existing paints and decorative coatings from walls, ceilings, and piers, including the method and materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be completed in accordance with the approved details; and**
4. **Prior to commencement of the development details of the paint to be used on concrete ceiling, wall and unpainted block work, including colour and manufacture, shall be submitted to and approved in writing by the Local Planning Authority. The paint shall be water-based and micro-porous.**

**Reasons:**

1. **This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;**
2. **For the avoidance of doubt and in the interests of proper planning;**
3. **To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected; and**
4. **To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.**

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### Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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.

The reason for granting this consent is:

- 1 National Planning Policy Framework Section 12 applies. The works proposed will positively enhance the designated heritage asset.

### 25. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that three planning appeals had been received; two planning appeals that had been dismissed. None had been allowed. She also reported on the number of delegated decisions.

All matters had arisen between 6 November and 1 December 2017.

The report was noted.

(The Chair declared the meeting closed at. 8.44 pm)

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# Public Document Pack

## PLANNING COMMITTEE

10 JANUARY 2018

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

### 1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Edwards.

### 2. DECLARATIONS OF INTEREST

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

Councillor	Minute	Interest
Bacon	4.2 – Discovery Playground, Old Town Hall, High Street, Hastings	Personal – Attended a meeting of Hastings Old Town Residents Association where it was mentioned, but did not take part in the discussion

### 3. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 4. OTHER PLANNING APPLICATIONS

#### 4.1 42 Beauharrow Road, St. Leonards on Sea

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
Existing Use:	Residential
Conservation Area:	No
Listed Building	No
Public Consultation	6 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for the proposed demolition of existing dwelling, erection of seven dwellings together with garages, access road and parking spaces (21) at 42 Beauharrow Road, St. Leonards on Sea.

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The site consists of a large plot for 42 Beauharrow Road extending to 0.42ha and is set at a much lower level than the adopted road from which it is served. The plot is privately accessed via an unmade access drive which slopes down from Beauharrow Road. 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.

In October 2016, outline consent was granted for 8 semi-detached houses on the site with all matters reserved with the exception of access (HS/OA/16/00321). 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.

This 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 have 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.

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

- **Condition 22: Drawings No's: Latest drawings confirmed as:**  
1706638- 200 - S5, 272400 – 01, 02d, 03a, 04 , 20f, 21c, 22d, 23c, 24e, 25e, 26f , 27g, 28e, 29a, 30, 41a.

### Report

- Page 4 – last para - clarification – ridge heights range from 8.1m to 8.55m
- Page 7 – under impact on character – 1st sentence should read 5 rather than 6 detached houses
- Page 9 – 4th para drawing number is amended to rev a.
- Condition 16: 'The development hereby approved shall be built in accordance with the Drainage Strategy set out as outlined on JMLA Drawing No. 1706638/200/S5 and within the Flood Risk and Drainage Assessment Report dated September 2017 produced by JMLA. Works associated with the Drainage Strategy shall be in place prior to first occupation of the dwellings hereby approved and thereafter retained.'

Members were shown plans and photographs of the application site.

The Planning Services Manager advised that they had sought amended plans to improve the design and move Plot 7 away from the side boundary of 44 Beauharrow Road by 60cm. She advised that 13 Category C trees will be removed to accommodate development. No objection had been received from consultees.

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Councillor Beaver sought confirmation that the stream underneath the roadway will not become blocked and cause flooding. The Planning Services Manager advised him that this was covered by Condition 26 which required a detailed Construction Environmental Management Plan. If an issue occurs she said they would inspect the site and carry out any necessary actions.

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

**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. 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;

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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;

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- (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 development hereby approved shall be built in accordance with the Drainage Strategy set out as outlined on JMLA Drawing No. 1706638/200/S5 and within the Flood Risk and Drainage Assessment Report dated September 2017 produced by JMLA. Works associated with the Drainage Strategy shall be in place prior to first occupation of the dwellings hereby approved and thereafter retained;
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:

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**1706638- 200 - S5, 272400 – 01, 02d, 03a, 04 , 20f, 21c, 22d, 23c, 24e, 25e, 26f , 27g, 28e, 29a, 30, 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; and**
- 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.**

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**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;**

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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; and
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; and
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.

#### 4.2 Discovery Playground, Old Town Hall, High Street, Hastings

Proposal: Install CCTV camera on rear external wall, facing the churchyard, and 2 motion activated solar lights.  
Application No: HS/LB/17/00845

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Existing Use:	Indoor children's playground.
Conservation Area:	Yes – Old Town
Listed Building	No
Public Consultation	Application on Council owned land.

The Planning Services Manager, Mrs Evans, presented this Listed Building application for the installation of CCTV camera on the rear external wall, facing the churchyard, and 2 motion-activated solar lights at Discovery Playground, Old Town Hall, High Street, Hastings.

The site is a prominent two-storey Grade II Listed building. Formerly used as the Town Hall and a museum, since December 2016 it is now an indoor children's playground. The building is within the Old Town Conservation Area and is also listed as an Asset of Community Value so that it can be retained as a venue of social interest.

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.

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 2017 lead from the roof has been stolen four times. The camera and lights are to be installed in the hope that this will deter any future lead thefts and protect the listed building.

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

- Since the report was written, the works to install a CCTV camera and two motion activated solar lights to the rear of the building have been completed.

It is noted the CCTV camera's location has been slightly altered following installation.

The Planning Services Manager confirmed that the cameras were directed towards the churchyard otherwise they would be ineffective.

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Councillor Scott asked if the police had been included in discussions and whether they had given advice. He also asked for reassurance that the cameras will not impact on privacy. He was advised by Cllr Street that the Police recommended the installation of CCTV following the theft of the lead.

Members were shown plans and photographs of the application site.

Councillor Rogers proposed a motion to grant Listed Building Consent as set out in the resolution below. This was seconded by Councillor Roberts.

**RESOLVED – (Unanimously) that Listed Building Consent 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; and
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; and
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; 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.

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.

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### 5. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that no planning appeals had been received; dismissed or allowed, between 4 December and 19 December 2017.

The report was noted.

(The Chair declared the meeting closed at. 6.19 pm)

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# Agenda Item 5a

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**Land to the South of Barley Lane  
Hastings  
TN35 5NX**

Outline application for the erection of 3 detached dwellings and 3 pairs of semi-detached dwellings (9 total)



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: Jan 2018

Scale: 1:1,250

Application No. HS/OA/17/00709

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 07 February 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Land to the South of, Barley Lane, Hastings, TN35 5NX  
**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

**Recommendation:** REFUSE

Ward: OLD HASTINGS  
 Conservation Area: No  
 Listed Building: No

Applicant: BBCn per WS Planning & Architecture Europe  
 House Bancroft Road Reigate RH2 7RP

**Public Consultation**

Site Notice: Yes  
 Press Advertisement: Yes - General Interest  
 Letters of Objection: 51  
 Petitions of Objection Received: 1  
 Letters of Support: 0  
 Petitions of Support Received: 0  
 Neutral comments received 0

Application Status: Not delegated - Petition received

**1. Site and Surrounding Area**

The site is located to the south of Barley Lane, comprises 0.25ha and measures 69m in width and 19.39m in depth. The site slopes up from the road towards the rear boundary. No cross section is submitted to demonstrate the change in existing land levels across the site however the Archaeological Geophysical Survey submitted in support of this application refers to the land levels ranging ‘between 62m and 68m AOD’ and the Drainage Strategy Report includes a topographical survey and notes that ‘The site falls from the south east to the north west. The levels on site vary between 68.52m AOD and 62.08m AOD’.

The site sits within an undeveloped area and is heavily overgrown with a few trees and vegetation. Barley Lane is a narrow single width road and, with some small exceptions, represents the edge of the built form within Hastings and the beginning of the Hastings County Park, although not quite within the park itself. Exceptions to this are Rocklands Caravan Park (to the south), nos. 2 to 42 Barley Lane (located towards the junction with Harold Road), Bay Tree Barn, Ecclesbourne Lodge, Glen Cottage, Gate House (to east of the site).

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 and as such their impact is relatively low key and adds to the sense of 'edge of built form'. The remainder of built form, north of Barley Lane, is set back further than nos. 25 to 31 mainly by virtue of long front or rear gardens.

Although not designated as countryside, the site, being undeveloped located adjacent to a single width lane and having regard to the above noted points regarding built form, has a very rural character which continues to the cliff edge, south of the site. None of these properties noted above impinge on this rural character, of which the site and immediate surrounding area contributes significantly.

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 footpath connects to a series of other footpaths at that point. Although submitted plans do not clearly identify the location of this footpath relative to the application site, it is located close to, and west of, the application site.

### Constraints

The site is within:

- Archaeological Notification Area 'Hastings Historic Core'
- SSSI Impact Risk Zone (relevant for residential developments of 50 or more dwellings)
- Private Open Space
- Within 600m of a playground

An extended culvert runs through the western part of the site.

An oak tree, covered by a Tree Preservation Order, is located within the site.

Further afield is:

- Old Town Conservation Area (immediately west)
- Hastings Country Park, a Local Nature Reserve (south, east and west)
- Footpath 363b (immediately west)
- High Weald Area of Outstanding Natural Beauty (AONB) (south, east and west)
- Ashdown Forest Special Protection Area (SPA)

## **2. Proposed development**

### **Description of Proposal**

The application is outline with matters of access and layout for consideration only. Appearance, landscaping and scale are all reserved and are not, therefore, considered in detail here. The application proposes the erection of 9 dwellings, 3 of which are to be detached and the remainder semi-detached. 18 car parking spaces are proposed, which would allow two parking spaces per dwelling. The mix of housing is set out in the application form as being 1 x two bedroom, 5 x three bedrooms and 3 x four + bedrooms. It is reasonable, therefore, to assume the proposed dwellings will be two-storey and the Design

and Access Statement states at paragraph 4.10, *'It is anticipated that the form of the dwellings proposed will be two-storey and of traditional design in keeping with those in the vicinity of the site.'*

The proposed layout shows each dwelling located between 5.9m and 13.5m from Barley Lane and orientated to front onto the lane. Each plot benefits from two parking spaces accessed immediately off Barley Lane. Parking spaces vary in depth from 5 to 7.5m. Rear gardens range in depth from 6m at its shortest point (plot 1) and 23.5m, gardens with the shortest depth being plots 1 and 2. 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 application is supported by the following documents:

Archaeological Geophysical Survey  
Badger Survey  
Transportation Statement  
Design and Access Statement  
Ecological Assessment  
Tree Schedule  
Design and Access Statement  
Drainage Strategy Report  
Geoenvironmental Assessment  
Heritage Statement  
Reptile Survey and Mitigation Report  
Updated Arboricultural Assessment

### **Relevant Planning History**

HS/OA/60/00497 Erection of 6 detached dwellings with garages. Refused 26/7/1960.

HS/OA/72/00288 Development for erection of private dwellings for human habitation. Refused 28/4/

HS/OA/89/00256 Erection of 12 houses and associated estate road. Refused 20/6/1989

HS/OA/03/00134 Erection of 21 houses. Refused 27/3/2003

### **SURROUNDING AREA**

HS/FA/13/00380 Demolition of 7 No. garages and erection of two detached dwellings with parking

### **National and Local Policies**

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

Policy DS1: (New Housing Development)

Policy FA5: (Strategic policy for Eastern Area)

Policy SC1: (Overall Strategy for Managing Change in a Sustainable Way)

Policy SC2: (Design and Access Statements)

Policy SC3: (Promoting Sustainable and Green Design)

Policy SC4: (Working Towards Zero Carbon Development)

Policy EN1: (Built and Historic Environment)

Policy EN3: (Nature Conservation and Improvement of Biodiversity)

Policy EN5: (Local Nature Reserves (LNR))

Policy EN7: (Conservation and Enhancement of Landscape)

Policy EN8: (Open Spaces – Enhancement, Provision and Protection)

Policy H1: (Housing Density)

Policy H2: (Housing Mix)

Policy H3: (Provision of Affordable Housing)

Policy C11: (Infrastructure and Development Contributions)

Policy CI3: (Children's Play Provision)  
Policy T3: (Sustainable Transport)

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

Policy LP1: (Considering Planning Applications)  
Policy DM1: (Design Principles)  
Policy DM3: (General Amenity)  
Policy DM4: (General Access)  
Policy DM6: (Pollution and Hazards)  
Policy HN1: (Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas))  
Policy HN4: (Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest)  
Policy HN7: (Green Infrastructure in New Developments)  
Policy HN8: (Biodiversity and Green Space)  
Policy HN10: (Amenity Green Spaces)

#### 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.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites. Where policies are considered out-of-date planning permission should be granted unless the adverse impact significantly and demonstrably outweighs the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted (paragraph 14).

Paragraph 58 of the National Planning Policy Framework States, "Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping."

Paragraph 64 of the National Planning Policy Framework States, “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

Paragraph 187 of the NPPF states that, “Local planning authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

Paragraph 197 of the NPPF states that “in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”

## **National Planning Practice Guidance (NPPG)**

### **Planning should promote local character (including landscape setting)**

Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

Paragraph: 007 Reference ID: 26-007-20140306

How should buildings and the spaces between them be considered?

### **Consider layout**

There should be a clear definition between public and private space. A buffer zone, such as a front garden, can successfully be used between public outdoor space and private internal space to support privacy and security.

Paragraph: 024 Reference ID: 26-024-20140306

### **Consider form**

Buildings can be formed in many ways, for example tall towers, individual stand alone units, long and low blocks, terraces. They can all be successful, or unsuccessful, depending on where they are placed, how they relate to their surroundings, their use and their architectural and design quality.

Paragraph: 025 Reference ID: 26-025-20140306

### **Housing design issues**

Well-designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants.

In well-designed places, affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site.

Consideration should be given to the servicing of dwellings such as the storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries. Such items should be carefully considered and well designed to ensure they are discrete and can be easily used in a safe way.

Unightly bins can damage the visual amenity of an area. Carefully planned bin storage is, therefore, particularly important. Local authorities should ensure that each dwelling is carefully planned to ensure there is enough discretely designed and accessible storage space for all the different types of bin used in the local authority area (for example landfill, recycling, food waste).

In terms of parking, there are many different approaches that can support successful outcomes, such as on-street parking, in-curtilage parking and basement parking. Natural surveillance of parked cars is an important consideration. Car parking and service areas should be considered in context to ensure the most successful outcome can be delivered in each case.

Paragraph: 040 Reference ID: 26-040-20140306

### **Design/Importance of Good Design**

Good design should:

- ensure that development can deliver a wide range of planning objectives
- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being

Paragraph: 002 Reference ID: 26-002-20140306

### **How should buildings and the spaces between them be considered? Consider Scale**

Decisions on building size and mass, and the scale of open spaces around and between them, will influence the character, functioning and efficiency of an area. In general terms, too much building mass compared with open space may feel overly cramped and oppressive, with access and amenity spaces being asked to do more than they feasibly can; too little and neither land as a resource or monetary investment will be put to best use.

Paragraph: 026 Reference ID: 26-026-20140306

## **3. Consultations comments**

**County Archaeologist: No objection** subject to conditions regarding a programme of archaeological works.

**Refuse Storage – Leisure and Amenities: no objections** provided bins can be located next to the highway.

### **Historic England: No comment**

‘We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.’

### **Highways: Objection**

The application as submitted attracts a recommendation for refusal for the following reason:

1. Due to the narrow width of the road serving the site, the car parking spaces are not set back sufficiently to enable vehicles to enter and leave the site in a safe and convenient manner. The car parking layout is, therefore, considered to be unacceptable.

I have no major concerns regarding the development in principle; however, due to the narrow width of Barley Lane the proposed layout as submitted (Drawing No. J002462 / PL 02) does not provide sufficient space for vehicles to be able to manoeuvre in and out of the parking spaces in a safe and convenient manner. This turning manoeuvre would be made more difficult by on-street parking on this stretch of road. With this in mind the proposed layout is considered to be unacceptable and I, therefore, recommend that the application as submitted is refused.

### **Note**

My concerns would be allayed and my objection withdrawn if the car parking spaces can be set back further into the site to provide additional space for vehicles to turn in a safe and convenient manner. It may also be beneficial to increase the width of the parking spaces.

Tracking drawings will be required to confirm that vehicles are able to enter and leave the site. I would not wish for the proposal to result in a loss of on-street parking in the area; the tracking drawings should therefore presume that cars will be parked on the north side of Barley Lane opposite the site

### **Planning Policy: Objection**

Comments relate primarily to the current housing land supply situation, in particular the 5-year housing land supply position, and adopted Local Plan Policies EN8 and HN10. Other Local Plan policies will also be relevant but I consider these policy areas to be central to the consideration of this application.

The applicant contends that the Council is not currently meeting its 5-year housing land supply requirement (paragraphs 1.4, 3.25, 4.2 and 6.2 of the applicants Design & Access Statement). The soon to be published, February 2018, monitoring report (Local Plan Monitoring Report (LPMR)) shows that 1,603 dwellings are capable of being completed in the next 5 years, and that this figure is meeting and indeed exceeding the Council's 5-year requirement of 1,248 units 2018-2023. The 5-year supply is thereby provided. Contrary to points made by the applicant at paragraph 3.25 of the Design & Access statement, HBC's 5-year housing land supply is not in any way linked with Rother District Council's 5-year supply. RDC's 5-year housing land position is not therefore relevant to this application. Latest monitoring data (soon to be published in the February LPMR) indicates that the 5 year supply target will continue to be met and indeed is exceeded for the 5 year period beginning 2017/18.

Given the primacy of the Local Plan as referenced within both the Planning Act and at paragraph 11 of the NPPF, in view of the fact that this is not an allocated housing site but rather is a site afforded protection under DMP Policy HN10 and that the Council is meeting its 5-year housing land supply requirement, a key consideration is therefore, to what extent the applicant has addressed the requirements of Policy HN10.

The application site lies within a wider area designated as 'Private Open Space' and is covered by DMP Policy HN10. This designation affords the site protection from development that would harm the visual, recreational, amenity or ecological value of the land unless an area equivalent in size and value is provided in the locality in compensation.

There is a long history of resisting residential development at this location in view of the area's visual and amenity value. Barley Lane itself provides a clear physical division between the urban area of Hastings Old Town and the transition to the open undeveloped countryside which leads in to Hastings Country Park. The application site is part of a wider, steeply sloping attractive open field on the south side of Barley Lane which complements the nearby Area of Outstanding Natural Beauty (AONB). I am concerned that the erection of 9 dwellings would result in a prominent development, and an unjustified encroachment and loss of open space in to what is essentially a rural location. The potential for residential development in this locality was considered by the Council as part of the Strategic Housing Land Availability Assessment (SHLAA) process, (site reference C24 in the SHLAA 2014 update) in which it was concluded that for strong landscape impact reasons, the land is not suitable for residential development. Subsequently, following on from an earlier Local Plan designation, the wider area including the application site continues to be designated as Private Open Space in the recently adopted (2015) Development Management Plan. In spite of the applicant's reference to a recent appeal decision in the locality, I do not consider that there has been any significant change here to suggest that the protection afforded by policy HN10 is unwarranted.

In summary, I consider this application to be contrary to Policy HN10 and, in view of the fact that the Council has an up-to-date and recently adopted development plan together with a 5-year housing land supply which is comfortably exceeding the 5-year requirement, I cannot support this application.

**Southern Water: Partial Objection with conditions-** 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.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of waste water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

**Environment and Natural Resources Manager: Objection**

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.

**Borough Arboriculturalist: Objection**

The preserved Oak (TPO No.291) is prominent within the landscape and offers significant amenity value. It is at present relatively young and should be expected to continue to mature conveying amenity benefits to the local environment well into the future. The development proposal must consider present and future requirements of the Oak. The arboriculturalist considers the loss of the oak would have a negative impact on the local landscape, as a result they do not support the development.

### **Conservation Officer: Objection**

This development site sits on the boundary with the Old Town Conservation Area and so potentially affects its setting. The Conservation Officer confirmed that comments on the previous application remain relevant, as summarised below.

The existing green and open aspect of this part of the conservation area setting makes a significant contribution to the general feel of this part of the conservation area and how we experience it. The landscape quality of this area provides a transition or buffer zone between the more urban development of the conservation area and Hastings Country Park beyond.

The development of housing on this site will potentially erode the green backdrop to this part of the conservation area, thus harming the setting of the conservation area. The harm caused would be less than substantial under the definitions in the NPPF.

It is therefore recommended that planning permission should be refused for this development, for the following reasons :

The proposed development will harm the setting of the Old Town Conservation Area by introducing incongruous urban development into the existing green landscape setting of the conservation area. The development would thus be contrary to the requirements of sections 131-138 of the NPPF, which relate to the need to conserve heritage assets and their setting, and also contrary to policies EN1 and HN1 of the adopted local plans.

### **Building Control: No comment received**

The developer has submitted a comprehensive drainage strategy report dated August 16 and they seem to have concluded that the site could be drained satisfactorily.

### **Environmental Health- Contamination: No Objection in principle**

Having checked the Borough's GIS system there is no known contaminated land, no comment or objection made to the proposed development.

### **Wealden District Council: Objection**

The application proposals do not consider the effect of traffic arising from the proposed development crossing the Ashdown Forest SAC, Lewes Downs SAC and Pevensy Levels SAC. A likely significant effect should 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.

## **4. Representations**

52 representations received from 47 different properties all of which object to the application. Of these representations, 1 letter is from Hastings Old Town Residents Association, 1 letter is from Old Hastings Preservation Society and 1 letter is from Friends of Hastings Country Park Nature Reserve. The groups object to the application. One petition, comprising 89 signatures has been received. The letters of objection raise the following concerns:

- Setting of precedent
- Site outside built up area

- Site is greenfield, within SSSI and is located in land designated as private open space and has considerable recreational and amenity value and is therefore contrary to Policy HN10 of the Hastings Development Management Local Plan (2015)
- Site is haven for wildlife and ecological value of the land has been harmfully affected by site clearance and will be further harmed by proposed development.
- Inaccurate Ecology survey
- Intermittent hedge due to its removal which impacted upon wildlife habitats.
- Loss of trees and shrubs
- Site forms part of the historic landscape that includes a scheduled ancient monument as set out in the Heritage Statement and the Archaeological Geophysical Survey submitted with the application.
- Site reads as part of High Wield AONB and borders the AONB and the Old Town Preservation Area, providing a protecting threshold.
- Harm to the character of Clive Vale
- Proposed development does not respect the local context or street pattern, the scale and proportions of the surrounding buildings. The development would be out of keeping with the character of the area to the detriment of the local environment,
- Historic trackway over and along the north western edge of the site has not been included in the assessment of the historic value of the site
- The site has public value by virtue of the adjacent footpath and visibility of the site which contradicts statements within the Design and Access Statement
- Heritage consultants/statement not properly considered archaeological features within the site such as the Roman encampment however are pleased to note the further investigation required by the County Archaeologist and applicant's Archaeologist
- Field is waterlogged, and the site is with known aquifers, and such lends itself to a propensity for landslips and is unsuitable for housing. Southern Water has advised that sewerage disposal cannot cope with much more.
- Development of site would lead to increased risk of flooding.
- There is no capacity in Barley Lane to accommodate the additional traffic this proposal would generate.
- Insufficient on site and street parking on Barley land to accommodate development.
- Additional traffic generated by development including deliveries would create traffic hazard to existing users including cyclists and congestion in road. Concern regarding consequential impact upon emergency vehicles.
- Barley Lane is a narrow, one way road with no footpaths and a heavily corroded surface and not suitable for caravans or heavy vehicles
- If approved conditions should be attached to control hours of construction and access for construction vehicles
- The appeal site (28-42 Barley Lane) is not comparable to the application site
- The area already has issues of parking, access and instability and seems unsuitable for further development. The area is known for landslips and subsidence.
- Site is located adjacent to narrowest part of the lane
- No contributions as below threshold however piecemeal development of wider land in same manner would mean local community don't benefit
- Parking bay opposite 25-29 Barley Lane accommodates 5 cars and will be lost as a result of the scheme
- Harm to properties and road during construction process
- Building on site would not be in keeping with the character of the surrounding rural area and would be harmful to landscape setting of the Old Town.
- Harm to scenic views harmful to tourism of Hastings
- Harm to neighbouring residential amenities by reason of overshadowing, loss of light, privacy, noise, pollution and air quality, also harmful to the surrounding environment.

- Several residents use front garden adjacent to road for leisure, as opposed to the rear garden making the impact of the proposed development more significant in respect of residential amenities
- Land sold off in over 100 parcels

The petition raises the following points:

- Site outside the area for housing in the Local Development Plan
- Site does not meet the requirements of policy HN10 and would be a severe loss of visual amenity.
- Land is unstable with several springs running through it
- Loss of parking spaces
- No road access shown on plans
- Insufficient capacity of sewerage system
- August 2016 reptile survey, carried out post scraping clean of site, shows slow worms on site and presence of adders

## 5. Determining Issues

A number of planning policy considerations will determine whether the proposed development is acceptable, these are assessed below and include: Suitability of location and development on open space, suggested layout, impact on neighbouring residential amenities, future residential amenity, heritage and archaeology impacts, contamination, land stability, ecology, highway safety/parking, housing supply/affordable and sustainability.

### a)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 reasonably sustainable location having reasonable/good access to public transport (approximately 245m to the nearest bus stops on Harold Road, close to the junction of Girth Road), shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

Although the site is located in the urban edge in policy terms, it, and land within which it sits, has a very clear and distinct rural character. As noted in the 'Site and surroundings' section of this report, Barley Lane effectively represents edge of the built form within the town and the beginning of countryside. The land provides a significant and important contribution to the rural character and appearance of the area and its development would detrimentally undermine this character and have little regard to the context of the site and pattern of development in this area. Moreover the layout, which is discussed in greater detail below, is considered to be very urban in nature, having little regard to its context, and would be more suited within an area that is already fully developed on all sides.

The site is allocated as private open space within the proposals map attached to the local plan and as such Policy HN10 of the Hastings Development Management Local Plan (2015) is relevant. This policy states that the loss of such land will only be acceptable in two circumstances:

- a - Where it can be demonstrated that it no longer has any visual, recreational, amenity or ecological value OR
- b- An area of equivalent size and value is provided in the locality in compensation.

The application does not meet the requirements of points noted above and as such is considered to be contrary to policy HN10 however, even without this, the development of this

land and its impact is considered to harmfully affect the character and appearance of the area and represent an incongruous form of urban development in this more rural location. The development is therefore considered to be contrary to all aspects of policy DM1 of the Development Management Plan in its own right. As such, even if another area of land of equivalent size and value were offered as private open space, the development of this site is still not considered to be acceptable and should be left undeveloped. It is noted, as an aside, that the proposal is made worse by its entire lack of regard to its context in that it should attempt to provide a layout which creates a gentle transition between built form and the countryside. Issues of layout are discussed in the section below.

It is noted that the site slopes upwards from Barley Lane towards the rear boundary of the site. The change in levels is approximately 6m. No cross section is submitted to show the proposed development in relation to the land levels on and adjacent to the site. As matters of appearance and scale are reserved, the cross section is not essential to the assessment of this application. Nevertheless it is clear that concerns raised above in respect of the impact development on the character of the area will only be exacerbated and made more prominent by virtue of the level changes and consequential height of the dwellings on site relative to the road and development opposite the site.

The application is therefore considered to be contrary to Policies FA5 (seeks to protect manage and enhance open spaces), SC1 (criterion i), EN1 and EN7 of the Hastings Planning Strategy (2014) and policies DM1 (all criteria), DM3 (criterion d), HN1 and HN10 of the Hastings Local Plan – Development Management (2015). The development is also considered to be contrary in this respect to:

- 1) Paragraph 58 of the NPPF which requires development to 'add to the overall quality of the area, not just for the short term but over the lifetime of the development', 'create attractive and comfortable places to live', 'respond to local character and history, and reflect the identity of local surroundings and materials' and 'are visually attractive as a result of good architecture and appropriate landscaping'.
  - Paragraph 64 of the NPPF which requires development of poor design to be refused
  - Paragraph: 007 of NPPG which requires development to promote character in townscape and landscape. Reference ID: 26-007-20140306

Reference has been made with the Design and Access Statement to an allowed appeal (APP/B1415/A/13/2210361 and HS/FA/13/00380) which permitted two dwellings on land to the rear of 28 to 32 Barley Lane. It is suggested that this appeal decision supports and justifies the development of the application site currently under consideration. The inspector notes in paragraph 4 that the site in question is clearly within the built up limits of the settlement with garages and areas of hardstanding. In paragraph 6 the inspector notes that the removal of the garages and clearance of the land would enhance the character of the conservation area at that point.

Comparing the two sites, although on the same road, there are clear differences between the two and so it is not considered that the appeal decision can justify development of the application site.

Firstly the site is located in amongst existing built form with two-storey terraced housing to the front, a row of 11 garages located on the western boundary of the site, outbuildings located within the field to the south of the site and dwellings immediately to the east, namely no. 12 Barley Lane. This makes the site's location very much within land that has been previously developed. As such its impact is notably different to the application site now under consideration in that it is not located at the end of established built form but rather in the middle of designated private open land.

Secondly the rear boundary of the site fell in line with the rear boundary of the neighbouring property, no, 12 Barley Lane and did not therefore project out of the confines of existing built up land.

Thirdly, land adjacent to the garages on site was laid as hardstanding and this was clearly visible as viewed from Barley Lane. The proposed vehicular access into the site, being in the same position, would not have therefore represented such a change to the character area. Given the buildings would partially be screened from view by the existing dwellings to the north of the site, the overall impact on the character of the area would be substantially less than that currently proposed. Furthermore the change between what is on site and what is proposed would be much more significant and have a much greater impact upon the character of the area for the application site now under consideration than the development proposed, now approved at 28-32 Barley Lane.

Finally, it is noted that the degree of soft landscaping within the approved layout and specifically on the eastern boundary would be far greater than that proposed with this application. The degree of landscaping for the 28 to 32 Barley Lane site would represent an improvement to the garages currently in situ and would provide a much needed soft setting between the built form of the site and undeveloped countryside east of that site.

#### b)Layout

Although the application is outline, it includes layout as a matter under consideration. The proposed layout should be informed by the context of the surrounding area and its character. In this case, the site being located within an undeveloped parcel of land with no development either side or to the rear, to develop the land as proposed has no regard to its context. The layout is very urban in nature with two thirds of the frontage of each plot comprising hard standing areas and presumably a pathway to the rear, the backdrop to the hardstanding being the housing itself. The continuation of this theme along the frontage of the 9 plots creates an overwhelmingly hard appearance and form. Such a layout could well be appropriate in a more urban location, but in this more rural location, would appear as an incongruous feature out of keeping with the character and appearance of the area.

Plots 1 and 9 show the built form close to the side boundaries of the application site. In order to make developments secure and provide a clear separation between public and private space, the side boundary treatments would be likely to be 2m in height and the proximity between the proposed houses and the side boundaries is such that the development would appear congested and cramped and this would harmfully affect the character of the area at this point and have little regard to the sense of space that the site and surrounding currently provides. In addition insufficient room is shown for landscaping around the site, both to the front and especially to the sides. The landscaping would be necessary to soften the impact of the site and to reflect the more spacious nature of the land within the site is located.

In light of the above the application would be contrary Policies FA5 (seeks to protect manage and enhance open spaces), SC1 (criterion i), EN1 and EN7 of the Hastings Planning Strategy (2014) and policies DM1 (all criteria), DM3 (criterion d), HN1 and HN10 of the Hastings Local Plan – Development Management (2015). The development is also considered to be contrary in this respect of:

Paragraphs 58 and 64 of the NPPF and

Paragraph 007 of the NPPG (reference ID: 26-007-20140306) - which seeks to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns,

Paragraph 26 of the NPPG (reference ID: 26-026-20140306) - which seeks that open space in and around the site should have regard to the character of the area and function and efficiency of design.

#### c) Impact on Neighbouring Residential Amenities

The only dwellings located close to the site are those opposite the site at 25 to 35 Barley Lane and nos. 48 to 54 Belmont Road. The closest distance between front elevations of the proposed dwellings and nos. 25 to 35 Barley Lane would be approximately 19.5m. The closest distance between the front elevations as proposed on site and the rear boundaries of no. 48 to 54 Belmont Road would be approximately 12m. In both cases, the distance is considered sufficient to avoid harm in terms of overlooking, outlook, daylight, overshadowing and other residential amenities. The application is therefore considered to be acceptable in terms of policy DM3 of Development Management Local Plan (2015).

#### d) Future Residential Amenities

The proposed layout appears to offer a good living environment for occupants. The scale of the development does not form part of this application and as such the size of each unit is not a matter for consideration in determining this application however for information only, the identified floor areas for plots would be below local and national policy requirements. The shortfall however is very marginal.

- Plot 1 - 2 bed 3 person (70.8sq/m) (Type A)  
This meets the national and local policy requirement and is therefore acceptable.
- Plots 2, 3, 6, 7, & 8 - 3 bed 5 person (89.6sq/m) (Type B)  
This falls below the national and local policy requirement (93m<sup>2</sup>) for a two storey dwelling.
- Plots 4, 5 & 9 - 4 bed 7 person (113.3sq/m) (Type C)  
Council policy does not refer to a 4 bed 7 person dwelling however the national standard requires a space of 115m<sup>2</sup> for a 4 bedroom/7 person two storey dwelling.

National guidance noted above refers to the 'Technical housing standards – nationally described space standard (2015) sets out national space standards' for dwellings.

#### e) Heritage

##### *Conservation Areas*

Old Town Conservation Area is located immediately west of the site and as such the proposed development has potential to affect its setting.

The Conservation Officer has objected to this application noting that the existing green and open aspect of this part of the conservation area makes a significant contribution to the setting of this part of the conservation area. Furthermore, that the landscape quality of this area provides a transition or buffer zone between the more urban development of the conservation area and Hastings Country Park beyond. The Conservation Officer states that the development of housing on this site will potentially erode the green backdrop to this part of the conservation area, thus harming the setting of the conservation area. The harm caused would be less than substantial under the definitions in the NPPF.

It is, therefore, recommended that planning permission should be refused for this development, being contrary to the requirements of sections 131-138 of the NPPF, which relate to the need to conserve heritage assets and their setting, and also contrary to policies EN1 and HN1 of the adopted local plans.

The site is located close to a Scheduled Ancient Monument and is within an Archaeological Notification Area 'Hastings Historic Core'. The application is supported by an Archaeological Geophysical Survey which concludes that,

*'the site has no potential archaeological features present, however a large portion of the site, especially along the side of the road, appears to have been contaminated, making useful results impossible to achieve with magnetometry.... archaeological features may exist below the contamination shown in Plate 4, however,.... this appears unlikely. The lack of archaeological features found during the survey does not exclude the possibility of archaeology being present, especially artefacts and discrete prehistoric activity, and it is recommended that a further programme of archaeological work is carried out to confirm the presence or absence of any archaeology.'*

Historic England has made no comment in respect of this application other than to consult with the County Archaeologist and Conservation Officer. East Sussex County Council Archaeologist also has no objection to the scheme subject to conditions regarding a programme of archaeological works. As such the application is considered acceptable in this respect and in accordance with the relevant policies in the local plan.

#### f)Contamination

No contamination identified on the site, no objection from Environmental Health.

#### g)Land Stability

The application is supported by an initial Geoenvironmental assessment produced by an engineering company to look at the issue of land stability. The report is not in depth and is based on information provided by geological mapping on the British Geological Survey website. The statement concludes that an engineering solution could be achieved to ensure ground stability. Given the advice is provided by the relevant professional some weight should be afforded to it. However, the report is not in depth and appears to be a desk top assessment. In light of possible drainage issues on site, it is considered that had the application been acceptable in other respects, further information would have been required to investigate the impact of land stability arising from the site specific drainage issues and in this particular instance such information would have been deemed necessary prior to the issue of consent to be satisfied that development as proposed was possible.

#### h)Ecology

The application is supported by an Ecological Assessment (March 2016), Badger Survey (March 2016) Reptile Survey and Mitigation Survey (August 2016) all by David Archer Associates. The report is a desk based study and notes the site has been recently disturbed and states,

*'The site lies approximately 100m from European and nationally designated sites; Hastings Cliffs Special Area of Conservation, Hastings Cliffs to Pett Beach Site of Special Scientific Interest and Hastings Country Park Local Nature Reserve. Important ecological features identified on, adjacent or near to the site are statutory designated sites, scrub habitat and badger. There is potential for other important ecological features on, adjacent or near to the site including reptiles, dormouse, nesting birds and small mammals.'*

The report recommends a badger survey is carried out and further consideration in respect of dormice may be required. *Protection Measures* such as method statement is

recommended and *Biodiversity Enhancements* once details of the proposal are known, biodiversity enhancement features should be incorporated.

The report also noted that the time of year at which the survey was carried out was suboptimal for identifying botanical species of note. As such, *'the survey is not able to record plants or animals that may appear on the site at other times of the year and were therefore not evident at the time of the survey.'*

It is noted that the report's assessment of the suitability of habitat for dormice being limited could be affected by the site's recent clearance and as recommended by the report, further assessment in this respect could be needed.

The Environment and Natural Resources Manager has objected to this application noting that 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.

#### i) Highway Safety/Parking

The proposed development shows 18 car parking spaces to serve the 9 dwellings which would equate to two parking spaces per dwelling. The parking spaces would be located directly adjacent and at right angles to Barley Lane and as such no dedicated access road is proposed to serve the development.

The County Highways Officer has objected to the application noting that whilst development of the site for housing is acceptable in principle from a highways perspective, the proposed layout is unacceptable. This concern arises from the depth and width of the proposed parking spaces which are not sufficient to allow vehicles to enter and leave the site in a safe and convenient manner given the limited width of Barley Lane at this point. The car parking layout is therefore considered to be unacceptable. The officer also notes concern in respect of the loss of on street parking.

As the application is considered unacceptable on other grounds, amendments have not been sought to address the highway officer's concerns. It is noted however, that the additional hardstanding that would be created as a result of the suggested amendment would exacerbate concerns raised above in respect of the degree of hardstanding on site, the urban character it would bring and the inappropriate contrast it would create in respect of its more rural and greenfield context.

#### j) Housing Supply

Policy DS1 of the Hastings Planning Strategy Local Plan (2014) identifies a housing target of 3,400 houses to be provided in the plan period, 2011 to 2028. The applicant considers that the Council is not currently meeting its 5-year housing land supply requirement and as such considers that this is justification to allow the proposed development.

Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. The policy states that where local planning authority cannot demonstrate a five year supply of deliverable sites planning permission should be granted unless the adverse impact significantly and demonstrably outweighs the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted (paragraph 14). As set out earlier in this report, the proposed development is considered to be unacceptable on a number of grounds which outweigh the benefits of providing additional housing. Nevertheless, the Council has demonstrated through the February 2018 monitoring report (Local Plan Monitoring Report (LPMR)) that 1,603 dwellings

are capable of being completed in the next 5 years and that this figure is meeting and indeed exceeding the Council's 5-year requirement. The 5- year supply is thereby provided.

Contrary to points made by the applicant at paragraph 3.25 of the Design & Access statement, HBC's 5-year housing land supply is not in any way linked with Rother District Council's 5-year supply. RDC's 5-year housing land position is not therefore relevant to this application.

Latest monitoring data (soon to be published in the February 2018 LPMR) indicates that the 5-year supply target will continue to be met and indeed is exceeded for the 5-year period beginning 2017/18. Completions are currently projected at 1,603 units, which is over and above the requirement of 1,248 units for the 5-year period 2018-2023.

#### k)Affordable Housing and other contributions

The application is for 9 dwellings and does not exceed the threshold set out in the National Planning Policy Framework for taking of contributions or provision of affordable housing. As such no contributions are required and the application is considered acceptable in this respect.

#### l)Sustainable Construction

No information is provided to show how the proposed development would comply with policies SC3 and SC4 which promote sustainable and green design and reduce the carbon footprint however this application is outline only and such matters would be dealt with in a reserved matters application.

#### m)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 pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

#### n)Screening of Application under Habitats Regulations 2010 - Impact of Development on Ashdown Forest Special Area Conservation ( SAC)

The proposed development is located approximately 39 km from the Ashdown Forest Special Area of Conservation (SAC), 38.5 km from the Lewes Downs SAC and 13 km from the Pevensy Levels SAC. The proposal is not directly connected with or necessary to the management of the Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and the Pevensy Levels SAC and, therefore, it is necessary to determine if the proposal has a likely significant effect on those special areas of conservation. As such an Appropriate Assessment has been undertaken to consider the impact of the proposed development. No evidence has been provided by the developer in respect of this matter. Had the application been recommended for granting permission, the applicant would have been invited to submit additional evidence. As the application is recommended for refusal this has not been progressed. The findings of the appropriate assessment are that it is not possible to conclude the development will not result in nitrogen disposition from additional vehicle movements as a result of the proposed development.

## 6. Conclusion

The application is recommended for refusal:

The proposed development is considered to be out of keeping with and harmful to the character and appearance of the area, introducing an incongruous and urban form of congested overdevelopment that does not have sufficient regard to its context. The proposed development would result in the loss of a designated private open space that positively contributes to the character and amenity of the area. The loss of this private open space and the poor design associated with the proposed development is considered to harm the character of the immediate area and the setting of the Old Town Conservation Area. The application is therefore considered to be contrary to Policies FA5 (seeks to protect manage and enhance open spaces), SC1 (criterion i), EN1 and EN7 of the Hastings Planning Strategy (2014) and policies DM1 (all criteria), DM3 (criterion d), HN1 and HN10 of the Hastings Local Plan – Development Management (2015). The development is also considered to be contrary in this respect to:

- Paragraph 58 of the NPPF which requires development to ‘add to the overall quality of the area, not just for the short term but over the lifetime of the development’, ‘create attractive and comfortable places to live’, ‘respond to local character and history, and reflect the identity of local surroundings and materials’ and ‘are visually attractive as a result of good architecture and appropriate landscaping’.
- Paragraph 64 of the NPPF which requires development of poor design to be refused
- Paragraph: 007 of NPPG which requires development to promote character in townscape and landscape. Reference ID: 26-007-20140306

The proposed layout would not allow vehicles to enter and leave the site in a safe and convenient manner. The car parking layout is therefore considered to be contrary to policies DM4 of the Hastings Local Plan – Development Management (2015).

The proposed development would result in the loss of an Oak tree subject of a Tree Preservation Order (291). The preserved Oak is prominent within the landscape and offers significant amenity value. It is at present relatively young and should be expected to continue to mature conveying amenity benefits to the local environment well into the future. The loss of this tree would harmfully affect the character of the area and is therefore considered unacceptable. The application is therefore contrary to policy EN3 of the Hastings Planning Strategy (2014).

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).

Insufficient information has been submitted in order to assess whether proposed development would harmfully affect protected species. The application is therefore contrary to policies HN8 and HN10 of the Hastings Local Plan – Development Management (2015) and policy EN3 of the Hastings Planning Strategy (2014).

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

## 7. Recommendation

### Refuse for the following reasons:

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 countryside 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 harm the setting of the Old Town Conservation Area by introducing incongruous urban development into the existing green landscape setting of the conservation area. The development would thus be contrary to the requirements of sections 131-138 of the NPPF, which relate to the need to conserve heritage assets and their setting, and also contrary to policies EN1 and HN1 of the adopted local plans.
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.

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.

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**Officer to Contact**

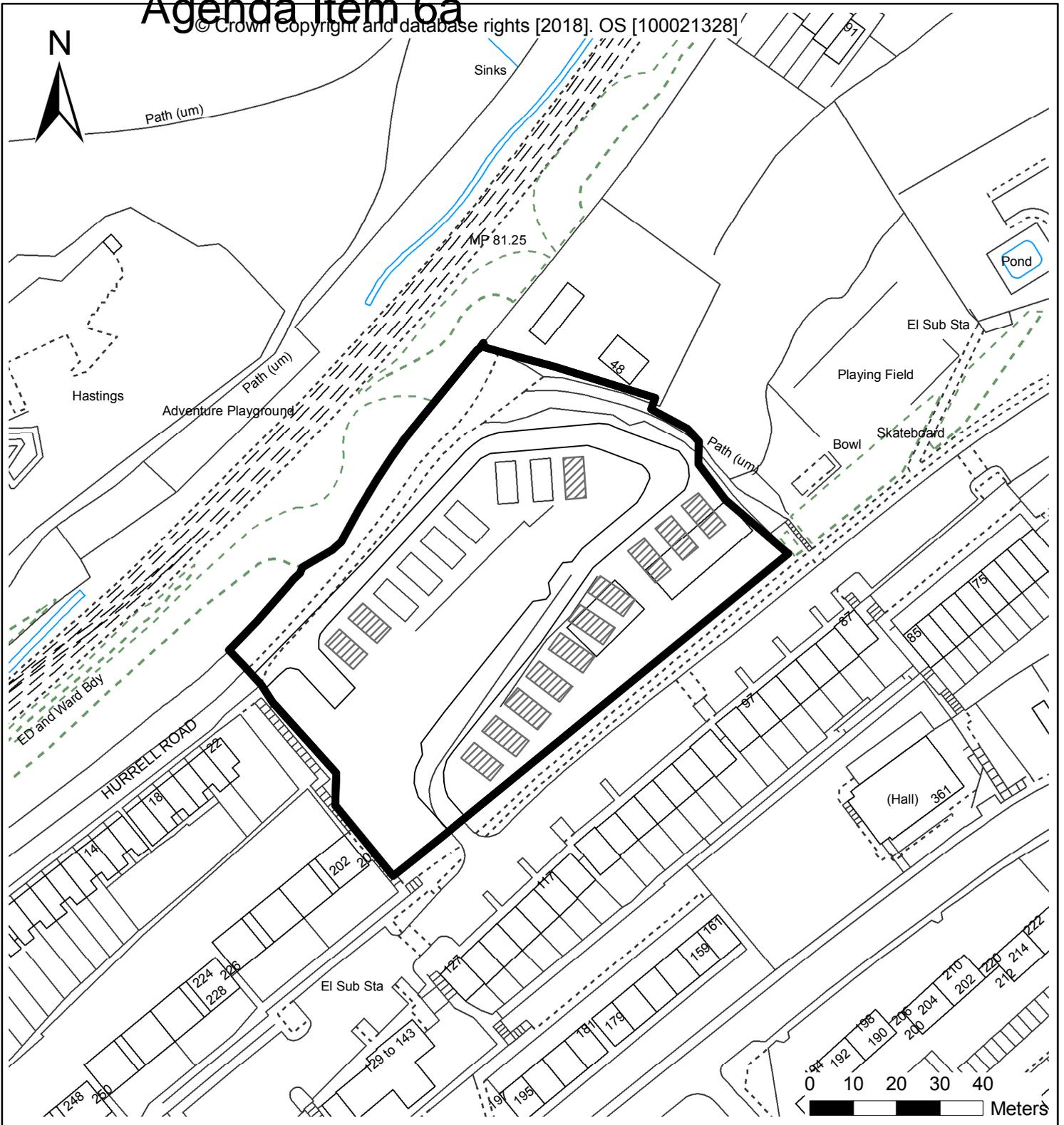
Mr P Arthurs, Telephone 01424 783275

**Background Papers**

Application No: HS/OA/17/00709 including all letters and documents

# Agenda Item 6a

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**Former Ore Business Park  
Farley Bank  
Hastings  
TN35 5QA**

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.



Assistant Director Housing & Built Environment  
Hastings Borough Council,  
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Date: Jan 2018

Scale: 1:1,250

Application No. HS/FA/17/00798

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 07 February 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Former Ore Business Park, Farley Bank,  
Hastings, TN35 5QA  
**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

**Recommendation:** Grant Full Planning Permission

**Ward:** TRESSELL  
**Conservation Area:** No  
**Listed Building:** No

**Applicant:** Mr & Mrs Harding and Sacker per Lewis and Co  
Planning SE Ltd Lewis & Co Planning 2 Port Hall  
Road Brighton BN1 5PD

**Public Consultation**

**Site Notice:** Yes  
**Press Advertisement:** Yes - General Interest  
**Letters of Objection:** 7  
**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**

**Description of site**

The site comprises a steeply sloping area of land served by an access road which zig zags down from Farley Bank to Hurrell Road. The site was previously occupied by single storey

industrial units these have been demolished. Phase 1 of the approved application (Units 11-19) has been completed. It is understood that approximately 7 of the 9 units are now occupied. 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 that would be considered usable to domestic traffic.

To the south-est and north-ast are residential properties in Farley Bank and Hurrell Road.

To the south-west at the upper level is an area where residential flats have been demolished; there was a previous planning permission for new residential development on this site. A little further away to the north east is a road leading from Frederick Road that was constructed by SeaSpace as an early stage of the development of the area, but which has not been further developed.

## **Background**

Permission HS/FA/13/00177 permitted the erection of 19 dwellings at Ore Business Park. The first phase of the development (units 11 to 19) is considered complete, 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. The applicant wishes to commence works to the remaining units 1-10. The occupation and delivery of the remaining units on the site is dependent on amending conditions to allow the phasing of the scheme and permit temporary access to the site from Hurrell Road to the north. The applicant has advised that the funding of the second phase of works is dependent on the release of capital from Phase 1 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 some disruption during the construction phase of the project.

## **2. Proposed development**

### **Description of proposal**

Permission HS/FA/13/00177 permitted the erection of 19 dwellings at Ore Business Park. The planning permission is subject to a number of planning conditions; three of these conditions require discharging prior to occupation of the approved dwellings. These are:

4 – Soft Landscaping

6 – Hard Landscaping

7 (ii and iii) – Provision of drainage facilities

The first phase of the development (units 11 to 19) has now been completed and contracts are in place to start works on Phase 2 (units 1 to 10). Funding for Phase 2 is predicated on the sale of units in Phase 1 so conditions 4, 6 and 7 (ii and iii) require amending to reflect the fact that Phase 1 will be occupied prior to the completion of the whole development. As the amendment of the conditions will result in the generation of a new decision notice, a draft Section 106 agreement is also provided.

Phase 2 of the development involves: the erection of the 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 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).

Construction work for Phase 2 is ready to commence, however, funding of Phase 2 is dependent on the pre-sale of the 9 houses in Phase 1 (units 11 to 19). 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 from Hurrell Road and a new s106 to provide an open space and play area prior to the occupation of units 1-10. The applicant has not provided a construction timetable to confirm the build timetable or when the temporary access will be closed off.

### **Relevant Planning History**

- HS/FA/13/00177 Erection of 19 dwellings, car parking, new access route, play area and landscaping, subject to a legal agreement to provide play areas and open space prior to occupation.
- HS/FA/11/00460 Redevelopment of site to provide 37 residential units with car parking, refuse storage and open space. Resolved to be approved subject to a legal agreement 12 October 2011 but later Withdrawn 11 February 2013
- HS/FA/10/00078 Redevelopment of site to provide 48 residential units with car parking, cycle parking, refuse storage and open space. Refused 10 June 2010

### **National and Local Policies**

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

- DS1 - New Housing Development
- SC1 - Overall Strategy for Managing Change in a Sustainable Way
- SC3 - Promoting Sustainable and Green Design
- SC4 - Working Towards Zero Carbon Development
- EN3 - Nature Conservation and Improvement of Biodiversity
- 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**. In principle the variation of conditions 4, 6 and 7 of planning application HS/FA/13/00177 are considered acceptable; however, concern is raised in relation to how access to units in Phase 1 (11 to 19) will be achieved during the remainder of the build. It is noted that bollards are in place allowing only emergency access to Hurrell Road (unadopted public highway). If this access is to be utilised for a temporary period this would need to be detailed with measures to accommodate turning whilst the remaining units and highway works are complete. The highway works fronting units 11 to 19 would also need to be completed prior to occupation with routing for units 1 to 10 maintained solely via Farley Bank. Once the works are complete the sole means of vehicles access shall be via Farley Bank, apart from in an emergency access. Modification to plan and clarification on access to Phase 1 and 2 requested. These have now been submitted, Plan No. BC-284-03-L.

Waste Services - **No Objection** – provided measures to manage on-street parking are in place.

Southern Water – **No objection**

Estates Services - **No comments received**

Environment Health - **No objection**.

Borough Arboriculturist- **No objection**.

Building Control – **No comments received**.

### **4. Representations**

7 representations received from 6 different properties and from Cllr Chowney.

The 7 representations were objecting to the proposals on the following grounds:

- The primary concern is in relation to the impact on the unadopted access route, Hurrell and Broomgrove Road, the road is maintained by local residents and the developer does not contribute to this.
- Negative impact of development on condition of Hurrell and Broomgrove Road as a result of increased volume of traffic from new residents' vehicles and from construction traffic.
- Developer has ignored restrictions required in relation to access, volume and times of construction related operations to reduce impacts. No guarantee this will not continue.

- No restrictions to prevent construction traffic from entering Hurrell Road through the site.
- New access will encourage anti-social behaviour as witnessed by recent fire.

## 5. Determining Issues

The following other constraints have been identified:

- Access and highways impacts.
- Landscape impacts
- Delivery of scheme

### a) 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.

The principle of residential development on the site has been accepted when the scheme was approved, the main considerations are, therefore, access to and within the site, impact upon neighbouring residential amenities, parking restrictions and how the phasing can be managed and the timetable for the completion of the scheme.

The occupation of Units 11-19 is in breach of the extant planning permission, as Conditions 4, 6 and 7 required the development to be completed in one phase prior to the occupation of any dwelling.

### b) Access, parking and highway safety matters

Highways have been consulted in relation to the phasing proposal and request to allow temporary access to the new units in Phase 1 (11 to 19). The temporary access at this northern point was considered acceptable provided the turning head identified on Plan BC-284-03-L is provided along with measures to restrict on street parking to allow waste vehicle movements. The highway works fronting units 11 to 19 would also need to be completed prior to occupation with routing for units 1 to 10 maintained solely via Farley Bank.

A barrier to prevent construction traffic moving from Phase 2 to Phase 1 should be provided by unit 11 (an updated plan has been submitted to accommodate this - BC-284-03-L.).

Once the works are complete, bollards shall be erected at Hurrell Road so that the sole means of vehicles access shall be via Farley Bank, apart from in an emergency access. Modification to plan and clarification on access to Phase 1 and 2 requested, provided in updated plan BC-284-03-L.

### c) Impact on neighbouring residential amenities

The proposed amendment will permit residents of the new properties 11-19 access via Hurrell Road, for a temporary period until Phase 2 is complete and the internal road operational. This will have impacts on the residents in terms of noise and disturbance and the condition of the road as this is unadopted. Highways have not raised any objection to the additional level of vehicle traffic and its impacts on Hurrell and Broomgrove Road.

If the residents of the new properties are not permitted access to the site and their parking areas, it is reasonable to assume that they will simply park their cars on Hurrell Road and gain access to their homes on foot. This would add to additional parking stress on Hurrell Road and exacerbate the situation.

In order to minimise the impact on existing residents, the developer will place a barrier within the site by unit 11, identified on Plan BC-284-03-L, this will restrict all construction traffic to access off Farley back.

A condition will also be applied to time-limit the amendment to 24 months to ensure Phase 2 is built out quickly and any ongoing disturbance to residents limited. Provision is made within the s106 Legal Agreement to ensure the applicant undertakes a photographic condition survey of Broomgrove and Hurrell Road and that all necessary repairs, agreed in writing with the Planning Authority, are undertaken within 1 month of the access to Hurrell Road being closed.

#### d) Other

The applicant has experienced technical and operational issues in relation to the delivery of the site; the original intention to build the site out in one phase has not been possible. The applicant has requested that the planning authority take a pragmatic view on the temporary access arrangements to support the final phase of delivery for the scheme. The Council's planning policies support the delivery of housing; the failure to deliver a comprehensive scheme is not considered desirable, but the Local Planning Authority must balance this against the impact on the amenity of residents on Hurrell and Broomgrove Road.

#### e) Screening of Application under Habitats Regulations 2010 - Impact of Development on Ashdown Forest Special Area Conservation ( SAC).

This application relates to an extant consent and will not in itself generate additional traffic movement. An appropriate assessment is not therefore required in this instance.

## **6. Conclusion**

It is considered that through the use of a condition to time restrict the proposed access from Hurrell Road to Units 11-19 of the application site and provision within the s106 agreement to undertake reasonable repairs to Hurrell Road, the impact on residents and will be managed. On planning balance the application is, therefore, recommended for approval subject to conditions.

### **Condition 4**

This condition currently states:

All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

This to be amended, new Condition 1 so that it reads (amended text in bold):

All planting seeding or turfing comprised in the approved soft landscaping scheme shall be **carried out in the first planting and seeding seasons following the completion of the development. "Completion of the development" is defined as the first sale or occupation of any unit within units 1 to 10 of the approved scheme.** 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.

### **Condition 6**

This condition currently states:

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.

This condition to be amended, new condition 2, so that it reads (amended text in bold):

All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out **prior to the first sale or occupation of any unit within units 1 to 10 of the approved scheme.**

### **Condition 7 (ii and iii)**

Note that condition 7(i) stated:

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.

The details required under condition 7(i) have been approved under local planning authority reference HS/CD/16/00670. Works approved under 7(i) have been carried out insofar as they impact on phase 1 of the development (units 11 to 19), and this is confirmed with the Building Regulations approval (see Appendix 1 of submission letter).

Conditions 7 (ii and iii) state:

(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.

On the basis that the drainage for Phase 1 has already been installed (as evidenced by the Building Regulations approval), Conditions 7 to be amended, new condition 3, to read (amended text in bold):

(i) Development of units 1 to 10 shall be carried out in accordance with the details approved under local planning authority reference HS/CD/16/00670 and no occupation of units 1 to 10 shall occur until those works have been completed.

(ii) No occupation of units 1 to 10 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.

## **Section 106 Agreement**

The original planning permission was subject to a Section 106 Agreement that dealt with the provision and future management of the play area located close to the side to unit 1.

The variation of conditions 4, 6 and 7(ii and iii) will generate a new decision notice with a new reference number. As the original Section 106 did not include provision for it to be binding on Section 73 permissions for variation of planning conditions, a new Section 106 is proposed to tie in with the revised consent and include provision to undertake agreed repair works to Hurrell Road.

A draft Section 106 is included with the application documents. Schedule 1 ("The Owners Obligations") is amended to reflect the phased nature of the development and the requirement to undertake agreed repairs to Broomgrove and Hurrell Road.

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**

Resolution to Grant Permission

A) That the Planning Services Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure a play area and open space and highway repairs on Hurrell Road. In the event that the Agreement is not completed by 7<sup>th</sup> March 2018 that permission be refused on the grounds that the application does not comply with policies DM1, DM3, DM4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to A) above:

Grant Full Planning Permission subject to the following conditions:

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

1. All planting seeding or turfing comprised in the approved soft landscaping scheme, approved under planning permission HS/CD/16/00507 updated HS/CD/17/00836, shall be carried out in the first planting and seeding seasons following the completion of the development. "Completion of the development" is defined as the first sale or occupation of any unit within units 1 to 10 of the approved scheme. 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.

2. All hard landscape works shall be carried out in accordance with the approved details, approved under planning permission HS/CD/16/00507 updated HS/CD/17/00836. The works shall be carried out prior to the first sale or occupation of any unit within units 1 to 10 of the approved scheme.
3. (i) Development of units 1 to 10 shall be carried out in accordance with the details approved under local planning authority reference HS/CD/16/00670 foul sewerage and surface water and no occupation of units 1 to 10 shall occur until those works have been completed.  
(ii) No occupation of units 1 to 10 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.
4. Temporary protective fences to safeguard the trees and/or hedges to be retained on the site for Phase 2 works 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.
5. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.
6. The development shall be carried out in accordance with the approved details for the new estate road, approved under planning permission HS/CD/16/00929 updated HS/CD/17/00836. The new estate road will be completed and fully operational within two years of the award of this consent, at the time the new road is operational the barrier restricting access to Hurrell Road to emergency vehicles only will be installed and maintained as such by the freehold interest of the estate.
7. The development will be carried out in accordance with the approved Traffic Management Scheme, approved under planning permission HS/CD/16/00900.
8. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads. The

development shall be carried out in accordance with the details approved under planning permission HS/CD/16/00900.

9. Development shall be carried out in accordance with the approved external building surface details, approved under planning permission HS/CD/17/00155 and HS/CD/15/00887.
10. The parking and garden areas for each plot shall be provided in accordance with the approved plans, approved under planning permission HS/CD/16/00507.
11. The Public Right of Way (Hastings 251) shall remain clear and unobstructed at all times during construction of the development, unless otherwise approved in writing by the Local Planning Authority.
12. Any damage caused to the Public Right of Way referenced in condition 11 above as a result of any construction of the site shall be put right and all Rights of Way markings and furniture shall be retained during construction unless otherwise approved in writing by the Local Planning Authority.
13. No materials shall be stored on the land forming the Public Right Of way referenced in condition 11 above unless otherwise approved in writing by the Local Planning Authority.
14. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
Y048 G 001; 002; 003A; 004A; 005; 006; 007; 008; 009; 010; 011; 012; 013; 014, 017  
BC-284-03-L - Site Layout Temporary Arrangement to allow phasing.
15. The development will be constructed in accordance with the details approved under planning permission HS/CD/16/00301, regarding contamination on the site.

**Reasons:**

1. In the interests of the visual amenity.
2. In the interests of the visual amenity.
3. To prevent increased risk of flooding.
5. To safeguard the amenity of adjoining residents.
6. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety. To ensure amenity of residents of Hurrell Road is protected.
7. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.

8. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
10. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
11. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
12. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
13. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
14. For the avoidance of doubt and in the interests of proper planning.
15. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.

#### **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 drainage associated with wastewater or sewage must be separate to, and not connected with, surface water drainage unless otherwise approved. Drainage misconnections can pollute rivers and beaches in Hastings. You must ensure that drainage from your properties does not cause pollution. Enforcement action could be taken to resolve this under the Building Act 1984. Drainage misconnections for new development which allow or cause pollution would also be contrary to Building Regulations. You are advised therefore to check your property is connected correctly and any plans for additional drainage connect to the correct foul or surface water system. You can get further advice on identifying your drainage and repairing misconnections at <http://www.connectright.org.uk/>.
4. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

**Officer to Contact**

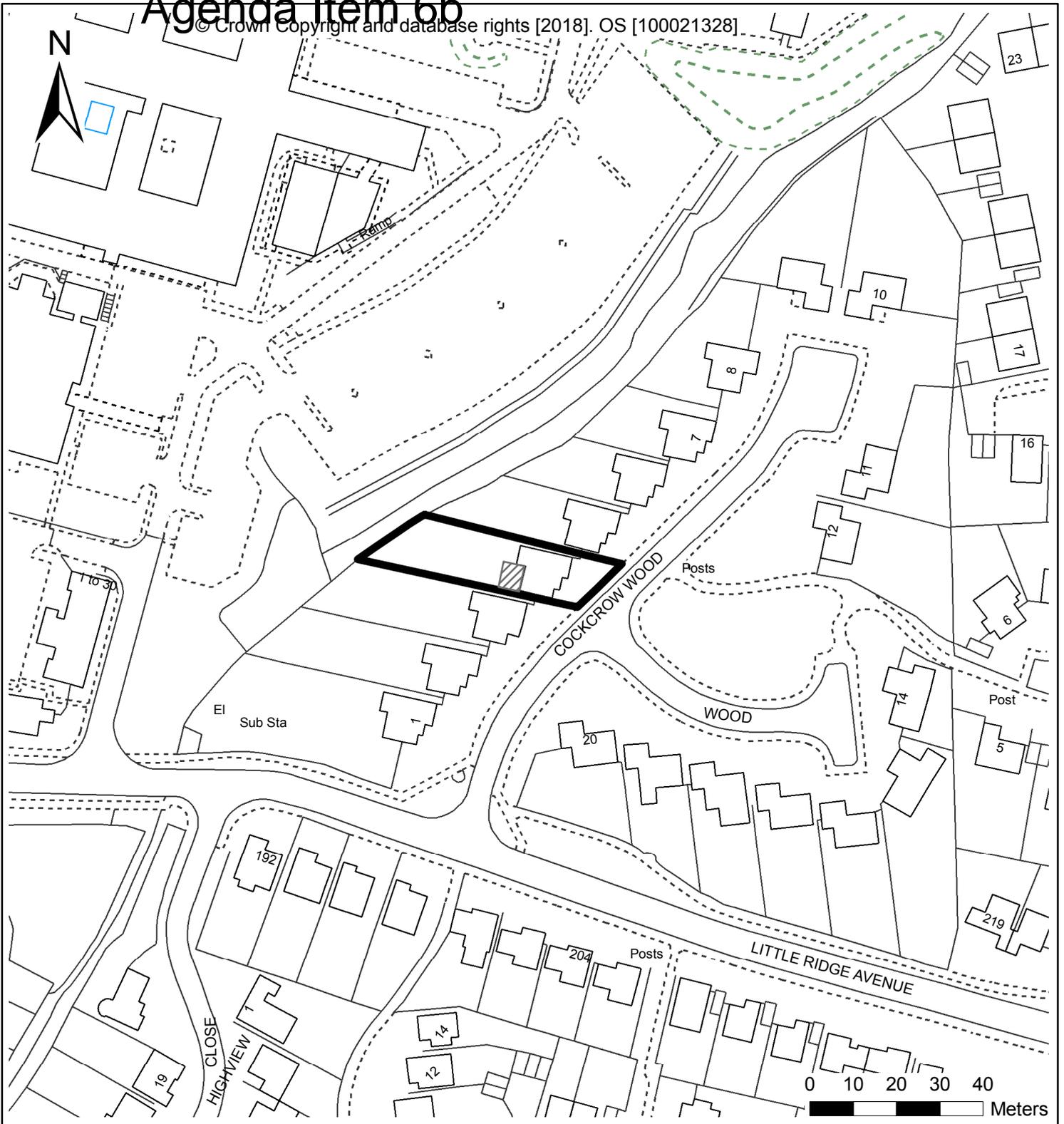
Mr P Arthurs, Telephone 01424 783275

**Background Papers**

Application No: HS/FA/17/00798 including all letters and documents

# Agenda Item 6b

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**4 Cockcrow Wood  
St Leonards-on-sea  
TN37 7HW**

Single storey rear extension to enlarge kitchen & dining area



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

Date: Jan 2018

Scale: 1:1,250

Application No. HS/FA/17/00963

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 07 February 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 4 Cockcrow Wood, St Leonards-on-sea, TN37 7HW  
**Proposal:** Single storey rear extension to enlarge kitchen & dining area  
**Application No:** HS/FA/17/00963

**Recommendation:** Grant permission

Ward: CONQUEST  
 Conservation Area: No  
 Listed Building: No

Applicant: Mr & Mrs Bourne & West per Mr Whiting MCIT 6  
 Salvington Crescent Bexhill on Sea East Sussex  
 TN39 3NP

**Public Consultation**

Site Notice: Yes  
 Press Advertisement: No  
 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 by serving employee in restricted post

**1. Site and Surrounding Area**

The application site relates to 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.

Constraints  
 SSSI Impact Risk Zone

## 2. Proposed development

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.

### Relevant Planning History

HS/FA/09/00207 - New front porch with lean-to pitched roof extending across existing adjacent garage – Granted

### National and Local Policies

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

Policy FA2 - Strategic Policy for Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

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

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

#### 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.

## 3. Consultations comments

**Tree Officer:** No objections

## 4. Representations

No representation received.

## 5. Determining Issues

The key determining issues are the design and impact on the host property and surrounding area, impact on neighbour amenity and, impact on trees.

### 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) Impact on Character and appearance of area

The proposal relates to a single storey low level extension which would be discreetly located at the rear of the house. The extension would form a subordinate addition and would not overwhelm the host property. Glimpses of the extension would be afforded through the gap between the application house and neighbouring property. Due to the distance set back from the road, subordinate scale and matching materials, the extension would not have an unacceptable presence on the streetscape or surrounding area.

The extension would not have an excessive footprint relative to the size of the plot and a sufficient amount of private garden would be retained.

#### c) Neighbour amenity

The extension would be set in from the boundary shared with 5 Cockcrow Wood and would not have a detrimental amenity impact on this property as a result. The extension would be located adjacent the two-storey flank wall of 3 Cockcrow Wood and would be set in 1.2m from the shared boundary. There are no ground floor openings in the north facing flank wall of no.3 and the extension would not have a detrimental amenity impact on this property as a result.

The extension would be single storey with rear windows facing towards the rear garden and a side window facing towards the northern / side boundary shared with 5 Cockcrow Wood. The side window facing the northern boundary would give rise to additional views into the neighbours rear garden therefore a condition is recommended to secure a new section of trellis or fence above the existing boundary fence immediately opposite the proposed side window. The windows in the rear elevation of the extension are not considered to result in any unacceptable loss of privacy to the neighbouring properties.

Overall the proposed extension, by reason of the siting, height, scale and design, would not result in any unacceptable amenity impacts on the neighbouring properties in terms of loss of light, outlook or privacy.

(Condition 5 is relevant)

#### d) Trees

The proposal is supported by an arboricultural report which indicates that the extension would be sited a sufficient distance from the TPO trees at the rear of the site and trees would be protected during the construction. The proposal would not impact on any protected trees as a result. The tree officer does not object subject to tree protection conditions.

(Condition 4 is relevant)

#### e) 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 pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

#### f) Highway Safety/Parking

The proposal would not affect the existing parking and access arrangements at the front of the site.

## g) Screening of Application under Habitats Regulations 2010 - Impact of Development on Ashdown Forest Special Area Conservation ( SAC)

The proposed development is located approximately 35.5 km from the Ashdown Forest Special Area of Conservation (SAC), 36.5 km from the Lewes Downs SAC and 11.5 km from the Pevensey Levels SAC. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensey Levels or Lewes Downs SACs and therefore it is necessary to determine if the proposal has a likely significant effect on the conservation objective or special integrity of the SACs.

In this instance the proposal will result in an increase in the ground floor living area and will create a kitchen / dining room extension. The increase in living area that is proposed is not directly related to increasing the size of the household or the number of households and, therefore, it is considered that the development will not increase the traffic movements generated by the household. The impact on the Ashdown Forest SAC in respect of nitrogen deposition as a result of this application, in combination with other relevant development, will remain unchanged. As such an Appropriate Assessment to consider whether the development could give rise to nitrogen deposition on the SACs is not is not considered necessary in this instance.

## **6. Conclusion**

The proposal would be discreetly located at the rear of the house and would form a subservient addition to the host property. There would be no detrimental impact to neighbour amenity, TPO trees or highways safety and the proposal would be in accordance with policy DM1 and DM3. It is therefore recommended that permission be granted 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 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. 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.
5. No development shall take place above ground until details of a new section of fence / trellis to be erected above the existing fence on the north boundary have been submitted to and approved in writing by the Local Planning Authority. The approved boundary details shall be erected before the extension is occupied.

**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.
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.
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.

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**Officer to Contact**

Mr A Jolly, Telephone 01424 783250

**Background Papers**

Application No: HS/FA/17/00963 including all letters and documents



# Agenda Item 7

Agenda Item:

<b>Report to:</b>	Planning Committee
<b>Date:</b>	7 February 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 19 December 2017 to 26 January 2018
<b>Recommendations:</b>	That the report be noted

**The following appeals have been received:**

Nothing to report

**The following appeals have been dismissed:**

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec.</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
HS/FA/17/00329 585 Bexhill Road, St Leonards On Sea, TN38 8AX	Two storey extension	Refuse Planning Permission	DELEGATED	PLANNING
HS/FA/17/00663 180 Elphinstone Road, Hastings, TN34 2BN	First floor side extension	Refuse Planning Permission	DELEGATED	PLANNING

**The following appeals have been allowed:**

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec.</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
HS/FA/17/00410 Joe White Television 51-53 Sedlescombe Road North, St Leonards On Sea, TN37 7DA	Retrospective change of use from A1 (retail) to C3 (residential)	Refuse Planning Permission	DELEGATED	PLANNING
HS/PA/17/00466 2 Silchester Mews, rear of 7 Silchester Road	Conversion of part of the lower & ground floor from existing warehouse (B8 Classification) to 6 apartments	Prior approval works not PD	DELEGATED	

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
General PD (Approval)	1
Granted Permission	76
Refused Permission	12
Self Certificate - Permitted	1
Withdrawn by Applicant	2

**Background Papers:**

Various correspondences with Planning Inspectorate

**Report written by:**

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