

PLANNING COMMITTEE

20 JUNE 2018

Present: Councillors Roberts (Chair), Scott (Vice-Chair), Beaver, Edwards, Bishop, Cox, Davies, Marlow-Eastwood, O'Callaghan and Turner

32. APOLOGIES FOR ABSENCE

Lateness was noted for Councillor Marlow-Eastwood.

33. DECLARATIONS OF INTEREST

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

Councillor	Minute	Interest
Beaver	6 – 14-16 Harley Way, St. Leonards on Sea	Personal Interest – attended meetings where this item was discussed, gave no opinion on the site but did give information about the planning process.
Beaver	7 – Land rear of 419-477 Bexhill Road, St. Leonards on Sea	Personal Interest – attended meetings where this item was discussed, gave no opinion on the site, but did give information about the planning process.
Beaver	8 – Former The St. Leonards Academy Darwell Campus, Darwell Close, St, Leonards on Sea	Personal Interest – Spoke on behalf of residents regarding this development as Ward Councillor in 2016 when it previously came before the Planning Committee. Confirmed he has given no opinion and retained an open mind on the application. ESCC involved, but had no dealings from the County side.
Beaver	11 – 23 Hazelwood Gardens, St. Leonards on Sea	Personal Interest – Applicants building designer is Michael D Hall – a member of the same running club.
Marlow-Eastwood	8 – Former The St. Leonards Academy Darwell Campus, Darwell Close, St, Leonards on Sea	Personal Interest – works for St. Leonards Academy.
Scott, Turner and Roberts	8 – Former The St. Leonards Academy	Personal interest as knows Eric Hardwick the petitioner.

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	Darwell Campus, Darwell Close, St, Leonards on Sea	
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34. MINUTES OF PREVIOUS MEETING HELD ON 23 MAY 2018

RESOLVED – that the minutes of the meeting held on 23 May 2018 be approved and signed by the Chair as a true record, subject to the addition of reasons 32 to 38, Item 30.1, Former Factory Site, Fellows Road, Hastings.

35. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

36. PLANNING APPLICATIONS ATTRACTING A PETITION

37. 14-16 HARLEY WAY, ST. LEONARDS ON SEA

Proposal:	Outline application (seeking approval of Access), for the erection of up to 4 no.2 bed apartments
Application No:	HS/OA/17/00930
Conservation Area:	No
Listed Building	No
Public Consultation	15 letters of objection received and 1 petition of objection and 1 neutral comment received.

Having arrived after the start of the item, Councillor Sorrell-Eastwood sat back from the meeting and took no part in the discussion and voting of this item.

The Planning Services Manager, Mrs Evans presented this report for an outline application (seeking approval of Access), for the erection of up to 4 no.2 bed apartments.

Background:-

The previous application on the site, HA/FA/16/00568 was refused on 16 June 2017 for the following reasons:

- Mass, scale, height, prominence and overall design (including window formation and materials used), and lack of soft landscaping, will result in a form of development that fails to protect and enhance local character – Outline application so the detail of scheme will form a future reserved matters application, not for consideration now.

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- Potential harm to habitat and European protected species – Ecology and habitats survey confirmed no impact, accepted by Environment and Natural Resource Manager with conditions
- Potential risk to land stability - Enzygo Geoenvironmental Limited confirmed with appropriate site investigation and design the obvious constraints should not prohibit development”.
- Parking spaces do not meet minimum measurements – size of 4 parking spaces increased

Members were informed of several updates to the report:-

6 additional representations received taking the number of objectors from 16 to 22. Petition – additional 37 signatures provided. New issues raised that are not considered by the Committee report include:-

- Damage will be caused to adjoining garage block that would make them unusable – Unlikely as no built form here, this will form part of condition regarding ground stability
- Potential for obstruction to emergency vehicles – No objection raised by highways, to be considered by CEMP condition.

An objector also submitted a number of objections that were submitted on the previous application HAS/FA/16/00568. These cannot be formally considered as part of this application; a number of these objectors have separately resubmitted objections that raised matters that have been considered in the determination of the application.

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

Sharon Melville-Smith, petitioner, was present and spoke against the application. She said she had serious concerns regarding parking problems, large vehicles manoeuvring, the loss of play area and loss of view. She referred to the National Planning Policy Framework and Council policies. She said the previous application had been refused and that this application had been submitted to see how the challenges will be addressed. It had been re-named to an outline application to seek approval for access. As such no details had been provided and no full site investigation had been undertaken. She invited members to visit the site.

Brian Woods, WS Planning, applicant, spoke in support of the application. He said that land stability was not a problem at the site. He said if the application was granted it would help the Council to meet its 5 year housing requirement as it was a windfall site. He explained that 5 separate reports had been submitted regarding wildlife and ecology, noted in Conditions 15 & 16 of the officer's report. East Sussex County Council, Highways, had confirmed that car parking met the requirements and that there were no highway safety issues. He said six existing garages are to be allocated for residents to use although they were not part of the application and they had no control over the garages. The area will remain a cul-de-sac and that there was enough green space in the wider area. He said he understood the concerns by residents, and it would be unlikely that building work would be undertaken on a

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Saturday. At the weekend building work could be avoided altogether if members were minded to change the wording of the condition.

Ward Councillor, K Beaney, for West St. Leonards Ward, was present and spoke against the application. He said he had met with the residents and they were strongly against the proposal. He questioned why the building had not been built in the 1960's if it was deemed suitable. The scale and design of the development is not known because it is outline application. The only green open space in the road is used by residents to socialise and children to play. The site is home to wildlife and birds etc. The proposed block of flats will be high and prominent, will be out of keeping and will have a detrimental effect on the character of the neighbourhood. Parking is already limited and the access off the turning head will fill up with cars and create a dangerous environment. There have been flooding issues in the past. The applicant should provide a stability report.

Members discussed the garages; land instability; green space; wildlife and ecology.

Councillor Beaver proposed a motion against the officer's recommendation, to refuse the application as set out in the resolution below. This was seconded by Councillor Scott.

RESOLVED – by (5 votes to 3 against, with 1 abstention) that planning permission be refused for the following reasons:-

The proposal fails to demonstrate the site's capacity of accommodating the level of residential development proposed without satisfactorily demonstrating that there is no risk in terms of land stability, or whether any risks are acceptable or can be mitigated to an acceptable level. This is contrary to Policy DM5 of the Development Management Plan (2015), which requires convincing and supporting evidence to be supplied that shows any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures.

38. LAND REAR OF 419-477 BEXHILL ROAD, ST. LEONARDS ON SEA

Proposal:	Outline application (seeking approval of Access), for the reconfiguration of the car park and erection of 16 residential units and means of access.
Application No:	HS/OA/17/01071
Conservation Area:	No
Listed Building	No
Public Consultation	11 letters of objection and 1 petition of objection received. Council is the Applicant.

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The Planning Services Manager presented this report for an outline application (seeking approval of Access, for the reconfiguration of the car park and erection of 16 residential units and means of access.

Members were informed of several updates to the report:-

- Amended recommendation - To defer the application to allow for the submission of a sequential test. That the application be considered at the next available Planning Committee following the receipt and assessment of the sequential test.
- Consultation response from Waste Services received – no objection
- Additional letter of objection raises following points
 - Site not allocated in local plan
 - Site in flood zone 3 and therefore other sites should be used in preference
 - Councils consultees objected to surface water drainage method
 - That the development cannot be carried out without unacceptable flood risks and conditions should not be used to address this
 - Raising land levels by 1m would result in an incongruous overbearing impact on neighbouring houses
 - Loss of parking
 - Sequential test not completed

Councillor Davies proposed a motion to defer the application as set out in the resolution below, which was seconded by Councillor Scott.

RESOLVED – by (9 votes and 1 abstention) to defer the application to allow for the submission of a sequential test. That the application be considered at the next available Planning Committee following the receipt and assessment of the sequential test.

39. FORMER THE ST. LEONARDS ACADEMY DARWELL CAMPUS, DARWELL CLOSE, ST. LEONARDS ON SEA

Proposal:	Outline application for the erection of up to 210 dwellings (25% affordable) with associated open space, play areas, landscaping and access.
Application No:	HS/OA/15/00168
Conservation Area:	No
Listed Building	No
Public Consultation	22 letters of objection received and 1 petition received.

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The Planning Services Manager presented this report for an outline application for the erection of up to 210 dwellings (25% affordable) with associated open space, play areas, landscaping and access at Former The St. Leonards Academy, Darwell Campus, Darwell Close, St. Leonards on Sea.

Background:

The application was originally reported to the Planning Committee on the 16 November 2016, the Committee approved the application subject to a s106 Planning Agreement. The terms of the agreement were outlined at committee as follows:

- A minimum of 25% affordable housing;
- A contribution of £3,420 per house, and £513 per flat towards primary school education (£660,060).
- A contribution of £958 per house and £144 per flat towards nursery provision within the locality of the application site (£184,900).
- A contribution of £263 per dwelling for library provision within the locality (£55,230): and
- A contribution of £24 per dwelling towards the improvement of public rights of way within the locality of the application site (£5,040).
- A financial contribution of £250,000 to fund the highway improvements set out within the Hastings Local Plan – Infrastructure Delivery Plan.
- The submission of a Travel Plan.

Amended Terms of Agreement:-

Remove education contributions as County confirmed sufficient school place capacity, new terms:

- A minimum of 25% affordable housing;
- A contribution of £263 per dwelling for library provision within the locality: and
- A contribution of £24 per dwelling towards the improvement of public rights of way within the locality of the application site.
- A financial contribution of £250,000 to fund the highway improvements set out within the Hastings Local Plan – Infrastructure Delivery Plan.
- The submission of a Travel Plan.

Members were informed of several updates to the report:-

- MUGA will be provided as part of the approved plan and future lease arrangements will define the management responsibilities of HBC, therefore it will not be required within the s106.
- 1 additional letter of representation raised the following concerns:
 - Provision for secondary school places required
 - Need to consult residents as a result of removing education contributions as this impacts on 'planning balance'
 - Opportunity to consider traffic movements on Harley Shute post opening of link road.
 - Previous Committee Report confirmed need to complete s106 by 1 March 2017, permission could be refused if extension not agreed. An extension was not agreed by 1 March 2017 so a new application should be submitted.

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Members were shown plans, photographs and elevations of the application site. Mrs Evans stated that she had contacted Highways given the period of time since the original recommendation. They confirmed that they did not need to be re-consulted and that they had no objections to the application. Mrs Evans explained that there had been unintentional gaps in the time extensions and therefore they were updating the Committee as to the current position.

Eric Hardwick, petitioner, was present and spoke against the application. He said that he had not received enough notice to speak regarding the application and that a new Committee is required to evaluate it given the changes in the past two years. He said he did not agree with the education figures and that traffic needs to be addressed getting in and out by Crowhurst Road as one access / exit was not acceptable. The MUGA had been boarded up, so it cannot be used. It is important to keep green space. Japanese knot weed is still within the site. He urged the committee to reject the application.

Mr Rainier, DMH Stellard, acting for the applicant, spoke in support of the application. He said Councillors had previously resolved to grant planning permission. The site is allocated in the development plan for the provision of 240 houses. The scheme was submitted for 210 dwellings to reflect site constraints and tree retaining. He said studies have been carried out by the applicant on ecology and transport etc, the pond and ancient woodland will be retained. The development will meet the needs of young families in Hastings and there is good availability in primary education. He said that no education contribution was required and cannot be justified in planning terms as it was not fair / reasonably related in scale and kind to the development. The Highway Authority raised no objections regarding access. He said Crowhurst Road was not suitable as an access. The development has been agreed in principle.

Members discussed the issues raised, the S106 agreement; traffic; highway and infrastructure matters; public transport; schools; design; access; play provision and green space.

Councillor Davies proposed a motion to approve the application subject to the addition of Condition No. 29 and two additional informatives Nos 13 & 14, as set out in the resolution below. This was seconded by Councillor Bishop. Mrs Evans explained that a pre-commencement condition would need approval of the applicant. Mr Rainier indicated that it was acceptable.

RESOLVED – by (7 votes to 3) that the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- 1) **A minimum of 25% affordable housing;**
- 2) **A contribution of £263 per dwelling for library provision within the locality: and**
- 3) **A contribution of £24 per dwelling towards the improvement of public rights of way within the locality of the application site;**

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- 4) A financial contribution of £250,000 to fund the highway improvements set out within the Hastings Local Plan – Infrastructure Delivery Plan;
- 5) The submission of a Travel Plan.
- 6) In the event that the agreement is not completed by 1 September 2018 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of Planning Committee.

B) Subject to the above

Grant Outline Planning Permission subject to the following conditions:

1. 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.
2. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto 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.
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. No development shall take place until written details and samples of materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed with the approved materials.
5. No occupation of the development hereby permitted shall take place until details of all fencing, walling (which shall include flint walling at the key entry point) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and maintained thereafter.
6. No occupation of the development hereby permitted shall take place until details of the satisfactory storage of refuse for any flatted development on site have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first occupation of the associated flatted development and maintained thereafter.

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7. No development shall take place until details of the means of vehicular access to the site, including road widths, kerb radii, visibility splays and details of finishes of materials have been submitted to and approved in writing by the Local Planning Authority.
8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include :
 - The retention of the existing trees along the western and southern boundary of the site;
 - The use of a range of natural flowering and berry bearing species of trees;
 - Areas of grassland to be managed as rough grassland – both adjacent to the tree belts and also the road verges where appropriate; and
 - Deadwood habitat piles.

Together with the indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of the development, and a programme for the approved scheme's implementation and long term management.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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.
10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management plan shall be carried out in accordance with the approved plan for the period specified.
11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in

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writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all of the above has been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

12. No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.
13. No development shall take place until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb stones/crossing points have been submitted to and approved by the Local Planning Authority. The development shall be built in accordance with the approved details.
14.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
15. The open areas within the application site, as shown on plan number AD031 Rev A, shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.
16. The details of the landscaping of the site required to be submitted by Condition 8 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out

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in accordance with the approved details prior to the occupation of any dwellings or flats hereby approved.

17. No occupation of the development shall take place until the developer has agreed with Southern Water the measures to be undertaken to divert/protect the public water main supply. These agreed measures shall be submitted to the Local Planning Authority and development shall be carried out in accordance with the approved plans.
18. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
19. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including the provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under Condition 18 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
20. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated the 26 January 2015, and Design and Access Statement dated August 2014 and the following mitigation measures therein:
 - Finished floor levels are set no lower than 4.8metres above the Ordnance Datum (AOD);
 - Landscaped overflow channels (e.g. shown as swales in the submitted details) shall be provided to safely divert any exceedance event flows from the upstream flood storage area around the development and downstream.
 - The upstream plateau (at the northern extent of the site) shall be raised in level to a minimum level of 7.0 metres AOD.
 - Limiting the surface water run off generated by the 1 in 100 year return event critical storm (plus an allowance for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - A minimum 8 metre wide access/buffer corridor shall be provided along the Hollington Stream (Main River) plus access provision through the site to the adjacent Hollington Stream

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culvert inlet structure to ensure future access is maintained.

The mitigation measures shall be fully implemented prior to the occupation of the development, and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing with the Local Planning Authority.

21. No development shall take place until a Construction Management Plan has been submitted to and improved in writing by the Local Planning Authority. This shall include a construction routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking.
22. Construction of the development shall not take place until details of the Sustainable Drainage Scheme have been submitted to, and approved in writing by the Local Planning Authority in consultation with Natural England. The details shall include information demonstrating that there will be no increase in surface water flow from the site and no adverse impact on the water quality of the stream from surface water pollution, during either construction or post construction periods. Such information needs to include (although no be limited to) details of how potential water pollution from car parking areas (e.g. by slats or hydrocarbons) is to be prevented.
23. Prior to the submission of any reserved matters application, additional ecological reports as identified as necessary within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (dated 23 May 2014) shall be undertaken, and any necessary mitigation set out within these reports shall be provided as part of any future submission. The development shall thereafter be undertaken in accordance with the approved plans.
24. The development shall not be occupied until a minimum of 2% of all of the residential units constructed within the application site are designed in such a way to be fully wheelchair assessable, as required by Policy FB1 of the Development Management Plan 2015.
25. The development hereby permitted shall be carried out in accordance with the findings and mitigation as set out within the dormouse mitigation strategy, badger survey and reptile survey submitted by 'the ecology consultancy' in support of this application. No development shall take place until all mitigation that is required prior to works being undertaken on site has been fully implemented to ensure that suitable habitat is provided for translocation or retention/enhancement as identified in the submitted reports.
26. Each individual dwelling hereby approved shall not be occupied until a

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minimum of one electric vehicle charging point has been installed adjacent to the dedicated off street parking, and shall thereafter be retained for that purpose.

- 27. No development shall take place until details of the proposed cycle parking arrangements have been submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the occupation of the building and shall thereafter not be used for any purpose other than the parking of cycles.**
- 28. 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.
- 29. Details of appropriate climate changes mitigation and adaption measures shall be submitted to and approved in writing to the Local Planning Authority prior to the commencement of development.**

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. In the interests of the visual amenity of the area.**
- 5. In the interests of the visual amenity of the area.**
- 6. In the interests of the visual amenity of the area and to secure a well planned development.**
- 7. In the interests of the visual amenity of the area and to ensure there would be no adverse impact upon highway safety.**
- 8. In the interests of the visual amenity of the area and to enhance biodiversity within the site.**
- 9. In the interests of the visual amenity of the area.**
- 10. In the interests of the visual amenity of the area.**

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- 11. In the interests of the visual amenity of the area and to ensure the long term health of the trees which contribute to the character and appearance of the locality.**
- 12. In the interests of the visual amenity of the area, to prevent light spill and to protect residential amenity, and to ensure that the development does not adversely impact upon the biodiversity within and around the site.**
- 13. In the interests of the visual amenity of the area.**
- 14. To ensure that the development does not have an adverse impact upon the existing infrastructure, and to ensure that the site has suitable means of drainage and to prevent flooding.**
- 15. To ensure that the areas are kept available for the long term enjoyment of future residents.**
- 16. In the interests of the visual amenity of the area and to ensure that the development has a suitable level of equipped play to support the future population of the site.**
- 17. In order to ensure that there is suitable infrastructure in place.**
- 18. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.**
- 20. To ensure that future residents are protected against flood risk.**
- 21. To protect the amenity of the existing residents and to ensure that there is no adverse impact upon the highway network.**
- 22. In the interests of enhancing and protecting biodiversity and archaeology within the application site.**
- 23. In the interests of biodiversity within the application site.**
- 24. In the interests of a balanced and sustainable community.**
- 25. In the interests of ecology and biodiversity in accordance with the National Planning Policy Framework and policy HN8 of the Hastings Local Plan 2014.**
- 26. To promote the reduction of CO2 emissions through the use of low**

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emissions vehicles in accordance with paragraph 35 of the NPPF.

27. To ensure a satisfactory form of development in the interests of vehicular and pedestrian safety.
28. To safeguard the amenity of adjoining and future residents.
29. In order to comply with the requirements of policy SC3 of the Hastings Planning Strategy Local Plan (2014).

Notes to the Applicant

1. Notwithstanding the details submitted, the central area of open space shall be formed with the residential properties that surround it, directly overlooking it (front elevations). The existing indicative plan does not demonstrate sufficient natural surveillance and would not be considered acceptable to the Borough Council as part of any reserved matters application.
2. Notwithstanding the details submitted, the access into the site highlighted as 'Old School Drive' should only be provided with one pathway (on its northern side) with the southern side provided with a soft verge, and where appropriate additional soft landscaping provision.
3. At both proposed points of access, tactile paving should be provided on either side to aid with pedestrian permeability.
4. The applicant/developer should enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water at www.southernwater.co.uk
5. A formal application for the connection of the water supply is required in order to service this development. Please contact Southern Water at the above-mentioned address.
6. In order to protect the surfaces of the footpaths (Hastings 19 and 21), a suitable barrier should separate the development from the footpath during construction. All public rights of way shall be maintained during construction unless the correct permissions have been received in advance of their closure.
7. Any damage that occurs to public rights of way during construction shall be made good at the cost of the developer.
8. No materials should be stored on any public right of way during construction.

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9. Please note that the FRA states that the flooding risk is low in this area due to the presence of flood risk defences, but that a residual risk will remain (e.g. overtopping and/or breach of the tidal/fluvial defences).

The applicant/developer should therefore consider the requirement for an emerging response within the site for future residents to adhere to.

10. The applicant is reminded that there should not be any loss of the playing fields until the applicant, or developer has secured a Section 77 agreement which would allow for the loss of the Playing Field as per the requirements of the School Standards and Framework Act 1998.

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

12. 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.

13. The applicant is advised that details of how the development would be integrated into green routes and cycle ways should be submitted to the Local Planning Authority as part of a reserved matters application.

14. The applicant is advised that they should liaise with the Police to ensure that the layout of the scheme addresses the matter of designing out crime.

40. OTHER PLANNING APPLICATIONS

41. 4 CASTLE STREET, HASTINGS

Proposal:	Change of use from A1(Retail) to mixed use including A1(Retail), A3(Restaurants & Cafes) and A4(Drinking establishments)
Application No:	HS/FA/18/00276
Conservation Area:	Yes - Hastings Town Centre
Listed Building	No
Public Consultation	15 letters of objection received and 3 letters of support received.

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The Planning Services Manager, Mrs Evans, presented this application for the change of use from A1 (Retail) to mixed use including A1 (Retail), A3 (Restaurants & Cafes) and A4 (Drinking establishments) at 4 Castle Street, Hastings.

Members were informed of several updates to the report:-

- The constraints section within the Officer's Report now correctly includes reference to the Hastings Town Centre Shopping Area
- Amended Plan 1640-04A has been received showing the proposed floor layout
- Condition 1 (time scale for implementation of use) has been removed as the application is retrospective
- Condition 4 has been amended requiring the ground floor to be laid out in accordance with Plan 1640-04A
- Condition 9 added

The floor layout shall be laid out in accordance with the approved plans within 2 months of this decision date.

Reason: In order to ensure that the Café (A3) and drinking establishment (A4) uses remain ancillary to the retail (A1) use and to meet the requirements of policy SA1 of the Hastings Development Management Plan (2015).

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

The Planning Services Manager explained that the premises will not be a standalone pub. The Police had objected to the application, but because it was a mixed use and controllable by condition, they recommended approval. She explained that the site was not in a saturation zone.

The Principal Solicitor, Planning, advised that licensing consent fell under a different regime.

Members questioned the enforcement of the premises. The Planning Services Manager said they would check if the floor layout plan used more than 30%. Any variation would be checked.

Councillor Edwards proposed a motion to approve the application, subject to the removal of Condition 1 and amendment of Condition 4 to refer to the latest amended plan and addition of Condition 9 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 carried out in accordance with the following approved plans:**

1640-03A, 1640-01A, 1640-04A.

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2. (i) The A3 use shall only be used as a cafe as specified within the application. Should the use intensify to include the provision of hot meals and/or more complex catering, a scheme for the fitting of odour control equipment to the building shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The intensified A3 use shall not commence until all odour control equipment works have been carried out to the satisfaction of the Local Planning Authority and the odour control equipment shall be maintained thereafter to the satisfaction of the Local Planning Authority.

(ii) A scheme for the sound insulation of odour control equipment referred to in the condition 3(i) shall be submitted to and approved in writing by the Local Planning Authority and the intensified A3 use shall not commence until all sound insulation works have been carried out to the satisfaction of the Local Planning Authority. The sound insulation works shall be maintained thereafter to the satisfaction of the Local Planning Authority and in accordance with the manufacturer's instructions and records of cleaning/replacement of filters/fans etc. shall be kept available for inspection on the premises.
3. The proposed A3 (cafe) and A4 (drinking establishment) uses are to remain ancillary to the main A1 (retail) usage and at no point are to become the primary use of the premises without the prior written consent of the Local Planning Authority. The Ground floor is to be laid out in accordance with Plan 1640-04A.
4. No music, amplified sound system or other form of loud noise shall be used or generated which is audible outside the premises or within adjoining buildings.
5. The A1 use shall not be used except between the following hours:-
 - Mon-Fri - 08:00 - 21:00,
 - Saturday - 08:00 - 21:00,
 - Sundays and Bank Holidays - 08:00 - 21:00

The A3 use shall not be used except between the following hours:-

- Mon-Fri - 08:00 - 21:00,
- Saturday - 08:00 - 21:00,
- Sundays and Bank Holidays - 08:00 - 21:00

The A4 use shall not be used except between the following hours:-

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- **Mon-Fri - 12:00 - 21:00,**
 - **Saturday - 12:00 - 21:00,**
 - **Sundays and Bank Holidays - 12:00 - 21:00**
- 6. Within 1 month of the date of this permission a noise report is to be submitted to the Local Planning Authority identifying any necessary measures required in respect of the 2nd floor flat to mitigate against noise and disturbance arising from the proposed use. The identified mitigation measures shall then be installed within 3 months of the written approval from the Local Planning Authority in conjunction with the Borough Conservation Officer.**
 - 7. The use shall operate in accordance with the supporting statement from the Agent received 30 April 2018.**
 - 8. The floor layout shall be laid out in accordance with the approved plans within 2 months of this decision date.**

Reasons:

- 1. For the avoidance of doubt and in the interests of proper planning.**
- 2. To safeguard the amenity of adjoining residents.**
- 3. To ensure a satisfactory form of development in the interests of the character and amenity of the area.**
- 4. To safeguard the amenities of the adjoining residents.**
- 5. To safeguard the amenity of adjoining residents.**
- 6. To safeguard the amenity of adjoining residents.**
- 7. To safeguard the amenity of adjoining residents.**
- 8. In order to ensure that the Café (A3) and drinking establishment (A4) uses remain ancillary to the retail (A1) use and to meet the requirements of policy SA1 of the Hastings Development Management Plan (2015).**

Notes to the Applicant

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

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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. **Listed Building Consent** will be required if any internal or external alterations are made to the property.
4. **A separate application**, will be required in with the **Advertisement Regulations** for the display of advertisements on the exterior of the premises.
5. **An application is required to be submitted to Hastings Borough Council Licensing department. More information on this can be found at: <https://www.hastings.gov.uk/licensing/premises/>**

42. 23 HAZELWOOD GARDENS, ST. LEONARDS ON SEA

Proposal:	New dwelling (adjoining 23 Hazelwood Gardens)
Application No:	HS/FA/18/00099
Conservation Area:	No
Listed Building	No
Public Consultation	7 letters of objection received and 1 letter of support received.

The Planning Services Manager, Mrs Evans, presented this application for a new dwelling adjoining 23 Hazelwood Gardens, St. Leonards on Sea.

Members were informed of several updates to the report:-

Late consultation responses:

- Hastings Waste department - Raise no objections
- Natural England – Have no comments to make

Additional condition 10:

The first floor study as shown on drawing No. 4500.1C shall not be used as a bedroom.

Reason: The room does not meet the minimum gross internal floor area for a single bedroom as set out in the Technical housing standards – nationally described space standard March 2015.

Members were shown plans, photographs and elevations of the application site. Mrs Evans advised members that the site was not designated as open space.

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Councillor Scott proposed a motion to approve the application as set out in the resolution below with the addition of Condition 10 and Reason 10. This was seconded by Councillor Edwards.

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

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

4500.1C, 4500.3, 4500.LP, 4500.SP
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. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles.
5. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be as described on the approved plans and shall match those used in the existing building at 22 and 23 Hazelwood Gardens
6. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development. These details shall include proposed parking layouts, pedestrian access and hard surfacing materials.
7. No development shall take place above ground level until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

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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.

8. (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 then 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.
- and
- (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.
9. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. A full investigation and risk assessment must then be undertaken, and where necessary, a remediation scheme be submitted to and approved in writing by the Local Planning Authority.
10. The first floor study as shown on drawing No. 4500.1C shall not be used as a bedroom.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.

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4. To ensure an adequate level of off-street parking to serve the development.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual amenity of the area.
7. To ensure a satisfactory form of development in the interests of the visual amenity.
8. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
9. To protect those redeveloping the site and any future occupants from potential contamination.
10. The room does not meet the minimum gross internal floor area for a single bedroom as set out in the Technical housing standards – nationally described space standard March 2015.

Notes to the Applicant

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

43. 9 MAPLEHURST CLOSE, ST. LEONARDS ON SEA

Proposal:	Single storey extension to side
Application No:	HS/FA/18/00205
Conservation Area:	No
Listed Building	No
Public Consultation	5 letters of objection received and 1 letter of support received.

The Planning Services Manager, Mrs Evans, presented this application for a single storey extension to side at 9 Maplehurst Close, St. Leonards on Sea.

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

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

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

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

18/111/01, 18/111/02C, 18/111/04C and 18/111/05
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. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity of the area.
4. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
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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3. **Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the gas mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the developers responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working on or near gas plant and/or electricity assets. For more information please contact Scotia Gas Networks at 08009121722 and UK Power Networks at 08000565866 before works commence.**

44. **PLANNING APPEALS AND DELEGATED DECISIONS**

The Planning Services Manager reported that five planning appeals have been received and three had been dismissed. It was also noted that two appeals had been withdrawn. She also reported on the number of delegated decisions.

All matters had arisen between 11 May 2018 and 8 June 2018.

The report was noted.

(The Chair declared the meeting closed at. 8.35 pm)