

PLANNING

23 SEPTEMBER 2020

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

211. APOLOGIES FOR ABSENCE

None received.

212. DECLARATIONS OF INTEREST

Councillor	Minute	Declaration
Cllr Bacon	214.1	Prejudicial - Has publicly expressed view regarding the application and been in contact with the petitioner.
Cllr Beaver	All items relating to highways	Personal – East Sussex County Councillor
Cllr Scott	All items relating to highways	Personal – East Sussex County Councillor

213. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 12 August 2020 be approved by the Chair as a true record.

214. PLANNING APPLICATIONS ATTRACTING A PETITION

214.1 Land at 63 Boyne Road, Hastings (HS/FA/20/00316)

Proposal	Proposed dwelling
Application No	HS/FA/20/00316
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 14 letters of objection, 1 petition of objection

Due to a prejudicial interest Cllr Bacon left the meeting for the duration of this item.

The Planning Services Manager presented the application for a proposed dwelling on land at 63 Boyne Road. The Committee were notified of an update to the application. An amended Tree Plan had been submitted to accurately reflect the removed and retained trees on the site.

The site comprises part of the garden of 63 Boyne Road, a semi-detached two storey dwelling. The land slopes from north to south and is located at the corner of Boyne Road and Lodge Road. The area is principally residential in character.

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The new dwelling will be two storeys with an additional lower-ground level. The property will be detached which is not typical of the pattern of development in the area. However, the contrast between the proposed dwelling and the neighbouring semi-detached properties is not harmful to the area and most of the elements of the proposal are similar to the existing properties.

The proposal provides sufficient car parking for both the new and existing properties and meets the requirements set by East Sussex County Council.

There is one first floor side window facing 63 Boyne Road which is to be obscure glazed as per condition 14. The proposal also includes a rear balcony which does overlook neighbouring properties. As this is a common feature of properties in this area, and there already is an element of mutual overlooking, this has been determined as acceptable.

The Arboricultural Officer was consulted in regard to the loss of category B trees and raised no objections. Some trees had already been removed although a number of additional trees were proposed to be planted.

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

The petitioner Mrs Day was present and spoke against the application. Mrs Day said that the design of the proposal is not uniform with the rest of the street and will therefore stick out. Mrs Day raised concerns that no site notices were put up in the area. There are also concerns regarding the safety of children as many use Lodge Road on their way to and from local schools. Lodge Road is an unmade road which has received many repairs over the years but is in a constant state of degeneration. There is a blind spot where Boyne Road joins Lodge Road and with heavy vehicles turning the road could be further damaged or someone could get hurt. Mrs Day said that she hopes the replanting of trees will take place as they were severely cut back in June and there was a constant bonfire. The trees removed were of mixed species.

There were no questions to Mrs Day from Councillors.

The agent Mr Waterhouse was present and spoke in favour of the application. Mr Waterhouse said the application meets the required policies within the National Planning Policy Framework and of the Hastings Development Plan. There were no comments or objections from the consultees. The proposal utilises the existing levels of the site well and the design is quite similar to other properties in Boyne Road. Some landscaping elements have been introduced to the proposal, maintaining the existing screening along Lodge Road. Parking areas have been provided to both proposed and existing dwellings. Mr Waterhouse said that the applicant employed a civil engineer to confirm that the proposal would not cause any instability to the land. Mr Waterhouse concluded that the application is a sustainable development and asked the Committee to follow the recommendation for approval.

Councillors asked questions of the agent.

Cllr Louise, ward councillor for Old Hastings, was present and spoke against the application. Cllr Louise asked the Committee to note that there are a significant number of objections to the application and more might have been gained had notices

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been displayed. There is a feeling that the site is too small for a detached dwelling of this size and there is genuine fear and concern about adding to the car parking pressure on Boyne Road. Cllr Louise said the area is very green and raised concerns about the amount of soil and vegetation being removed, which will be of detriment to local wildlife. The character of the proposal is not in keeping with the character of the other properties on the same side of Boyne Road. There is a fear that there will be increased traffic generally, not just during construction. Cllr Louise urged the Committee to take the local objections into account when considering the application.

The Planning Services Manager confirmed that the application was publicised correctly. As the application was received during lockdown the council issued neighbour letters to residents that live immediately adjacent to the site.

It was confirmed that the Category B trees have been removed but as the site is not in a Conservation Area those trees can be cut down at any time as there are no restrictions in place.

Responding to the issue of land stability the Planning Services Manager confirmed that a civil engineer's report had been submitted by the Applicant. The report recommended retaining walls and this is a condition of the application.

Councillors asked questions of the Planning Services Manager.

A question was raised regarding access to the site and damage to Lodge Road and Boyne Road. The Planning Services Manager responded that the Applicant will be required to submit a report on the state of the road to provide evidence of the condition before and after development. Amending the conditions to restrict the access of heavy vehicles to the site would not be enforceable. However, an Informative Note could be added to say that heavy vehicles shouldn't access the site outside of normal working hours.

The Committee debated the application.

Councillor Davies proposed a motion, seconded by Councillor Beaver, subject to the addition of Informative 7, to approve the planning 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: 20.190.1.A, 20.190.3.B and 20.190.2.F
3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for: a) turning of delivery vehicles; b) parking of the vehicles of site operatives and visitors; c) storage of plant and materials

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used in constructing the development; d) any temporary traffic measures required in Boyne Road and Lodge Road; e) measures to control the emission of dust and dirt during construction; f) the method of access and egress and routing of vehicles during construction; g) restoration of any damage to the highway [including vehicle crossovers and grass verges]; h) construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. No development shall take place until the tree protection measures as set out in the Arboricultural Report by The Mayhew Consultancy Ltd dated May 2020, (Ref AR/8642) including the Tree Protection Plan in appendix B of that report have been erected. The protection measures shall be retained during the construction of the development in accordance with the Arboricultural Report. All other arboricultural and tree measures shall be carried out in accordance with the details contained in the same Arboricultural Report by The Mayhew Consultancy Ltd (AR/86420) dated May 2020 and submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.

5. Notwithstanding the approved plans, no development shall take place above ground until full details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

6. Prior to commencement of development above ground, full details of the soft and hard landscape works are to be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation or within the time scales agreed by the Local Planning Authority. These details shall include, but not be restricted to the following;

- A proposed soft landscaping and planting plan (including tree planting);
- A schedule of plants, noting species, plant sizes, proposed numbers and densities (where appropriate) together with an implementation programme;
- Finished levels or contours;
- Means of enclosure/boundary treatment
- Details of the proposed materials for the new parking area along with method for dealing with water run-off;
- Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

If within a period of five years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or

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defective, another tree of the same species and size as that originally planted shall be planted at the same location.

All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

7. Prior to commencement of development above ground, details of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be fully implemented prior to the occupation of the dwelling and retained thereafter.

8. (i) Prior to the occupation of the development, a scheme for the disposal of foul and surface water (i) from the development shall be submitted to and approved in writing by the Local Planning Authority. Any proposals for the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with BRE365, alongside detailed drainage drawings and calculations.

(ii) Development shall then be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed.

(iii) No occupation of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

9. Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

10. Prior to occupation of the development, details of cycle storage must be submitted to and approved in writing by the Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

No part of the development shall be occupied until the approved details have been implemented.

11. The development hereby approved shall not be occupied until the parking area for 63 Boyne Road and the new dwelling has been provided in accordance with the approved plan (20.190.2.F) unless otherwise approved in writing by the Local Planning Authority. The parking area(s) shall be used solely for the benefit of the occupants of their respective dwellings and their visitors and for no other purpose and permanently retained as such thereafter.

12. The development shall not be occupied until a bin store [and refuse bin collection point] has been provided in accordance with approved plan 20.190.2.F and shall thereafter be retained for that purpose.

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13. The dwelling hereby approved shall be constructed in accordance with the Engineers Report by W.K Elson dated 16th July 2020 which provides design parameters for the retaining walls.

14. The first floor window located on the side (west) elevation shall be obscure glazed at all times.

15. 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 protect the amenity of surrounding occupiers and to safeguard highway safety.
4. To protect trees identified as having a high visual amenity value.
5. In order to protect the visual amenities of the area and to secure a well-planned development.
6. To secure a well planned development that functions well and in order to protect the visual amenities of the locality.
7. To preserve and enhance biodiversity and habitats.
8. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
9. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
10. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
11. To provide adequate space for the parking of vehicles.
12. In order to secure a well planned development that functions properly.
13. To ensure that the building does not affect and is not affected by matters of local land stability.

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14. To safeguard neighbouring amenity.
15. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant:

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. East Sussex County Council, must be consulted regarding the provision of a vehicular pavement crossing to Highway Authority's standard of specification and construction and at the applicant's expense. Contact: highways@eastsussex.gov.uk 0345 6080 193.
4. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk.
6. 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.
7. The applicant is advised that heavy good vehicles should only visit the site between 9am and 5pm Monday to Friday and not on a Saturday or Sunday.

215. OTHER PLANNING APPLICATIONS

Cllr Bacon returned to the meeting for the following items.

215.1 Little Warren Cottage, Hastings Country Park, Fairlight Road, Hastings (HS/FA/20/00175)

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Proposal	Retention of chicken coop, shepherds hut and storage shed.
Application No	HS/FA/20/00175
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 11 letters of objection, 31 letters of support

The Planning Services Manager presented the application for retention of chicken coop, shepherds hut and storage shed.

The site comprises a single storey detached property on the south side of Fairlight Road within Hastings Country Park. The boundary is lined by trees which are subject to a group and individual Tree Preservation Order.

This application follows an earlier application which was withdrawn following concerns raised by the Local Planning Authority regarding the design of the main storage shed.

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

The Planning Services Manager advised that the chicken coop was not fixed to the ground and was not considered harmful to the character of the area. The shepherds hut was well landscaped and also not harmful to the character of the area.

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

RESOLVED - (unanimously) that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: LWC-07C, LWC-03A, LWC-05A, LWC-06 & LWC-04A
2. The shepherd hut and main storage shed/summerhouse, shall be ancillary to the main dwelling house and used solely for the purpose incidental to the host dwelling and not to be let as or rented as holiday or for additional income.
3. No additional pruning to the 2 x Alder, 1 x Oak and 1 x Field Maple shall take place adjacent to the workshop/summerhouse, until the precise details have been submitted to and agreed in writing by the Local Planning Authority.
4. No further development shall take place to the workshop/summerhouse until temporary protective fences as illustrated in Appendix B, to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed

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and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of the adjoining country park.
3. In the interests of the health of the trees and the visual amenity of the area.
4. In the interests of the health of the trees and to protect the visual amenity.

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. There is a Tree Preservation Order affecting the land and (subject to the terms of the order) the applicant must contact the Borough Arboriculturist and submit any necessary applications before any future works to trees are carried out, including pruning, or removal of overhanging branches on this site.
4. No further development shall be carried out on this site without written confirmation that either permission is not required, or planning permission is required and granted.

215.2 33 St Dominic Close, St Leonards on Sea (HS/FA/00123)

Proposal	Loft conversion and rear dormer extension together with single storey rear extension and raised patio area with screening and detached side tandem garage (amended description).
Application No	HS/FA/20/00123
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 11 letters of objection

The Planning Services Manager presented the application for loft conversion and rear dormer extension together with single storey rear extension and raised patio area with screening and detached side tandem garage.

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The site consists of a semi-detached bungalow at the end of a cul-de-sac. The area is predominantly residential in character. The proposed dormer window is located to the rear and won't be visible from the public realm.

The Planning Services Manager informed the Committee that the proposed extension is considered to be of a scale and design that would not be harmful to neighbouring residential amenity.

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

Councillor Roberts proposed a motion, seconded by Councillor Cox, to approve the planning application as set out in the resolution below.

RESOLVED - (unanimously) that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 4269-100B, 4269-101D, 4269-105D and 4269-106H 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, with the exception of the flat roof.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the garage shall be used only for purposes incidental and ancillary to the enjoyment of the dwelling house and for no other purpose and from which it shall not be let, sold separately, or severed thereafter.
6. Prior to the commencement of works on site, a Land Stability Report by a qualified engineer shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of works shall be implemented before the construction of the development hereby approved.
7. Prior to the use of the rear raised patio area hereby approved, the 1.8m high obscure glazed privacy screen positioned along the south side and part of the west side of the raised patio area shall be constructed and completed in line with approved

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drawing no. 4269-106 H and thereafter retained and maintained in good order in perpetuity.

8. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period.

9. Notwithstanding the provisions of Classes A, B and C of Schedule 2 (Part 1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no additional openings shall at any time be inserted in any elevation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

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. In the interests of the visual amenity of the area.
5. To maintain planning control in the interests of amenity of the site.
6. In the interests of land stability and the protection of the development.
7. To safeguard the amenity of adjoining and future residents.
8. To safeguard the amenity of adjoining and future residents.
9. To maintain planning control in the interests of amenity of the site.

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 this notice of decision does not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land, to either construct or subsequently to maintain the proposed development.

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4. Your attention is drawn to the requirements of the Party Wall etc. Act 1996

216. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at 7.32pm)