

Planning Agenda

Wednesday, 3 April 2019 at 6.00 pm

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

For further information, please contact Coral Harding on 01424 451764 or email:
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Present: Councillors Roberts (Chair), Davies (Vice-Chair), Bishop, Cox, O'Callaghan, Scott, Webb, Beaver, Edwards and Marlow-Eastwood.

106. APOLOGIES FOR ABSENCE

None

107. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Beaver	5a & 6a - Hastings Pier, White Rock	Personal - Agent is a ward resident and is known to him.
Beaver	Anything relating to ESCC Highways	Personal – East Sussex County Councillor
Webb	5a & 6a - Hastings Pier, White Rock	Prejudicial – Known the agent for a long-time and agent helping to organise an event
Webb	Anything relating to ESCC Highways	Personal – East Sussex County Councillor
Scott	Anything relating to ESCC Highways	Personal – East Sussex County Councillor
O'Callaghan	5a & 6a - Hastings Pier, White Rock	Personal – Knows the agent from events
Marlow-Eastwood	6b - 5 The Green	Prejudicial - Lives near the property
Beaver	5c - 16 Dunclutha Road	Personal – Brother has a stove fitting business

108. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 6th February 2019 be approved by the Chair as a true record.

109. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

110. PLANNING APPLICATIONS ATTRACTING A PETITION

110.1 Hastings Pier, White Rock (HS/FA/18/00900)

Proposal	Erection of five kiosks for retail use for a period of 5 years (part retrospective)
Application No.	HS/FA/18/00900

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Conservation area	YES - Eversfield Place
Listed building	YES
Public consultation	YES – 72 letters of objection, 7 letters of support and 1 petition of objection received.

Councillor Webb was absent from the Chamber during debate and voting on this item due to a prejudicial interest.

The Principal Planning Officer, Mrs Wood, presented the planning application for the erection of five kiosks for retail use for a period of 5 years. One kiosk is already in place near the entrance to the Pier.

Shed type 1 measures 6m x 10m, extending to 2.6m in height at the ridge of the pitch roof. Shed type 2 measures 5m x 5m and is slightly lower in height, also 2.6m in height.

4 of the larger sheds are proposed, and 1 of the smaller sheds. 3 of the larger sheds are sited towards the eastern boundary of the Pier at its northern end. The remaining larger shed will be located to the west of the entrance, closest to the promenade. The smaller shed will sit centrally between this, and the other large shed adjacent to the eastern boundary, close to the Pier entrance. The sheds are made of wood with timber framed windows.

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

The Principal Planning Officer informed the Committee that a further 7 letters of objection had been received since the publication of the agenda and that written confirmation has been received from Historic England that their original comments still stand and they do not object to the application.

It was noted that Historic England has updated their listing for the Pier but this only adds explanation. The Pier remains Grade II listed and the reason for this, namely the sub-structure, has not changed.

The Principal Planning Officer advised of updated plan numbers as one had been superseded. Amended condition 4 to remove details of fixing as the sheds were freestanding and include door details. Additional condition 6 to require the removal of the sheds at the end of the 5 year period. She also added that an additional informative had been added regarding a Conservation Management Plan. These conditions will however, be renumbered on the final decision notice – the condition requiring the shed to be removed will be the first condition.

The petitioner, Mr Wilkins, was present and spoke against the application. He stated that Hastings Pier is unique and award winning. Mr Wilkins informed the Committee that sufficient information has not been provided on how the kiosks will be used, how

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they will impact local amenities, and how the supply of utilities will impact the listed structure. He stated that it was good practice for a condition requiring removal of the temporary structure at the end of the period. There were glaring issues with the application – no condition regarding lighting, opening times, He said there were a high number of objections which showed the strength of feeling. Mr Wilkins said the plans should be rejected. The structures need to be more substantial such as a ballroom or pavilion. He couldn't understand how 5 retail huts could generate the revenue needed.

The applicant, Mr Gulzar, was present to speak in support of the application. Mr Gulzar stated he had owned Eastbourne Pier for the past 5 years and invested a lot of money and done lots of improvement. He said he was attending what he could and thought they had done an excellent job in the first few months of opening. He stated that currently the finance is not available for large investment and development. Mr Gulzar informed the Committee that he has just invested in a landing station for Eastbourne Pier which will start within 12 weeks.

Mr Gulzar was asked by Councillor Davies to confirm if he would enter a Conservation Management Plan and responded that he would cooperate. In response to a further question about the use of the kiosks Mr Gulzar said that he will do anything and everything and that Eastbourne Pier turnover has increased fivefold during his ownership.

In response to a question from Councillor Cox regarding huts on the Pier which seem under used Mr Gulzar informed the Committee that the existing huts are very small and only used for selling smaller items.

The Principal Planning Officer confirmed that the planning application is for A1 use and the applicant is not obliged to provide further details on use. Existing empty kiosks are not something that can be taken in to consideration as it is not a material planning consideration.

The Committee was informed that a Conservation Management Plan would usually only be put in place for a much larger application and was not something we could make them do for this application as it was minor in nature. An informative was proposed. If a non-approved kiosk appears on the site this would be subject to a further application or enforcement action.

The kiosks will not be fixed to the pier so the integrity of the listed structure will not be harmed. The National Planning Policy Framework states that less than substantial harm can be weighed against the public good / potential benefits of the scheme. As this application is in order to attract increased footfall to the Pier and support local tourism it is the Planning Officer's view that permission should be granted.

Councillors went on to debate the application.

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Councillor Beaver proposed a motion, subject to the amended conditions and informative as presented by the Principal Planner, seconded by Councillor Davies, to grant the application as set out in the resolution below.

RESOLVED – (8 for, to 1 against) that Full Planning Permission be granted subject to the following conditions:

1. The kiosks hereby approved shall be for a limited period for five years, expiring on 6 March 2024.

On or before this date:

- a) the buildings and any associated materials and equipment shall be removed from the site;
- b) the site on which the kiosks are placed shall be restored to its former use and condition in accordance with the details that have been submitted to and approved in writing by the Local Planning Authority.

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

01, 02, 04 Rev A, 06, 07 Rev A, 08 Rev A.

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 sheds hereby permitted shall remain in A1 use only for the entirety of the lifetime of the development.

5. The sheds hereby approved shall not be used or occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- proposed scheme of decoration for the new sheds – details to include catalogue details of paint types, colours and finishes
- external cladding materials for the shed roofs
- door materials
- details of maintenance, having regard to the site's location and extent of weathering the sheds are likely to be subject to

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. The sheds must be maintained as approved thereafter.

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6. The window frames permitted by this permission shall be formed in timber unless otherwise agreed in writing by the Local Planning Authority.
7. Additional waste storage facilities will be secured within the footprint of each kiosk hereby approved, and at no time shall be stored outside in the public area.
8. Work which is audible at the site boundary and deliveries to and from the premises, during construction, shall not take place before 8am and after 6pm Monday - Friday or before 9am and after 1pm on Saturdays, and at no time on Sundays or Bank Holidays.

Reasons:

1. The development is of a type not considered suitable for permanent retention.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To provide retail services on the Pier appropriate to the overall activity on the Pier.
5. To ensure a satisfactory standard of development.
6. To ensure a satisfactory standard of development.
7. To ensure a satisfactory standard of development.
8. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
2. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
3. The applicant should be aware of ongoing maintenance required with the ownership and operation of the Pier including structural maintenance which should be carried out on a regular basis.
4. The applicant is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc are installed for advice on satisfying the requirements of food safety, and Health and Safety law.
5. The applicant is strongly advised to develop a Conservation Management Plan for the development of the Pier as a whole, in consultation with the Local Planning

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Authority and Historic England.

110.2 Hastings Pier, White Rock (HS/LB/18/00732)

The Chair brought this item forward for discussion.

Proposal	Listed Building Consent (part retention) for the siting of 5 no temporary kiosks for retail use, for a period of 5 years
Application No.	HS/LB/18/00732
Conservation area	YES - Eversfield Place
Listed building	Grade II
Public consultation	YES – 67 letters of objection and 3 letters of support received.

The Principal Planning Officer, Mrs Wood, presented the planning application for Listed Building Consent (part retention) for the siting of 5 no temporary kiosks for retail use, for a period of 5 years. One kiosk is already in place near the entrance to the Pier.

Shed type 1 measures 6m x 10m, extending to 2.6m in height at the ridge of the pitch roof. Shed type 2 measures 5m x 5m and is slightly lower in height, also 2.6m in height.

4 of the larger sheds are proposed, and 1 of the smaller sheds. 3 of the larger sheds are sited towards the eastern boundary of the Pier at its northern end. The remaining larger shed will be located to the west of the entrance, closest to the promenade. The smaller shed will sit centrally between this, and the other large shed adjacent to the eastern boundary, close to the Pier entrance. The sheds are made of wood with timber framed windows.

The Principal Planning Officer informed the Committee that a further 5 letters of objection had been received since the publication of the agenda and that written confirmation has been received from Historic England that their original comments still stand and they do not object to the application. She explained that listed building consents were slightly different.

The Principal Planning Officer advised of updated plan numbers as one had been superseded. Amended condition 4 to remove details of fixing as the sheds were freestanding and include door details. Additional condition 6 to require the removal of the sheds at the end of the 5 year period. She also added that an additional informative had been added regarding a Conservation Management Plan.

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

Councillor Davies proposed a motion, seconded by Councillor Beaver, to grant the application as set out in the resolution below.

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RESOLVED – (by 8 for, to 1 against) that Listed Building Consent be granted subject to the following conditions:

1. The kiosks hereby approved shall be for a limited period for five years, expiring on 6 March 2024.

On or before this date:

a) the buildings and any associated materials and equipment shall be removed from the site;

b) the site on which the kiosks are placed shall be restored to its former use and condition in accordance with the details that have been submitted to and approved in writing by the Local Planning Authority.

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

01, 02, 03, 04 Rev A, 06, 07 Rev A, 08 Rev A.

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 sheds hereby approved shall not be used or occupied until the following details have been submitted to and approved in writing by the Local Planning Authority:

- proposed scheme of decoration for the new sheds – details to include catalogue details of paint types, colours and finishes
- external cladding materials for the shed roofs
- door materials
- details of maintenance, having regard to the site's location and extent of weathering the sheds are likely to be subject to

Works 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. The sheds must be maintained as approved thereafter.

5. The window frames permitted by this permission shall be formed in timber unless otherwise agreed in writing by the Local Planning Authority.

Reasons:

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1. The development is of a type not considered suitable for permanent retention.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To ensure a satisfactory standard of development.
5. To ensure a satisfactory standard of development.

Note to the Applicant

1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning.
2. The applicant is strongly advised to develop a Conservation Management Plan for the development of the Pier as a whole, in consultation with the Local Planning Authority and Historic England.
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 paragraph 38 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 (or alternatively, "will positively enhance") the designated heritage asset.

Councillor Webb returned to the Chamber.

110.3 The Stade Family Amusement Park, The Stade (HS/FA/18/01009)

Proposal	Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate
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	land where current footpath is located. Proposed new boathouse and jetty.
Application No.	HS/FA/18/01009
Conservation area	YES - Old Town
Listed building	NO
Public consultation	YES – 15 letters of objection and 1 petition of objection received.

The Principal Planning Officer, Mrs Wood, presented the planning application for the proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty. She explained that this was a duplicate application and that an appeal start date had been received for the duplicate application HS/FA/17/01056.

The Committee were informed that 1 further letter of objection had been received since the publication of the agenda.

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

The Principal Planning Officer informed the Committee that a condition stating the path should not be blocked off is not considered necessary as consent would be required from the owner of the land and would unlikely be given. The path is not a public right of way but is used 'by right' conferred at the discretion of the owner as opposed to 'as of right'. Therefore Planning Officers cannot require the path to remain open although this is the clear intention of the application. Therefore the suggested condition does not meet the 6 Government tests and would not be reasonable or necessary.

The Principal Planning Officer confirmed that the right to a view is not a material consideration against which a planning application can be assessed.

The lead petitioner, Ms Scott, was present and spoke against the application. The petitioners believe the Planning Officer's report does not explain the implications of expanding the enclosed amusement park. 2 applications for certificate of lawful use were refused in 2018 and the public have had no explanation why planners are now recommending approval. There will be little public space left if the application is granted permission and permitted development rights mean further developments could happen. Foreshore Trust deeds grant public right of access to Foreshore Trust land and the Foreshore Trust have suggested the footpath be kept straight but this has not been amended. She stated that the petition was not against the new rides but the removal of the straight path.

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The agent, Mr Baker, was present and spoke in favour of the application. He stated that this was a well-established area in terms of tourism / entertainment. The proposals will enhance the seaside character and the walkway will not be gated. The boating lake will be enclosed by a balustrade. Although the path will be narrower than the existing walkway it will be more attractive and would exceed the guidance set out in the Manual for Streets. Planters will be at knee height and low level lighting will improve pedestrian safety. Mr Baker added that there will be a view from one end of the path to the other despite the curved route.

In response to a question about the path Mr Baker added that it only deviates from being straight where it follows the boating lake.

Councillor Louise addressed the Committee as Ward Councillor. Residents' concerns are largely to do with the proposed footpath. The route of the proposed path contains bends which means you cannot see from beginning to end. There is further concern about the safety of the path, particularly for female pedestrians. Whether real or perceived this is a genuine concern. More assurance should be provided on the closure of the path. Additionally this proposal seeks the privatisation of public land for private profit.

Councillors debated the application. It was noted that the area is in need of renovation and investment and the proposed plans are sympathetic to the wider aesthetic of the Old Town seafront.

An amendment to recommendation 7 of the Principal Planning Officers report, that planting to the northern edge of the footpath between the listed shelter and boating lake shall not exceed a height of 1.2 metres, to enable visibility to the south of the footpath, was proposed.

Councillor Edwards proposed a motion, subject to the amended condition, seconded by Councillor Davies, to grant the application as set out in the resolution below.

RESOLVED – (unanimously) that Full 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:

BA1663.01A, BA1663.02A, BA1663.06 B, BA1663.32 B, BA1663.09 S3,
BA1663.30 C, BA1663.31, BA1663.11, BA1663.33, BA1663.34, BA1663.35

3. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (11 January 2018),

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including the following mitigation measures detailed within the FRA:

- In the event of an amber weather warning for wind and upon receipt of a flood warning from the Environment Agency flood warning service the boathouse and jetty will not be in operation.

The mitigation measures shall be fully implemented prior to use of the new facilities 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, by the Local Planning Authority.

4. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the buildings / extensions and the hardsurface materials for the pedestrian walkway hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Samples of materials submitted shall include all colour and finish variations proposed for use. Development shall be carried out in accordance with the approved details.

5. No works shall commence above ground until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Large scale drawings (1:10 or 1:20) of all new external joinery.
- Full details of the proposed new roof lights, to include manufacturer's brochure details, materials and finishes, and 1:10 elevations and 1:2 sections through the proposed roof lights, these details to include the installation details of the roof light within the existing roof structure.
- Details of all new roller shutters, information to include materials and finishes, the siting of the shutter housing, the slat sizes and the degree of solidity of the slats.
- Section details through the proposed eaves, soffits and gable features on the new roofs at 1:5 scale, and confirmation of the proposed materials and finishes

Works shall be carried out in accordance with the approved details.

6. No development shall take place above ground until full details of all boundary walls, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. All such boundary treatment shall be erected before the building to which it relates is occupied.

7. No development above ground 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. Planting to the northern edge of the new footpath, between the Listed shelter and the boating lake, shall not exceed a height of 1.2 meters, to enable visibility to the south of the footpath.

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All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the use of any part of the development hereby permitted, 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. Prior to the commencement of development above ground, details of lowlevel lighting to be installed along the route of the new pedestrian walkway shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed in accordance with approved details and maintained/retained in good condition thereafter.

9. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To reduce the risk of flooding to the proposed development and future occupants in line with section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change.
4. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
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7. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of

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the area.

8. To ensure that a reasonable standard of access is provided in the interests of pedestrian safety.
9. To safeguard the amenity of adjoining residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The applicant is advised to sign up to the Environment Agency's flood warning service (<https://www.gov.uk/sign-up-for-flood-warnings>) The Environment Agency recommend consideration is given to flood resilience and resistance measures when designing for the development (<https://www.gov.uk/guidance/flood-risk-assessment-in-flood-zones-2-and-3#extra-flood-resistance-and-resilience-measures> and more comprehensive guidance also available: <https://www.gov.uk/government/publications/flood-resilient-construction-of-new-buildings>)
4. The applicant is advised that under the terms of the lease, the Trust's consent as landlord is required to carry out any alterations.

110.4 16 Dunclutha Road (HS/FA/18/01028)

Proposal	Variation of condition 2 (approved plans) of Planning Permission HS/FA/17/00769 (Render exterior of existing bungalow. New rear extension and deck. Retrospective approval for rear dormer with external boarding finish) - Amendments to height of roof, roof design and addition of flue
Application No.	HS/FA/18/01028
Conservation area	NO
Listed building	NO
Public consultation	YES – 8 letters of objection and 1 petition of objection received

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The Principal Planning Officer, Ms Prior, presented the planning application for variation of condition 2 (approved plans) of Planning Permission HS/FA/17/00769 (Render exterior of existing bungalow. New rear extension and deck. Retrospective approval for rear dormer with external boarding finish) - Amendments to height of roof, roof design and addition of flue. The Principal Planning Officer explained that the application followed an enforcement investigation that the development was not being built in accordance with the approved plans. She explained that it was built higher and a flue was installed on the flat extension.

Councillors were shown plans of the previously approved application and plans and photographs of the extension as built on site.

The petitioners were not present to speak.

The applicant, Ms Mulvey, was present and spoke in favour of the application. Ms Mulvey stated that there are many similar conversions on the road. The height as built is approximately 30 centimetres higher than the original plans. This is due to the slope of the site and ensures the internal ceiling height is the same as the kitchen. Insulation, added to meet building regulations, also affected the final design. Ms Mulvey stated that she would be happy to paint the extension roof so it blends in with the surroundings. Ms Muvley informed the Committee that three of the objectors are not residents of the area and that, as her husband has a stove fitting business, she is aware of the regulations in relation to the fitting of the flue.

A question was raised concerning the width of the dormer window. The Principal Planning Officer informed the Committee that the rear dormer is 0.8 metres wider than the original plans and has been included in this application to ensure the entire development is lawful.

Councillors debated the application.

Councillor Beaver proposed a motion, seconded by Councillor Scott, to grant the application as set out in the resolution below.

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

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

C-00; 01; 03A; 04A (version submitted 11.12.18); 05A version submitted 11.12.18); 06A; 07A version submitted 11.12.18); 09; 09A.

2. Within 6 weeks of the date of this planning approval the flat roof of the extension shall be painted a matt grey colour according to the details submitted. Thereafter the roof shall be maintained as painted in a good condition for the lifetime of the extension

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unless first otherwise agreed in writing by the Local Planning Authority.

3. The proposed decking hereby approved shall not be brought into use until screening no less than 1.8m in height along the section facing the mutual boundary with no.14 Dunclutha Road is provided and thereafter retained for the life-time of the decking hereby approved.

4. The flue on the rear extension flat roof hereby approved must be installed and maintained in accordance with DEFRA approved appliances as per the manufacture's guidance. And the latest edition of the Approved document shall be followed accordingly.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of local amenity and to protect the character of the area.
3. To safeguard the amenity of adjoining and future residents.
4. To protect the amenity of neighbouring properties and to protect human health.

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 paragraph 38 of the National Planning Policy Framework.

111. OTHER PLANNING APPLICATIONS

The Committee adjourned at 7.49pm and reconvened at 8pm.

111.1 5 The Green (HS/FA/18/00958)

Proposal	Change of use from Care Home (C2) to a large HMO (Sui Generis)
Application No.	HS/FA/18/00958
Conservation area	NO
Listed building	NO
Public consultation	YES – 6 letters of objection and 1 neutral comment received

Councillor Marlow-Eastwood left the Chamber during debate and voting on this item.

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The Principal Planning Officer, Ms Prior, presented the planning application for Change of use from Care Home (C2) to a large House in Multiple Occupation (HMO) (Sui Generis).

The Principal Planning Officer informed the Committee that the proposed HMO would consist of 11 bedrooms. All the proposed works are internal and there is plenty of external space for car parking. She explained that there had been concern regarding intensification of HMO's in the area and that within a 100m buffer zone 2% of properties were HMO's.

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

Councillors debated the application. A question was raised about adding a condition that the external and internal common ways be kept smart and tidy. In response the Principal Planning Officer informed the Committee that the conditions do call for secure and covered cycle storage facilities to be provided and limit the total occupancy to no more than 15 residents. In addition the applicants HMO licence will be monitored by the Housing Department.

Councillor Scott proposed a motion, seconded by Councillor Edwards, to grant the application as set out in the resolution below.

RESOLVED – (by 8 for, to 1 against) that Full 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:

Original floorplan (submitted 18.11.18); Proposed floorplan (submitted 08.02.19), Parking Plan (submitted 08.02.19).

3. Waste bins and recycling shall at all times (other than early on collection days) be neatly stored in the waste bin area shown on the approved parking layout plan.

4. The use of the property shall at all times operate in accordance with the layout as shown on approved drawing "Proposed - 5 The Green" version submitted 08.02.2019, with no alteration to the number of bedrooms or shared rooms and areas unless first otherwise agreed in writing with the Local Planning Authority.

5. Before the House in Multiple Occupation hereby approved is first occupied details of appropriate on-site provision of secure, covered cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved secure, covered cycle storage facilities shall be constructed in accordance with the approved details before the House in Multiple Occupation hereby approved is first occupied and thereafter retained and kept available to occupants of the House in

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Multiple Occupation at all times.

6. The building shall at no time be occupied by more than 15 residents.

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 local amenity and to protect the character of the area.
4. In the interests of maintaining an adequate standard of living accommodation for residents and in the interests of protecting neighbouring residential amenity.
5. To ensure provision for alternative sustainable modes of transport.
6. In the interests of local character, the amenity of neighbouring residential occupiers and to ensure that occupants have a good living standard of accommodation.

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 paragraph 38 of the National.

Councillor Marlow-Eastwood returned to the Chamber.

111.2 Ground Floor Offices, Queens Apartments, Robertson Terrace (HS/FA/18/00977)

Proposal	Change of use from B1 (offices) to D1 (Nonresidential institutions)
Application No.	HS/FA/18/00977
Conservation area	YES - Hastings Town Centre
Listed building	NO
Public consultation	YES – 5 letters of objection and 1 letter of support received

The Principal Planning Officer, Ms Prior, advised that this item has been removed from the agenda as the application has been withdrawn by the applicant on 27th February 2019.

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111.3 Cave within East Hill behind no 31 Rock a Nore Road (HS/FA/18/01007)

Proposal	Installation of a concrete slab with beam and column and mass fill around a rock column
Application No.	HS/FA/18/01007
Conservation area	YES - Old Town
Listed building	NO
Public consultation	YES

The Principal Planning Officer, Ms Prior, presented the planning application for the installation of a concrete slab with beam and column and mass fill around a rock column. The application is for stabilisation works within a cliff on the East Hill. The works are proposed to provide structural protection and support to the natural rock pillar to reduce the rate of its deterioration.

The Committee was advised that an additional informative in relation to bird nesting has been added to ensure that the applicant is aware of the bird nesting season which runs from March to July. She explained that there is separate legislation regarding protected species and the informative is to remind the applicant of this.

Councillors were shown plans, photographs and elevations of the application site. The Principal Planning Officer explained that the base was showing erosion and the works were to protect the cliffs above.

Councillor Scott proposed a motion, with the additional informative, seconded by Councillor Roberts, to grant the application as set out in the resolution below.

RESOLVED – (unanimously) that Full 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:

8247 - WML-00-XX-DR-S-01-P2, Block Plan, Site Location Plan, Remediation Specification - 02578AE_R_001B_RP_Hastings Cave Spec - (December 2018), Preliminary Ecological Appraisal - EA/69818 - (December 2018).

2. A full photographic record is to be made before and during the works hereby approved with the documentation being submitted to the Local Planning Authority upon completion of the works.

The record images shall be in colour and be dated and could be as simple as a series of overlapping images that record the sedimentary structures (cross-bedding, ripple lamination, soft sediment deformation structures). Each image should include a scale and be linked to a plan showing the location of each image.

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Each image should also have a coverage of no more than a square metre.

Copies of the images and the plan of their locations are to be provided to Natural England for their records.

3. If the concrete is to be matched to the surrounding exposure in terms of similar texture and colour, a clear level of definition between the existing surface and the concrete should be retained to ensure the stabilization works and bedrock cannot be confused with each other.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure suitable recording of the geological features.
3. To allow for future recording of the geological features.

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 paragraph 38 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 Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, it is recommended that they seek advice through the Natural England Discretionary Advice Service.
5. The applicant is advised to carry out a risk assessment in relation to nesting birds before accessing the site to ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981.

111.4 85-86 Castleham Road (HS/CD/19/00103)

Proposal	Discharge of conditions 10 (Noise Report), 11 (Lighting Scheme), 12 (Acoustic specifications), 13 (Jet washing details) and 14 (Ventilation details) for planning permission
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	HS/FA/18/00777
Application No.	HS/CD/19/00103
Conservation area	NO
Listed building	NO
Public consultation	NO

The Principal Planner, Mrs Wood, presented the application for the discharge of conditions 10 (Noise Report), 11 (Lighting Scheme), 12 (Acoustic specifications), 13 (Jet washing details) and 14 (Ventilation details) for planning permission HS/FA/18/00777. Planning permission was granted by the Planning Committee on 12th December 2018 for the change of use of 85-86 Castleham Road from the Council archive and storage site into the Council's Direct Service Organisation (DSO) Street Cleaning operational depot.

The Committee was informed that the application had been brought to discharge conditions of previous consent given. The noise report has been verified and the noise emissions can be managed so that it is not to the detriment of local residents.

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

The Chair asked if the discharge of condition 13 (jet washing details) excluded bank holidays. The Principal Planning Officer confirmed that the discharge didn't specify bank holidays but a note can be added to exclude bank holidays. The proposer and the seconder accepted the change to the discharge of conditions.

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

RESOLVED – (unanimously) that:

Approve the discharge of Conditions 10, 11, 12, 13 (subject to the exclusion of works on Bank Holidays), and 14 of planning permission HS/FA/18/00777

111.5 6-8 Pelham Arcade (HS/CD/18/00978)

Proposal	Discharge of condition 4 (methodology statement) and condition 5 (details of roof junction treatment) of Listed Building Consent HS/LB/18/00391
Application No.	HS/CD/18/00978
Conservation area	YES
Listed building	YES GRADE II*
Public consultation	NO Application by Hastings Borough Council on Council owned land

The Principal Planning Officer, Ms Prior, presented the planning application for

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discharge of condition 4 (methodology statement) and condition 5 (details of roof junction treatment) of Listed Building Consent HS/LB/18/00391. She explained that this was a discharge of conditions application and that the Conservation Officer raised no objection.

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

Councillor Beaver proposed a motion, seconded by Councillor Edwards, to grant the application as set out in the resolution below.

RESOLVED – (unanimously) that:

Approve the discharge of conditions 4 & 5 of Listed Building Consent HS/LB/18/00391

Note to the Applicant

1. Consideration should be given to providing an isolation layer between the lead and zinc in the gutters to minimise the possibility of corrosion between the two metals.

112. PLANNING APPEALS AND DELEGATED DECISIONS

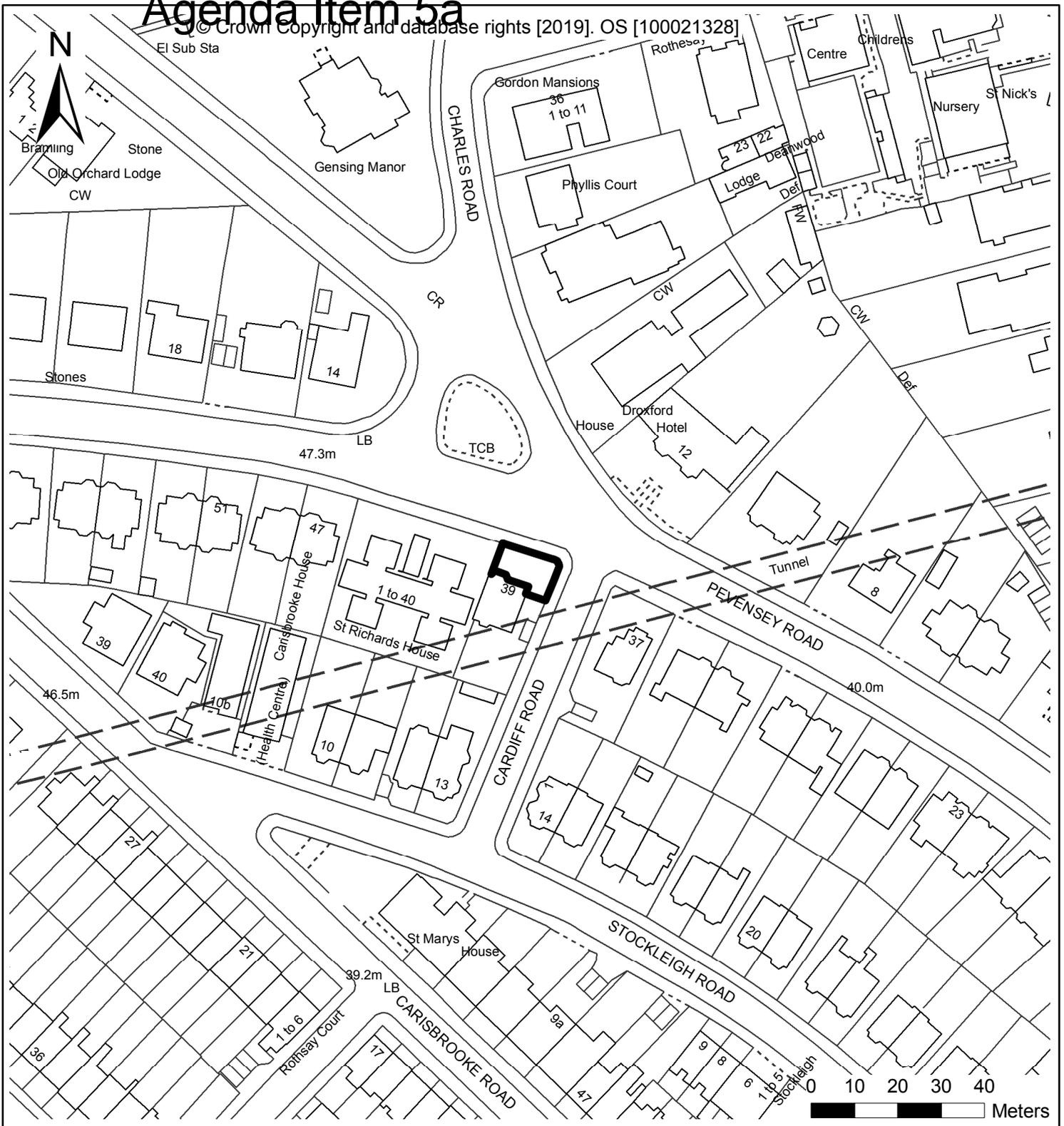
The Principal Planning Officer, Mrs Wood informed the Committee that two planning appeals had been received and none have been dismissed, withdrawn or allowed. Since publication of the report one planning appeal, Barley Lane, had been dismissed.

The report was noted by the Committee.

(The Chair declared the meeting closed at 8.27pm)

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Agenda Item 5a



39 Pevensey Road (Garden flat)
St Leonards-on-sea
TN38 0JY

Garden works to include retention of a 2.5 metre western red cedar tree screen, retention of associated timber frame structure and the reinstatement of an existing external door opening from garden flat.



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

Date: Mar 2019

Scale: 1:1,250

Application No. HS/FA/18/01088

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Report to: PLANNING COMMITTEE
Date of Meeting: 03 April 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: 39 Pevensey Road,(Garden flat), St Leonards-on-sea, TN38 0JY
Proposal: Garden works to include retention of a 2.5 metre western red cedar tree screen, retention of associated timber frame structure and the reinstatement of an existing external door opening from garden flat. (Part retrospective)
Application No: HS/FA/18/01088

Recommendation: REFUSE

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - St. Leonards North Conservation Area
Listed Building: No

Applicant: liversedge design collective LLP per the liversedgedesign collectiveLLP 41 Amherst Road Bexhill-on-Sea TN40 1QN

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Conservation Area Amended Plans
Letters of Objection: 1
Petitions of Objection Received: 0
Letters of Support: 9
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated -
The recommendation to refuse permission is contrary to the letters of support received

1. Site and surrounding area

The site is located in Central St Leonards a mainly residential area. It is a corner building on Pevensey Road and meets Cardiff Road on its eastern elevation. The immediate street scene is characterised by late 19th Century buildings of large proportions, powerful

architectural features and low boundary walls. The application site is one of those buildings. The site is within the St Leonards North Conservation Area which is also characterised by the same large proportions, powerful architectural features and also incorporates rendered external elevations, pitched roofs of either slate or tile, and various configurations of dwelling arrangement whether that be terrace, semi-detached or detached.

Constraints

St Leonards North Conservation Area

2. Proposed development

The application includes proposals for retention and new development, primarily in the garden area of the site. It is proposed to retain a 2.5 metre fence that has been erected along the entire northern side boundary, for a length of 12.4m, then extending along the eastern front boundary by 3.9m. To the front of this, a screen of cedar trees have been planted, which are proposed to be maintained at a height of 2.25 to 2.5 metres, to screen the fence behind.

Within the garden, it is also proposed to retain a timber structure that has been built off of this fence. The roof of this structure has a depth of 6m, and width of 3.3m, creating a covered area in the front garden space, in a prominent location on the main corner of the plot. A timber decking area is also proposed to the front of this structure.

The application also proposes reinstatement of an external door, on the northern elevation of the building. This would face onto the existing garden structures and works, thus giving access to this new space.

The application is supported by the following documents:

Design and Access Statement

Heritage Statement

Relevant planning history

ENF/18/00154 Structure being constructed in garden - Open case

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

Policy FA4 - Strategy for Central St Leonards

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

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

DM1 - Design Principles

DM3 - General Amenity

Other policies/guidance

Housing and Community Agency Urban Design Lesson - Housing Layout and Neighbourhood Quality 2014

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 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 that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 193 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification

Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 91(a) states that: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.

3. Consultation comments

Arboricultural Officer - **No Objection**

Conservation Officer - **The caseworker is a qualified Building Conservation Officer assigned to cases that involve properties within Conservation Areas and/or works to Listed Buildings.**

4. Representations

9 letters of representations received from 9 different properties

1 letter of objection has been received raising the following concerns:

- Negative effect on the character of the Conservation Area
- Setting precedent for similar applications
- Poor appearance of the works

8 letters of support have been received raising the following:

- Sensitive, good quality natural landscaping
- Formation of a barrier
- Reinstatement of a door
- Comparison to less well maintained front gardens
- Stylish design

5. Determining issues

The proposal presents issues regarding its affect on the setting of a Conservation Area, the visual impact on the street scene, justification for works and impact on security.

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/conservation area

Pevensey Road consists of large Victorian houses (albeit with some later infill), usually detached or semi-detached with low front boundary walls. The road is wide and sweeps up to the junction with Upper Maze Hill. The low boundary walls and houses of significant size give an impression of grandeur, a grandeur that the original architects wanted to display to the wider public. There are periodically some unsupported trees and planting both in front gardens and on the highway. The periodical nature creates pockets for observation of the architectural features of the impressive buildings.

The application proposes a number of elements of development, some of which have been undertaken and now seek retrospective consent. This in itself is not a reason for refusing development, thus each element of development must be assessed on its merits, having regard to the Local Plan. This assessment of impact on the character and appearance of the Conservation Area is a primary consideration, given the sites location in the St Leonards North Conservation Area and prominent dual road frontage location.

Timber Frame Structure

The application includes proposed retention of the timber structure, erected in the front garden of the site. The large timber frame structure that has been installed in the front garden raises concerns regarding its interaction with its setting, and the scale, siting and massing of development.

Specifically, the proposal puts a separating barrier between the low boundary wall and the building, thus disassociates the two components and creates a break in the visual rhythm and harmony when looking at the wider setting and immediate street scene. It is a structure which sits significantly forward of the building line, and is a permanent structure, which if approved will be the first structure to be forward of this line. This will be incongruous in the streetscene and disturb the overall character of the Conservation Area. Furthermore, this visual impact is exacerbated by the structure having a significant height of 2.5m, which is far greater than any other boundary treatment in the area. It's expanse across the majority of the north and east boundaries also means there is no visual break or relief from the mass and impact of this development. This has a harmful impact on the street scene, as well as the host building itself. Notably, the visibility of the building will become largely obscured due to the new timber structure spanning 12m across the northern elevation and being 2.5m in height from garden level. It should also be noted that the garden level is higher than the level of the public footpath creating more of an over bearing effect. The appreciation of the historic architecture and its relationship to the setting will be lost due to this overbearing, excessive and dominant structure that will be directly adjacent to the public highway.

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness. This is supported by Policy HN1 of the Hastings Development Management Plan which states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed to ensure that the proposed development sustains and enhances the significance of the heritage asset.

However, due to the concerns above, the proposal fails to satisfy HN1 and DM1 of the Development Management Plan. Specifically the proposal does not protect or enhance local character, have an understanding of the historic context, street pattern, scale, height, massing and plot layout. The timber frame, including the fence and structure created, is detrimental to the significance of the Conservation Area and the chosen design does not convincingly demonstrate that it enhances or sustains the significance of the Conservation Area. It also detracts from the attractive visuals of the street scape and the proposed addition is a defacto boundary treatment which is overbearing and not complimentary to its setting.

Whilst it is noted that some support comments have been received, and these refer to the proposal as a stylish well designed addition, the proposal must be considered in terms of its context. The placing of the structure and proposal in general have no relevance to the surroundings in terms of design or style. Whereas the concept is of a suitable design when considered as a individual and separate entity, once it is placed within the setting of Pevensey Road its design concept has no relationship to its surroundings. Furthermore, the lack of maintenance of other property gardens in the street is not a material consideration, as proper maintenance and tidy gardens should be encouraged in any area, and especially a Conservation Area, rather than using degradation as a reason to justify further harmful development.

It should be noted the application seeks retention of a tree screen and the planting of these trees themselves would not require planning permission. However, the significant structure incorporated within the tree screen does require consent, and is deemed harmful for the reasons set out above. It is not considered that this harmful impact would be mitigated by introduction of an alien expansive tree screen, which would also be out of character in the locality.

c) Impact on security

The Housing and Community Agency (HCA) have produced guidance titled 'Urban Design Lesson - Housing Layout and Neighbourhood Quality' published January 2014. The guidance in section 2, 'Active Frontage' states that 'A street or space is formed by the buildings that surround it, much like a room is formed by the walls around it. Well-defined streets and spaces are created by relatively continuous building frontage. Active frontage made up of front doors and windows (especially to ground floor habitable rooms) create lively and well-supervised streets. This is a key requirement for creating safe and attractive public spaces. Keeping gaps between buildings limited and avoiding blank walls and garden fences which face the street are important considerations. To achieve this, long perimeter blocks, wide frontage dwellings and bespoke dual-fronted corner dwellings can all contribute to active frontage.' and notes under the heading Lessons the advice, 'Minimising blank walls and garden fences: Buildings fronting onto streets and spaces are key to quality of place and the animation of the public realm'.

It appears that the intention of the timber frame and screening is to turn a relatively publicly viewable space into an enclosed private space for private enjoyment. Front gardens by the nature of their location are intended to be publicly viewable and are a main contributor to the relationship between a building and the wider area. This raises concerns that the proposal will create a withdrawn and anti-social perception to the public realm. Thus the proposal lacks clear and convincing justification or public interest benefits to mitigate the harm to the area, and fails to satisfy Paragraph 194 and 196 of the NPPF.

d) Other issues for consideration

The application also proposes the reinstatement of a door from the flat into the garden area facing Pevensey Road. The reinstatement of the door is encouraged and welcomed however, its design would need to be conditioned in order to ensure it is accurate and in keeping with the local character, should permission be granted for this proposal in the future. However, this application must be considered in its entirety, thus is refused in its entirety, notwithstanding that this element of development may be considered acceptable in isolation.

6. Conclusion

The proposal has no mitigation or justification for the scale, massing, siting, and design of development proposed. Subsequently it has a significant and negative effect on the immediate street scene and character of the Conservation Area, particularly with regard to the over bearing and excessive timber frame construction. Whilst the local planning authority actively encourage front gardens to be well kept and visually pleasing, this can be gained without a need for fixed permanent structures and with more suitable designs. As such, there are no material planning considerations that outweigh the harm cause in this instance. The application is therefore recommended for refusal.

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

7. Recommendation

Refuse for the following reasons:

1. The proposal would cause substantial harm to the St Leonards North Conservation Area in terms of siting, scale, design and overall effect on the setting. It will be overly dominant in the street scene and therefore have a detrimental effect on the character and appearance of the area. Thus it fails to accord with the National Planning Policy Framework, including paragraph 130, and local policies set out in the Development Plan, including Policies HN1 and DM1 of the Development Management Plan.
2. The proposal fails to provide clear and convincing justification for the scheme and fails to sustain or enhance the Conservation Area, thus failing to satisfy paragraph 194 of the National Planning Policy Framework, and local policies within the Planning Strategy and Development Management Plan.

Note to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

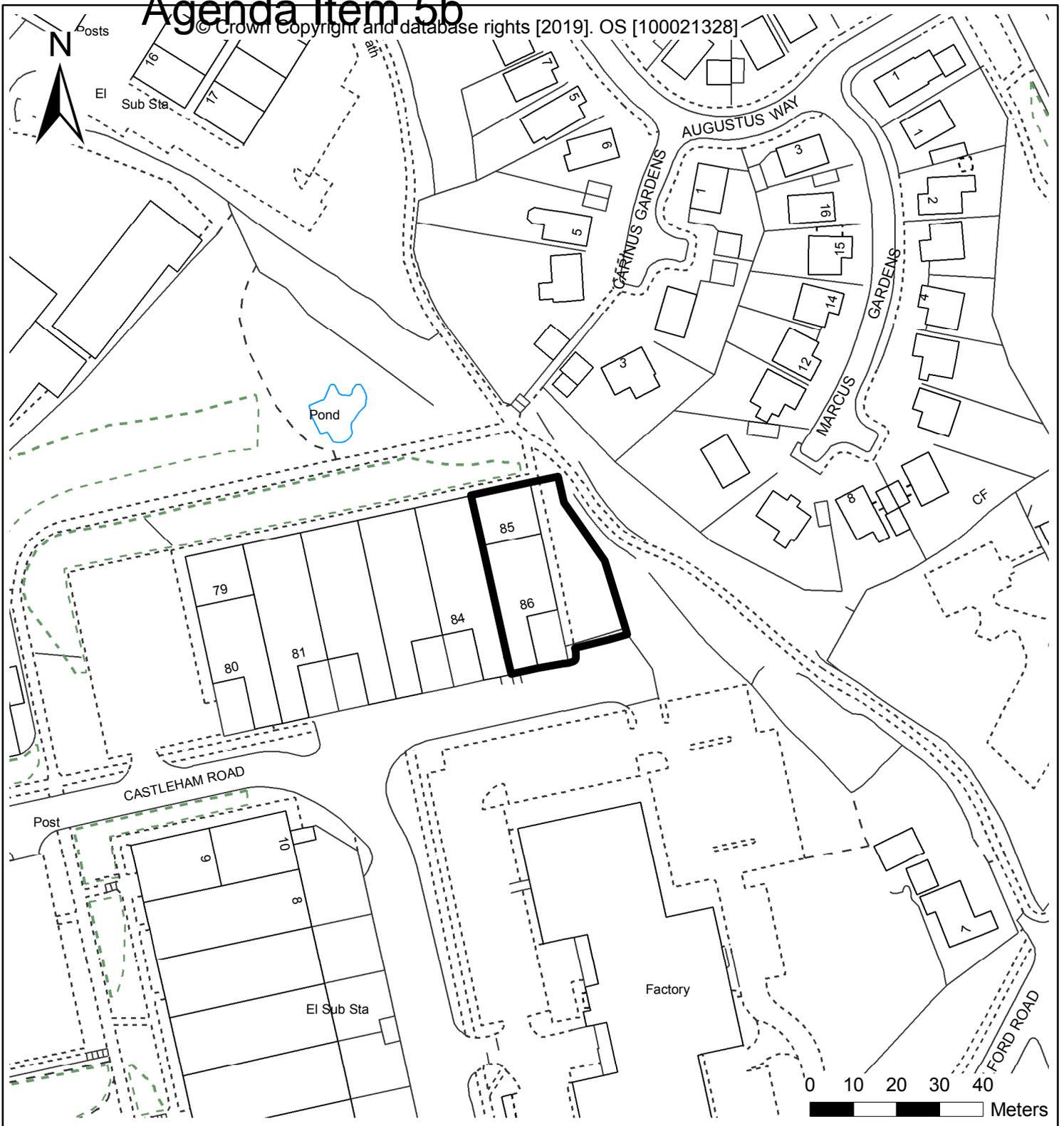
Officer to Contact

Mr Simon Richard, Telephone 01424 783320

Background Papers

Application No: HS/FA/18/01088 including all letters and documents

Agenda Item 5b



**85-86 Castleham Road
St Leonards-on-sea
TN38 9NT**

Discharge of condition 5 (Foul sewerage and surface water disposal)
for planning permission HS/FA/18/00777



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

Date: Mar 2019

Scale: 1:1,250

Application No. HS/CD/19/00223

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Report to: PLANNING COMMITTEE
Date of Meeting: 03 April 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: 85-86 Castleham Road, St Leonards-on-sea,
TN38 9NT
Proposal: Discharge of condition 5 (Foul sewerage and
surface water disposal) for planning
permission HS/FA/18/00777
Application No: HS/CD/19/00223

Recommendation: Approve

Ward: HOLLINGTON 2018
Conservation Area: No
Listed Building: No

Applicant: Hastings Borough Council

Public Consultation

Site Notice: No
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 -
Council application on Council owned land

1. Background information

Planning permission was granted by Planning Committee on 12 December 2018 for the change of use of 85-86 Castleham Road from the Council archive and storage site, into the Councils Direct Service Organisation (DSO) Street Cleansing operational depot. An application to discharge conditions relating to noise, lighting, acoustics, jet washing facilities and ventilation was then approved by Planning Committee on 6 March 2019.

This application seeks to discharge the remaining condition of planning permission HS/FA/18/00777, in relation to drainage. Should this be approved, there will be no other conditions that will need to be discharged in order for the planning permission to be fully implemented.

2. Site and Surrounding Area

The application site comprises an existing end of terrace industrial unit located in a short terrace of industrial buildings with vehicle access off Castleham Road. The application building is currently used to store the Council's pest control officer's equipment and materials and was last used as the Council's archive storage. The unit comprises a single-storey flat roof brick building at the front of the site containing two small office spaces, kitchen and toilet. Behind this is the industrial shed finished in blue corrugated cladding with a large roller shutter door opening out onto a forecourt parking area to the side of the single storey office block. To the side/east of the unit is an enclosed/gated parking area with space for approximately 9 cars.

The other industrial units in the immediate terrace are being used for a number of uses including a car garage/MOT centre, car parts distribution unit, a sporting goods storage and distribution unit, a loadcell manufacturer (use classes sui generis B2 & B8).

The site is located within the wider Castleham Industrial Estate which contains a number of industrial, storage and office units. The Castleham Industrial Estate extends to the north (beyond a tree belt), south and west of the site. To the east of the site beyond a narrow tree belt, public footpath and area of green space, are residential properties in Augustus Way, Carinus Gardens and Marcus Gardens. Approximately 18m of open space, footpaths and tree cover, separates the far north eastern corner of the application site to the rear boundary of the closest property (3 Carinus Gardens).

The application site itself is located on a spur road off Castleham Road, and does not front out onto the main highway.

Constraints

A very small portion of the site is affected by surface water flooding. There are no other relevant site constraints.

3. Proposed Development

This application seeks to discharge Condition 5 of planning permission HS/FA/18/00777:

Condition 5 (drainage)

(i) The authorised use 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. This shall include drainage details to show attenuation methods and necessary infrastructure to restrict water flow to existing levels, prior to discharge into the public system. The details should also include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

(ii) Development shall then be carried out in accordance with the details approved under (i) and the use hereby approved shall not commence until those works have been completed.

and

(iii) The use hereby approved shall not commence 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.

The application is supported by the following documents:

- Drainage as existing BG/A3/9/2/5
- Drainage as proposed BG/A3/9/2/6 C

Relevant Planning History

HS/CD/19/00103 Discharge of conditions 10 (Noise Report), 11 (Lighting Scheme), 12 (Acoustic specifications), 13 (Jet washing details) and 14 (Ventilation details) for planning permission HS/FA/18/00777
GRANTED 6 March 2019

HS/FA/18/00777 Change of use from the council archive (B1) and storage site (B8) to the councils Direct Service Organisation (DSO) Street Cleansing operational depot (B2)
GRANTED 12 December 2018

HS/FA/09/00299 Change of use from B2, General Industrial, to both B1, Business (front area) and B8, storage and distribution (rear). To be used for council offices and council archive storage. New mesh fencing to site perimeter
GRANTED 22 July 2009

HS/FA/08/00274 Amalgamation of units 85 & 86 including a) The continuation of a boundary fence around the adjacent access/car park hard standing area, b) The addition of roller shutters to the glazed rear window exterior, to provide security from vandalism/theft
GRANTED 16 June 2008

HS/FA/78/00156 Erection of block comprising eight units factories and provision of 56 parking spaces
GRANTED 12 April 1978

National and Local Policies

Hastings Local Plan - Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area

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

Policy E1 - Existing Employment Land and Premises

Policy SC7 - Flood Risk

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

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

Paragraph 11 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. Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Three dimensions of sustainability given in paragraph 8 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 9 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 80 of the NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 85 of the NPPF states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should (inter alia) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;

Paragraph 92 (Promoting healthy and safe communities) of the NPPF states to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should (inter alia) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

4. Consultation comments

East Sussex County Council (SUDs) - **no objection**

Do not object to the discharge of condition 5 of planning permission HS/FA/18/00777

Southern Water - **no objection**

Have undertaken a capacity check and do not object to the drainage scheme proposed. No objection to the discharge of condition.

5. Representations

In accordance with the provisions of the Town and Country Planning (Development Management) (Procedure) (England) Order 2015 (as amended), the Council is not required to consult with the public on discharge of condition applications.

6. Determining Issues

a) Principle

Planning permission has already been granted for the change of use of the site, and as such, the principle of development is established. The submitted details will now be assessed to determine their suitability, as to whether the condition 5 of planning permission HS/FA/18/00777 can now be discharged.

b) Condition 5 (drainage)

This condition states:

“(j) The authorised use 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. This shall include drainage details to show attenuation methods and necessary infrastructure to restrict water flow to existing levels, prior to discharge into the public system. The details should also include information on how

surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

(ii) Development shall then be carried out in accordance with the details approved under (i) and the use hereby approved shall not commence until those works have been completed.

and

(iii) The use hereby approved shall not commence 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"

The applicant has submitted a proposed drainage scheme, which confirms the use of a new 110mm diameter vitreous clay ware pipe to the existing foul drain inspection chamber, together with a new trapped yard gulley to enable the drainage of any detergent used into a system where it will be treated (via the foul sewerage system). This will result in less drainage into the existing surface water sewer, but slightly more into the foul system. Evidence showing Southern Water's agreement to this has been included within the application, and they have no objection to the discharge of the condition. East Sussex County Council (SUDs) have also confirmed their acceptance of the scheme and raise no objection to the discharge of condition 5.

c) Other outstanding conditions:

There are no outstanding conditions in relation to planning permission HS/FA/18/00777 that need to be discharged.

7. Conclusion

The details submitted are considered to effectively demonstrate there will be adequate works undertaken, resulting in sufficient capacity in the drainage system to accommodate both foul and surface water arising from the development. The proposals therefore 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".

Condition 5 of planning permission HS/FA/18/00777 can therefore be discharged.

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

8. Recommendation

Approve the discharge of Condition 5 of planning permission HS/FA/18/00777

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/CD/19/00223 including all letters and documents

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Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	03 April 2019
Report from:	Planning Services Manager
Title of report:	PLANNING APPEALS & DELEGATED DECISIONS
Purpose of report:	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 22/02/2019 to 22/03/2019
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
Flamingo Park, East Street, The Stade, Hastings, TN34 3AR HS/EX/18/00067	Application for a lawful development certificate for existing use as an Amusement Park	Refuse Planning Permission	DELEGATED	PLANNING
The Stade Family Amusement Park, The Stade, Hastings, TN34 3AR HS/EX/18/00485	Application for a Certificate of Lawful development for existing use as an Amusement Park	Refuse Planning Permission	DELEGATED	PLANNING
The Stade Family Amusement Park, The Stade, Hastings, TN34 3AR HS/FA/17/01056	Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty (amended description).	Grant Permission	PLANNING COMMITTEE	PLANNING - Non- Determination within time allowed

Flat 2, 29 St Matthews Gardens, St Leonards-on-sea, TN38 0TT HS/FA/18/00565	Replacement windows to front with UPVC(Retrospective)	Refuse Planning Permission	DELEGATED	PLANNING
Units A and C, The Roebuck Centre, Roebuck Street, Hastings, TN34 3BB HS/FA/17/00191	Demolition of existing warehouse units A and C. Construction of nine flats, 150 sqm of A1 use commercial space and car parking for the residential and A1 uses.	Refuse Planning Permission	DELEGATED	PLANNING
85 Hughenden Road, Hastings, TN34 3TF HS/FA/18/00676	Change of use from a 4 bedroom house into a 4 bedroom HMO(Retrospective)	Refuse Planning Permission	DELEGATED	PLANNING
1 & 2 Wayside, 490 & 492 Sedlescombe Road North, St Leonards-on-sea, TN37 7PH HS/FA/17/00664	Proposed 6 No. new build domestic houses.	Grant Permission	PLANNING COMMITTEE	PLANNING

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
23 Shirley Drive, St Leonards-on-sea, TN37 7JW HS/OA/17/01061	Erection of a 3 bed dwelling adjacent to no 23 Shirley Drive.	Refuse Planning Permission	DELEGATED	PLANNING
Land to the rear of 33 Filsham Road, St Leonards-on-sea, TN38 0PA HS/FA/18/00266	Construction of a single detached 2 storey house including new access onto Gleneagles Drive (amended description).	Refuse Planning Permission	DELEGATED	PLANNING

The following appeals have been withdrawn:

Address/ Application Number	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
The Stade Family Amusement Park, The Stade, Hastings, TN34 3AR HS/FA/17/01056	Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty (amended description).	Grant Permission	PLANNING COMMITTEE	PLANNING – Non- Determination within time allowed

The following appeals have been allowed:

Nothing to report

Type of Delegated Decision	Number of Decisions
Granted Permission	52
Part Granted	1
Prior Approval Approved	3
Refused Permission	7
Raise no Objection	1
Withdrawn by Applicant	1
Total	65

Background Papers:

Various correspondences with Planning Inspectorate

Report written by:
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