

## PLANNING

14 AUGUST 2019

Present: Councillors Roberts (Chair), Cox (Vice-Chair), Beaver, Bishop, Edwards, O'Callaghan, Scott and Webb.

### 142. APOLOGIES FOR ABSENCE

None received.

### 143. DECLARATIONS OF INTEREST

None received.

### 144. MINUTES OF PREVIOUS MEETING

**RESOLVED** – that the minutes of the meeting held on 10 July 2019 be approved by the Chair as a true record.

### 145. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

### 146. PLANNING APPLICATIONS ATTRACTING A PETITION

#### 146.1 Rocklands Private Caravan Park (HS/FA/19/00172)

<b>Proposal</b>	Construction of paving slab patio around holiday let building
<b>Application No.</b>	HS/FA/19/00172
<b>Conservation area</b>	No
<b>Listed building</b>	No
<b>Public consultation</b>	Yes – 1 petition and 5 letters of objection.

The Principal Planning Officer, Mrs Wood, presented the application for construction of paving slab patio around holiday let building.

The Principal Planning Officer informed the Committee that some amendments had been made to the conditions since the publication of the report. Condition 1, a time limit for implementation, was deleted and condition 3 (now condition 2) was amended to reflect the works had commenced. The Principal Planning Officer read out the wording of the amendments.

It was confirmed that the application does not amend or overturn the original conditions relating to the holiday let building itself or the appeal decision (APP/B1415/C/15/3029007) which resulted in consent granted under the amended scheme 'scheme 3A'.

The Principal Planning Officer confirmed that investigations are underway into other unauthorised works but as these are not the subject of the application they were not considered in the officer's report.

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Objections suggested that the application should not be considered as a stand-alone application, but rather, should be considered as a variation to the approved consent under APP/B1415/C/15/3029007. The Principal Planning Officer noted paragraph 5(g) of the report (other matters raised by objectors) which states that the Council will argue that whilst the holiday let building is not yet occupied, the permission has indeed been implemented due to the nature and scale of the works undertaken so far. This means that a variation of permission is not applicable in this instance and the applicant submitted the correct application for the proposed works.

It was confirmed that the site does not encroach into Council owned land, and therefore the correct certificates of ownership have been completed. The Principal Planning Officer stated that the planting had not yet been implemented and would not be affected by the patio.

The Principal Planning Officer informed the Committee that there had been no objections from statutory consultees in relation to drainage and Scheduled Monument Consent had been applied for by the applicant and granted. She explained that there had been concerns from residents regarding drainage. She stated that the small increase in hardstanding would not result in a significant increase in surface water run-off and would not affect land stability.

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

The petitioner, Mr Okines, was present and spoke against the application. Mr Okines said that whilst the construction of a patio may seem trivial there is great concern about the works being part retrospective and encroaching on Hastings Borough Council land. Additionally the petitioners have concerns about the accuracy of the planning officer's report and fear treating the application as a separate application could mean the loss of previous conditions. Mr Okines commented that past failures were being repeated in the handling of this application and the report failed to address the petitioners' objections regarding procedural errors and loss of conditions. Further to this the case officer has ignored unauthorised works. No details have been provided of the run offs and soakaways referenced in the report. The patio may also impact on holly trees that are considered to be part of the mitigating screening. Mr Okines requested that the application be refused or deferred until procedural issues have been dealt with.

The Committee asked questions of Mr Okines.

The applicant did not attend to speak in support of the application.

The Principal Planning Officer reassured the Committee that the application would not result in the loss of planning conditions from the appeal decision and that alleged breaches of planning control are being investigated. The Planning Services Manager

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added that drainage systems were put in place and connected to a combined sewer. She stated that no soakaway was proposed with this site and that rainfall would drain naturally.

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

**RESOLVED – (7 for, 2 against) 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:

11.396/04 A,

2. The development shall be undertaken in accordance with the measures outlined in the Arboricultural Report (The Mayhew Consultancy) dated March 2019, unless the scheme, or programme of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To protect features of recognised nature conservation importance.

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 reminded that should any changes to the originally approved scheme be made in light of any subsequent revisions to drainage or relevant ground works that may occur through the building regulation process, then the drainage and soft landscaping conditions discharged under HS/CD/16/00655 may not be deemed to be discharged, and a further application may be required.

### **147. OTHER PLANNING APPLICATIONS**

#### **147.1 50 Sedlescombe Road South (HS/FA/19/00168)**

Proposal	Replacement external staircase
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	(Retrospective)
<b>Application No.</b>	HS/FA/19/00168
<b>Conservation area</b>	Yes - Springfield Road
<b>Listed building</b>	No
<b>Public consultation</b>	Yes – 15 letters of objection 6 letters of support

The Planning and Assistant Conservation Officer, Mr Richard, presented the application for replacement external staircase (Retrospective).

No 50 Sedlescombe Road South is a detached Victorian building over 3 floors, currently arranged as flats. The surrounding area also consists of large Victorian houses typically of 3 floors that make up the character of the Springfield Road Conservation Area.

The Planning and Assistant Conservation Officer explained that the application is retrospective and seeks permission for the retention of a brick staircase on the side (western) elevation. The staircase replaced a timber framed staircase which had been in situ for over 4 years. The staircase provides access to the first floor flat.

On initial application the replacement staircase was built on top of the boundary wall. Ownership of the boundary wall could not be proven and the staircase has subsequently been demolished and reconstructed within the boundary of 50 Sedlescombe Road South.

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

Councillor Beaver proposed a motion, seconded by Councillor O'Callaghan, 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:

P-331-05, P-331-03, P-331-06, 1085.17B, 1085.18

Reason:

1. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

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

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

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proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

### 147.2 Ground Floor Shop & Premises, 379 London Road (HS/FA/19/00220)

<b>Proposal</b>	Change of use of existing lower ground floor from B1 (Business) to one bedroom flat (C3) and erection of single storey rear extension
<b>Application No.</b>	HS/FA/19/00220
<b>Conservation area</b>	No
<b>Listed building</b>	No
<b>Public consultation</b>	Yes Application by Councillor

The Planning Services Manager, Mrs Evans, presented the application for change of use of existing lower ground floor from B1 (Business) to one bedroom flat (C3) and erection of single storey rear extension.

The application seeks permission for the change of use of the existing lower ground floor of No.379 London Road from B1 (office) to residential accommodation C3 use as a one bedroom flat. It is also proposed to erect a small, single storey, infill extension at the rear of the premises. The Planning Services Manager said the application would cause no harm to the character of the area.

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

The Committee asked questions of the Planning Services Manager.

A concern was raised regarding the deterioration of the unmade access road to the rear of property caused by works vehicles. The Planning Services Manager understood the concern but noted that it is difficult to quantify the harm caused by specific vehicles.

In response to a question the Planning Services Manager confirmed that the applicant's submission stated that the premises is not an active shop and has been unoccupied since the beginning of the year.

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

**RESOLVED – (8 for, 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:

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00A, 01 & 02.

3. Prior to occupation the bin stores as shown on drawing 00A are to be provided with evidence being submitted to and approved in writing by the Local Planning Authority. The bin stores shall then be retained on site thereafter for the use of residents.

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. To safeguard the amenity of adjoining and future residents.
4. 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 paragraph 38 of the National Planning Policy Framework.
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. Consideration should be given to the provision of a domestic sprinkler system.

### **147.3 White Rock Fountain (HS/CD/19/00528)**

<b>Proposal</b>	Discharge of condition 4 (proposed fountain details) of Planning Permission HS/FA/18/00453 - Renovation and alteration of the existing fountain and installation of bench seating, paved area,
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	planting area and water misters play area.
<b>Application No.</b>	HS/CD/19/00528
<b>Conservation area</b>	Yes - White Rock
<b>Listed building</b>	No
<b>Public consultation</b>	No Council application on Council land

The Principal Planning Officer, Mrs Wood, presented the application for the discharge of condition 4 (proposed fountain details) of Planning Permission HS/FA/18/00453 - Renovation and alteration of the existing fountain and installation of bench seating, paved area, planting area and water misters play area.

The application was supported by documents detailing the lighting, misting feature and drinking fountain.

The Principal Planning Officer informed the Committee that there were no objections from the Conservation Officer.

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

In response to a question about designing out crime the Principal Planning Officer confirmed that Sussex Police were consulted as part of the initial application for the renovation and alteration of the existing fountain.

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

**RESOLVED – (unanimously) that:**

Condition 4 of planning permission HS/FA/18/00453 is discharged.

**147.4 White Rock Fountain (HS/CD/19/00604)**

<b>Proposal</b>	Discharge of condition 5 (soft landscaping) of Planning Permission HS/FA/18/00453 - Renovation and alteration of the existing fountain and installation of bench seating, paved area, planting area and water misters play area.
<b>Application No.</b>	HS/CD/19/00604
<b>Conservation area</b>	Yes - White Rock
<b>Listed building</b>	No
<b>Public consultation</b>	No Council application on Council land

The Principal Planning Officer, Mrs Wood, presented the application for the discharge of condition 5 (soft landscaping) of Planning Permission HS/FA/18/00453 - Renovation and alteration of the existing fountain and installation of bench seating, paved area, planting area and water misters play area.

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The application was supported by a landscaping plan and details of the proposed planting. The Principal Planning Officer stated that the landscaping was incorporating coastal features within the design.

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

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

**RESOLVED – (unanimously) that:**

Condition 5 of planning permission HS/FA/18/00453 is discharged.

**147.5 Field east of Jenners Lane, adjacent to Dingle Cottage, Jenners Lane  
(HS/FA/19/00486)**

<b>Proposal</b>	Erection of field shelter
<b>Application No.</b>	HS/FA/19/00486
<b>Conservation area</b>	No
<b>Listed building</b>	No
<b>Public consultation</b>	Yes

The Principal Planning Officer, Mrs Wood, presented the application for the erection of a field shelter to house alpaca's. The shelter will be located in the south eastern corner of the field.

The Principal Planning Officer informed the Committee that due to the minor scale of the development the application is not considered to have any impact on neighbouring amenities or the character and appearance of the area. It was also noted that the Arboriculturalist had no objections as no trees would be lost. The field was sited within the AONB.

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

Councillor Beaver proposed a motion, seconded by Councillor O'Callaghan, 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:

Drawing No 1. Elevations Proposed, TQRQM19159145811601



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3. The building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. No development shall take place until the measures outlined in the submitted ecological statements and reports as set out below have been fully implemented, unless:

(i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;

(ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

The submitted ecological statements and reports are:

- Arboricultural Report (Barry Holdsworth Ltd, June 2019)
- Phase 1 Report (Ecology and Habitat Management Ltd, June 2019)

### 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.
4. To protect features of recognised nature conservation importance.

### 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.

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3. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.

4. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.

### 147.6 Dingle Cottage, Jenners Lane (HS/FA/19/00487)

<b>Proposal</b>	Installation of first floor side (North East) elevation window
<b>Application No.</b>	HS/FA/19/00487
<b>Conservation area</b>	No
<b>Listed building</b>	No
<b>Public consultation</b>	Yes

The Principal Planning Officer, Mrs Wood, presented the report for installation of first floor side (North East) elevation window.

The Principal Planning Officer confirmed that the proposed window does not overlook neighbours and looks out onto a field. She explained that it only needed planning permission as the window was not obscure glazed.

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

Councillor Scott proposed a motion, seconded by Councillor Edwards, 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:

H5901/01

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

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08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. The new window hereby permitted should be of white uPVC construction to match those in the existing building.

### 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.
4. In the interests of the visual amenity of the area.

### Notes to the Applicant

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

2. Statement of positive engagement: In dealing with this application Hastings

Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

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

The Principal Planning Officer presented the planning appeals and delegated decisions report and informed the Committee that the Council had received £8,500 from the applicant in costs for the Barley Lane appeal.

The Chair thanked officers for their work on the appeal.

The report was noted by the Committee.

(The Chair declared the meeting closed at 7.07pm)