

# Planning Agenda

**Wednesday, 26 May 2021 at 6.00 pm**

This meeting will be held online. A viewing link to this meeting will be posted on our website nearer the time.

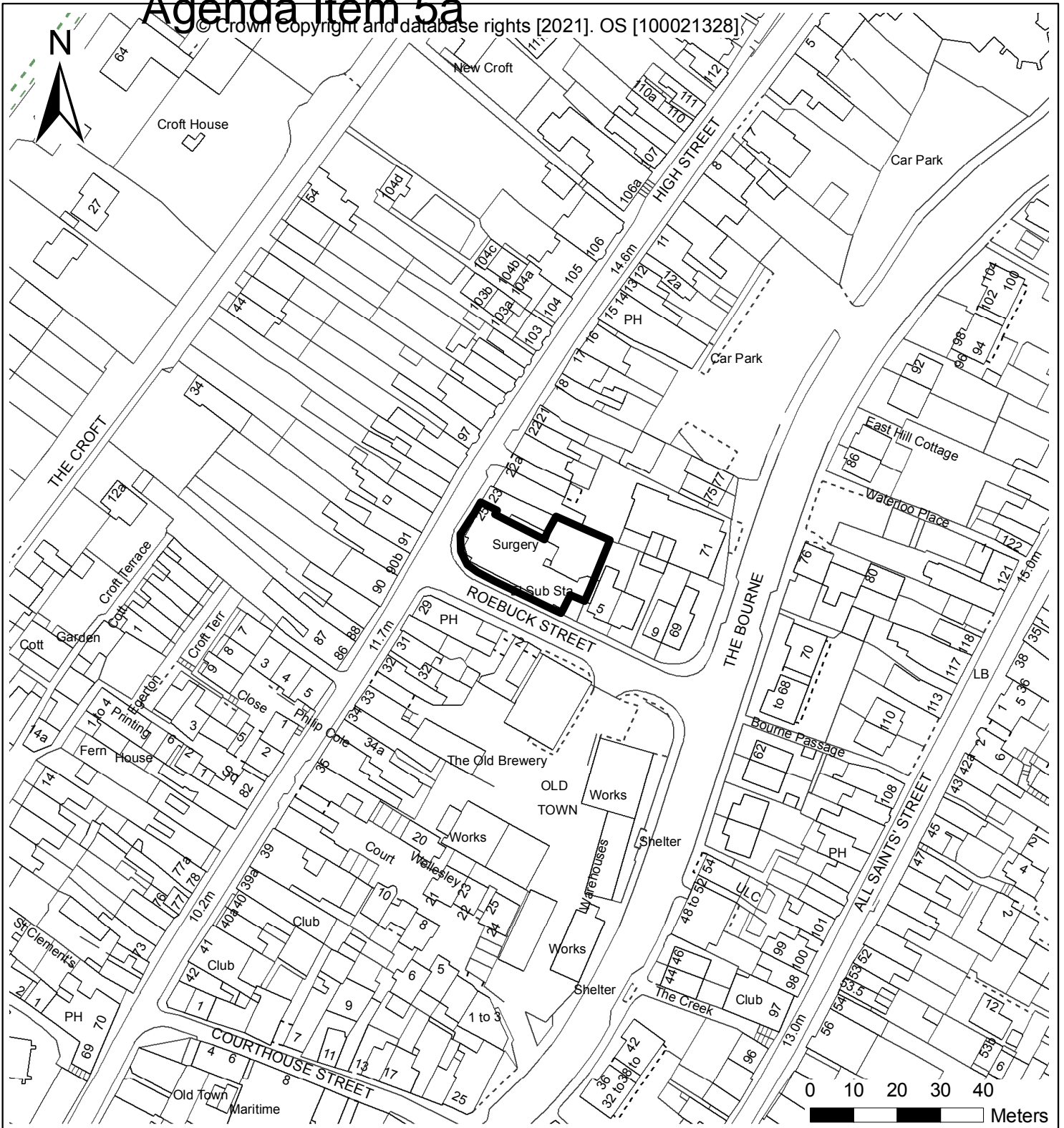
For further information, please contact Democratic Services on 01424 451484 or email: [democraticservices@hastings.gov.uk](mailto:democraticservices@hastings.gov.uk)

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of previous meeting	To follow
4.	Notification of any additional urgent items	
5.	Planning Applications	
	(a) Roebuck House, 26-27 High Street (HS/FA/20/00589) ( <i>S Wood, Principal Planner</i> ) <a href="https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_117644">https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_117644</a>	1 - 14
	(b) Dingle Cottage, Jenners Lane (HS/FA/21/00203) ( <i>I Sheth, Principal Planning Officer</i> ) <a href="https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_118255">https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=_H_STBC_DCAPR_118255</a>	15 - 30
6.	Planning Appeals and Delegated Decisions	31 - 32

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# Agenda Item 5a

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**Roebuck House**  
**26-27 High Street**  
**Hastings**  
**TN34 3EY**

Variation of condition 2 (approved plans) of Planning Permission HS/FA/19/00157 (Conversion of existing (D1) doctors surgery to form 9 x flats including external alterations (materials and finishes). Amendments - Change to window and wall colours. Replace tile hanging to bays with render. Installation of gates. Minor internal layout changes.



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

Date: May 2021

Scale: 1:1,250

Application No. HS/FA/20/00589

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 26 May 2021

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** Roebuck House, 26-27 High Street, Hastings, TN34 3EY

**Proposal:** Variation of condition 2 (approved plans) of Planning Permission HS/FA/19/00157 (Conversion of existing (D1) doctors surgery to form 9 x flats including external alterations (materials and finishes). Amendments - Change to window and wall colours. Replace tile hanging to bays with render. Installation of gates. Minor internal layout changes.

**Application No:** HS/FA/20/00589

**Recommendation:** Grant Full Planning Permission

Ward: OLD HASTINGS 2018  
Conservation Area: Yes - Old Town  
Listed Building: Grade II

Applicant: Melisande Properties Ltd per CKA  
ARCHITECTURAL LTD 36 Church Street  
Eastbourne East Sussex BN21 1HS

**Public Consultation**

Site notice:	Yes
Press advertisement:	Yes - Affects a Listed Building
Neighbour Letters:	No
People objecting:	9
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - 5 or more letters of objection received

## **1. Site and surrounding area**

The site comprises a prominent three storey corner building. Roebuck House consists of two buildings and the floors above 25 High Street, which have over time, been amalgamated into Roebuck House, with the postal address of 26-27 High Street. 26 High Street is of Victorian descent, although has undergone significant modernisation over the last century with a significant portion carried out with the construction of the 1960's extension that forms 27 High Street.

The bulk of the property faces Roebuck Street and has an undercroft access to the west part of the building through to a small courtyard parking area to the rear. The building includes clay hanging tiles and rendered bay windows, white painted timber windows and beige rendered walls with some brickwork to the eastern part of the building.

The site is located within the Old Town Conservation Area, and the upper floors above the shop at 25 High Street are listed. The application building is surrounded by attractive two and three storey buildings in both commercial and residential use, many of which are also listed. The building occupies an extremely prominent corner position as a more modern structure in the Conservation Area, despite being part listed.

### Relevant site constraints

- Old Town Conservation Area
- SSSI Impact Risk Zone
- Archaeological Notification Area
- Area affected by ground water flooding
- Grade II Listed Building

The building is also located within the Old Town and Stade Cultural Quarter as defined by the Hastings Development Management Plan 2015.

## **2. Proposed development**

This application proposes to vary Condition 2 (approved plans) of planning permission HS/FA/19/00157 which gained consent on 11 September 2019 to convert the existing doctors surgery into 9 flats, together with external alterations to the building. The variation to the approved plans relates to an alternative decorative scheme and some minor changes to the internal layout. These are:

### External alterations

- Tile hanging replaced with painted render (Farrow & Ball, "Strong White")
- Painted timber windows (Farrow & Ball, "Plummett")
- Installation of gates at ground floor level facing Roebuck Street (Farrow & Ball, "Plummett")

The concrete tiled roof and facing brickwork will be retained, together with the existing black upvc rainwater goods.

### Internal alterations

- Repositioned entrance to Flat 8
- Automatic opening vent to staircases
- Swapped location of shower room and kitchens for Flats 5 and 7

It is important to note that this application is focusing on the amendment to Condition 2 only, and does not re-examine the full application for the conversion of the existing doctors surgery to form 9 flats in its entirety, as this has already been approved. Should permission to vary Condition 2 be granted, this will take effect as a new, independent permission to carry out the same development as previously permitted, subject to the amendments approved by this consent. The new permission will sit alongside the original permission, which will remain intact and unamended with the original conditions attached.

The application is supported by the following documents:

- Schedule of amendments
- Heritage Statement (Kember Loudon Williams, February 2021)

### **Relevant planning history**

- HS/FA/19/00157 Conversion of existing (D1) doctors surgery to form 9 x flats including external alterations (materials and finishes)  
GRANTED 12 September 2019
- HS/FA/10/00536 Relocation of surgery entrance together with associated works to provide disabled access  
GRANTED 29 October 2010
- HS/FA/96/00002 Erection of three storey side extension fronting Roebuck Street and extension of existing roof to form a mansard roof with additional rooms and small extension to car park  
GRANTED 23 February 1996
- HS/FA/95/00605 Erection of supporting rooms to the main surgery  
REFUSED 23 February 1996
- HS/FA/95/00335 Erection of three storey and single storey extension at rear (fronting Roebuck Street)  
APPEAL ALLOWED 2 September 1996
- HS/FA/89/01276 Replacement of windows and replacement of weatherboarding with tile hanging  
GRANTED 16 February 1990
- HS/FA/89/00867 Erection of extensions and change of use of 1st and 2nd floors of no.25 to doctors surgery  
GRANTED 9 October 1989
- HS/FA/88/01042 Erection of first and second floor extension at rear  
GRANTED 2 November 1988
- HS/FA/77/00505 Conversion of ground floor of existing surgery from car parking to

- consulting rooms, demolition of adjoining disused bakery to form car park for 6 cars  
GRANTED 4 October 1977
- HS/FA/73/01084 Erection of covered way and formation of enquiry/prescription office  
GRANTED 9 August 1973
- HS/FA/66/01092 Erection of 2 doctors surgeries, 2 flats and covered parking for 5 vehicles  
GRANTED 12 December 1966
- HS/OA/65/00040 Erection of three-storey building containing accommodation for doctors consulting rooms with residential accommodation over  
GRANTED 9 March 1965
- HS/FA/57/00090 Formation of parking space for two vans  
GRANTED 12 March 1957

### **National and local policies**

#### Hastings Local Plan – Planning Strategy 2014

- Policy FA5 - Strategic Policy for Eastern Area
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy EN1 - Built and Historic Environment

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

- Policy LP1 - Considering Planning Applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM6 - Pollution and Hazards
- Policy HN1 - Development affecting the Significance and Setting of Designated Heritage Assets

#### Other policies/guidance

National Design Guide

#### 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.

### **3. Consultation comments**

Hastings Borough Council (Conservation) - **no objection subject to the amendment of Conditions 8 and 9, and the imposition of Condition 11**

Considers that following the submission of amended plans, the level of harm to heritage assets is minimal.

### **4. Representations**

In respect of this application a site notice was displayed at the site, and an advert placed in the local paper. The Council has received 10 letters of objection, from 9 different households. In summary, these raise the following concerns:

- The use of "Plummet" for the render and "Pavilion gray" for the woodwork is not suitable for this location
- Hung tiles should be retained
- No details of internal lighting
- No details of ventilation on the roof

Comments were also received regarding the loss of the retail units as a result of the development as well as the positioning of the flues. These however, relate to the wider development to convert the doctors surgery to flats, approved under the original consent (HS/FA/19/00157), and are not for re-consideration here.

## **5. Determining issues**

This application focuses on the amendment to Condition 2 (approved plans) of planning permission HS/FA/19/00157 in so far as it relates to the external materials and minor internal alterations only, and does not address the full planning permission for the conversion of the existing building into 9 flats in its entirety. Therefore, the only issue to consider as part of this report is the impact these external alterations will have on the character and appearance of the building and the wider Conservation Area, and whether the internal alterations to the layout will impact on the amenity of future residents.

### **a) Principle**

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other Local Plan policies.

### **b) Impact on character and appearance of the Old Town Conservation Area**

The site is in the Old Town Conservation Area and is surrounded by a dense collection of historic buildings, many of them listed buildings. Roebuck House is a large-scale building occupying a prominent corner site in the Conservation Area. The southern and eastern parts of the building, wrapping around the corner of High Street with Roebuck Street, are modern, but the northern part of the building, facing onto High Street, is a Grade II listed building, consisting of a shop at ground floor level with domestic-type accommodation above. Together with the pub opposite, this former medical surgery building frames the junction of High Street with Roebuck Street. The building also forms a harmonious architectural grouping with the other buildings on Roebuck Street and High Street.

The building currently has a mix of colours and textures of external materials that generally fit in with the predominantly pale render, red brickwork or red clay tile hanging to frontages in this part of the Old Town Conservation Area. This means that although a large part of the building is modern, it sits comfortably within its context. Taking this into account, the concerns raised by residents following the submission of the original application in terms of the amendments to materials were well justified at the outset. As a result, the applicant agreed to amend the paint colours proposed, removing the dark grey render colours proposed and using "Strong White" instead, on all relevant external walls. Whilst the windows and gate are now proposed to be a darker grey than originally proposed, it is considered that the contrast provided will sit comfortably within the streetscene and enhance the appearance of the building. Whilst it would have been preferred that the original tile hanging could be retained, the harm that will result is considered to be minimal and could

not justify a refusal of permission in this instance. The external decoration scheme therefore, when considered in its entirety, is not considered to cause any more than minimal harm to the significance and setting of the Listed Building or wider Conservation Area, and is therefore in accordance with Policy EN1 of the Hastings Planning Strategy 2014 and HN1 of the Development Management Plan 2015.

#### Boiler flues and ventilation to the roof

Concern has been raised by residents regarding the position of boiler flues and the lack of information regarding ventilation on the roof. Condition 9 has been amended to clarify that full details of the proposed siting of any extract terminals, which include vents and boiler flues on the visible elevations of the building must be submitted to and approved in writing by the Local Planning Authority, prior to installation. The condition has also been strengthened to state that notwithstanding what is shown on the approved drawings, no approval is given for their locations, and that no flues shall exist onto the street elevations of the building, unless otherwise agreed in writing by the Local Planning Authority. This will ensure that residents concerns are addressed, and that such details are fully assessed to ensure no harm is caused to the streetscene, in accordance with Policies DM1 and HN1 of the Development Management Plan 2015.

#### c) Layout

The amendments to the internal layout are minor in nature and do not affect the building's ability to provide a satisfactory standard of accommodation for future residents, in accordance with the requirements of Policy DM3 of the Development Management Plan 2015. The applicant is however reminded that Listed Building Consent is required for these internal works (Informative 3)

#### d) Impact on neighbouring residential amenity

Concern has been raised regarding the impact of internal lighting on neighbouring residents. The use of, or position of internal lighting in the context of full planning permission is not something within the control of the Planning System, although no external lighting is being proposed that may result in spill light to the detriment to neighbouring residential amenities. Policy DM6 of the Development Management Plan 2015 is therefore complied with.

#### e) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) requires the Local Planning Authority to determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations:

- if it is listed in Schedule 1 an Environmental Impact Assessment is required in every case;
- if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development.

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **6. Conclusion**

The amended external decoration scheme is now considered to be appropriate for this building, and will not cause harm to the significance and setting of the building or the wider Conservation Area. Whilst the retention of the tile hanging would be proposed, the scheme as a whole now sits comfortably within the streetscene, addressing the majority of residents concerns. The proposal therefore complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

## **7. Recommendation**

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

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

01, 02, 03, 04, 06A, 12C, 13C, 14D and 16G

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. 1 x 1100 litre wheeled waste bin and 1 x 1000 litre wheeled recycle bin should be provided within the designated waste storage room on first occupation of the flats hereby approved.
5. No part of the development shall be occupied until the car parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles
6. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
7. The submitted Construction Management Plan (House Designs, August 2019) shall be implemented and adhered to in full throughout the entire construction period.
8. Notwithstanding what is shown on the approved elevation drawings, the following paint colours are approved for use on the building : Farrow and Ball “Plummett” for the window joinery and timber gates, Farrow and Ball “Strong White” for the render. The works must then be undertaken in accordance with these approved paint colours.
9. Prior to the installation of any other extract systems, full details of the proposed siting of any extract terminals (including vents and boiler flues) on the visible elevations of the building, or anywhere on the listed building, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include elevations showing the proposed locations of the vent terminals and details of the size, appearance, materials and finishes of the terminals. Thereafter, the approved form of extract terminal shall be fitted in the agreed locations.  
  
Notwithstanding what is shown on the approved drawings, no approval is given for the boiler flue locations shown on the application drawings and no boiler flues shall exit onto the street elevations of the building, unless otherwise agreed in writing with the Local Planning Authority
10. Prior to commencement of development, details of the Hastings and Rother Clinical Commissioning Group approval for the relocation of the Primary Care Unit to Ice House, Rock-A-Nore Road, shall be submitted to and approved in writing by the Local Planning Authority.

11. No external changes to the north east elevation of the listed building are approved under this planning permission.

**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 nearby residents.
4. To ensure a satisfactory standard of development.
5. To provide car-parking space for the development.
6. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
7. In the interests of highway safety and the amenities of the area.
8. To ensure a satisfactory form of development in the interests of the character and appearance of the area.
9. To ensure a satisfactory form of development in the interests of the character and appearance of the area.
10. In order to ensure that the requirements of Policy SA3 of the Hastings Development Management Plan 2015 are met
11. To ensure a satisfactory form of development in the interests of the character and 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.
3. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
4. Any changes to the building foundations will require Southern Water approval. An investigation of the water main is required to ascertain its

condition, size and depth. The design for erection of additional floor and extensions should take into account additional load of that construction that will be affecting the public apparatus. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

5. Consideration should be given to the provision of a domestic sprinkler system.
6. The waste bins will need to be provided by the developer and owner of the property upon completion.
7. All works should be undertaken with due regard to Health & Safety guidance notes HS(G)47 Avoiding Danger from Underground Services. This document is available from HSE offices.
8. The applicant is reminded that a separate Listed Building Consent application is required for the proposed works that affect the listed parts of the building, above the shop at 25 High Street. Conversion works should not commence to any part of the listed building until this consent has been obtained.
9. This planning permission has been issued as a variation to the original planning permission HS/FA/19/00157. With the exception of Conditions 8 and 9 which have been amended and the addition of a new Condition 11, the conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible.

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### **Officer to Contact**

Mrs S Wood, Telephone 01424 783329

### **Background Papers**

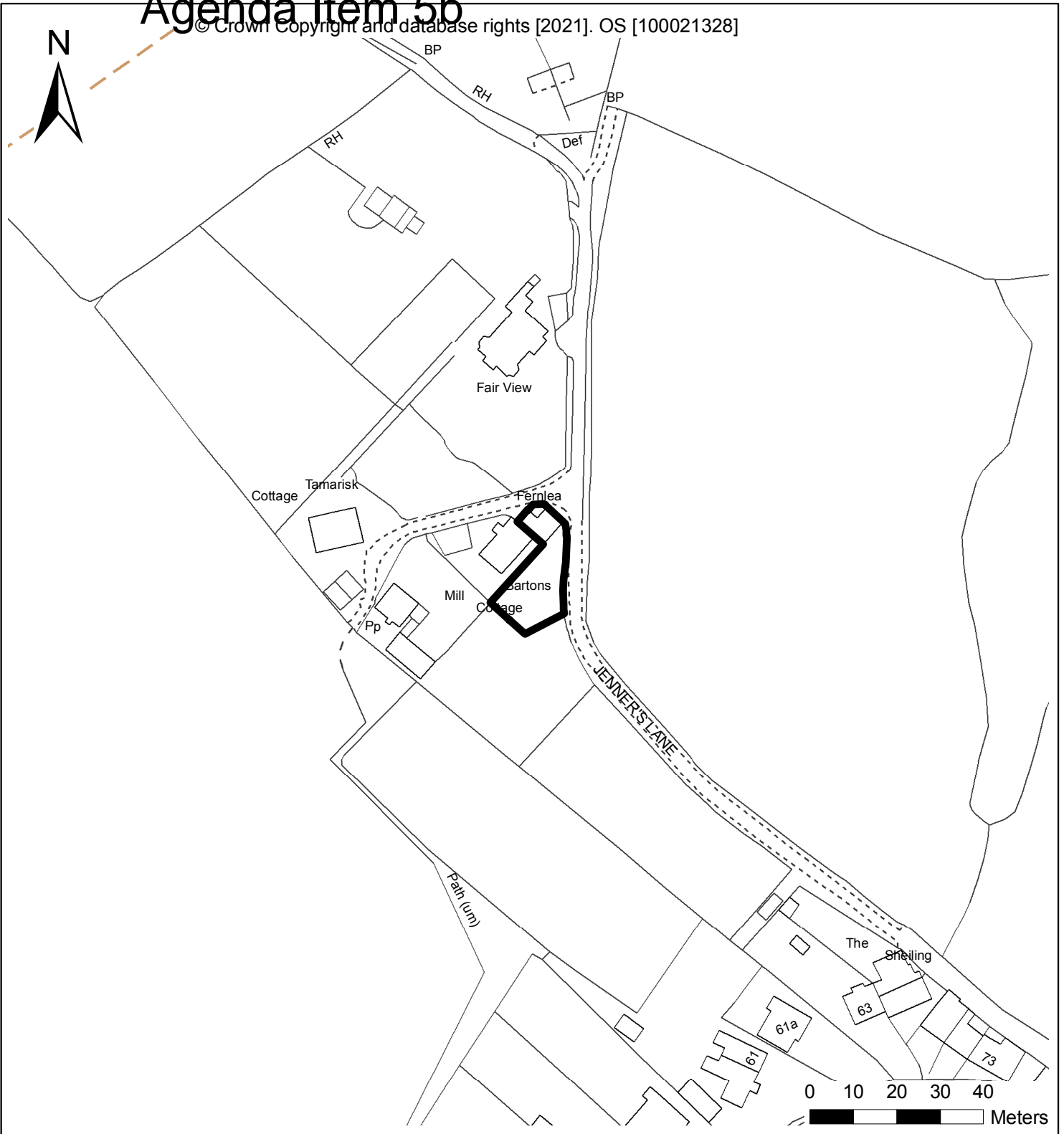
Application No: HS/FA/20/00589 including all letters and documents

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# Agenda Item 5b

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**Dingle Cottage  
Jenners Lane  
Hastings  
TN35 4LH**

Erection of a single storey outbuilding to be used as a home office, incidental to the principal residential use of the house.



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

Date: May 2021

Scale: 1:1,250

Application No. HS/FA/21/00203

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 26 May 2021

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** Dingle Cottage, Jenners Lane, Hastings, TN35 4LH

**Proposal:** Erection of a single storey outbuilding to be used as a home office, incidental to the principal residential use of the house.

**Application No:** HS/FA/21/00203

**Recommendation:** Grant permission

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

**Applicant:** Mr Evans per Barry Holdsworth Ltd Great Barn Loose Farm Barns Hastings Road, Battle, Hastings. TN33 0TG

**Public Consultation**

Site notice:	No
Press advertisement:	No
Neighbour Letters:	Yes
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

**Application status:** Not delegated - Application submitted on behalf of a serving employee in a restricted post.

## 1. Site and surrounding area

This application refers to a site which is located on the outskirts of Hastings, on Jenners Lane, which is off of Winchelsea Lane. The site is occupied by a two storey semi-detached dwelling. The dwelling occupies a corner position on Jenners Lane with the garden being located on a slightly higher level than the house and lane.

The nature of the boundary treatment alongside Jenners Lane comprises low level picket fencing. The southern boundary of the site comprises mature hedging in excess of 2m and a brick wall having a height of some 1.7m (taken from the ground level of the raised bed adjacent to the wall) is located along the western boundary.

A mature Ornamental Plum tree is located within the garden adjacent to the picket fence.

To the north of the site is Fairview and Bartons Cottage. To the east, Jenners Lane, beyond which is a field, to the south, a field and to the west Bartons Cottage. Bartons Cottage is a chalet bungalow with rooms in the roof.

The surrounding buildings are all different in design, scale and form, meaning the dwelling is unique in the street scene.

### Constraints

Archaeological Notification Area

High Weald AONB

## 2. Proposed development

The proposal is to erect an outbuilding to be used an office, incidental and ancillary to the main residential dwelling.

The proposed hipped roofed outbuilding will be 5.3m long and 3.2m deep will be fixed to an existing concrete base, approximately 15cm in height. The proposed outbuilding will have a eaves height of some 2.3m and a ridge height of some 3.4m from the concrete base.

### The following materials are proposed:

Elevations – treated softwood featheredge boarding finished in dark green.

Roof – Eternit thrutone fibre cement slates

Black PVCu guttering leading to a water butt.

The application is supported by the following documents:

- Arboricultural Report
- Ecology Report
- Planning Statement
- Site Waste Management Plan

This application is being considered at the Committee Meeting as its is submitted on behalf of a serving employee in a restricted post.

### **Relevant planning history**

**Application No.** HS/FA/79/00607  
**Description** Erection of detached garage.  
**Decision** Permission with conditions on 27/09/79

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**Application No.** HS/FA/19/00487  
**Description** Installation of First Floor Side (North East) Elevation Window  
**Decision** Permission with conditions on 15/08/19

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### **National and local policies**

#### Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy EN1 - Built and Historic Environment  
Policy EN7 - Conservation and Enhancement of Landscape

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

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest  
Policy HN9 - Areas of Landscape Value

#### Other policies/guidance

High Weald AONB Management Plan  
High Weald AONB Legislation and Planning advice note

#### 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.

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- Function well;
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  - \* 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 172 states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 55 states: For the purposes of paragraphs 172 and 173, whether a proposal is

'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant

### 3. Consultation comments

With regards to this application the following consultations were undertaken:

Hastings Borough Council Arboriculturist – **No objection subject to the imposition of conditions** (Conditions 5 and 6)

The officer considers that the information and proposals provided do not have an impact on the existing trees/hedgerows on site.

Hastings Borough Council Environment and Natural Resources Manager – **No objection subject to condition** (condition 4)

The officer considers the information and proposals provided are satisfactory subject to the implementation of the mitigation measures and works set out in the submitted ecology report.

High Weald AONB Unit – **No comment**

The High Weald AONB Unit do not comment on applications of this minor scale and defer the assessment of the impact of the works on the AONB to the Local Planning Authority.

Lead Local Flood Authority – **No objection**

The application is proposing to construct the outbuilding on an already impermeable area. The applicant is proposing the use of a water butt with the overflow connected to the main drainage system of the house. Propose condition relating to the investigation of the drainage system, and that any maintenance or rehabilitation be completed should it be required.

### 4. Representations

In respect of this application neighbour letters were sent out. No responses have been received.

### 5. Determining issues

The main issues to consider are the impact on the character and appearance of the area, the impact on neighbouring residential amenities and the impact on the High Weald Area of Outstanding Natural Beauty (AONB).

#### 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 the area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015), states, that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: (a) protecting and enhancing local character; (b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot

layouts and boundaries, block sizes and scale, height, massing and materials; (c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; (d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; (e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints.

The proposed outbuilding is to be located in the south- western corner of the application site. Until recently, a shed was located in this location. Whilst the new outbuilding will be visible from the public realm, taking into consideration that the outbuilding replaces an existing shed, the proposal would not result in any undue impact on the character of the area.

Furthermore, the proposed outbuilding is of a generally good design with hipped roof and externally finished with treated softwood featheredge boarding in dark green colour, consistent with the requirements of the High Weald AONB Management Plan.

The proposed works are therefore considered acceptable in this respect and are in accordance with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

#### c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015), states, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where: (a) the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

Fields are located to the south of the application site and to the south of the proposed outbuilding. As such no neighbours to the south are affected by the proposed development. Furthermore, a hedge having a height in excess of 2.5m is located along the southern boundary which would significantly screen the views of the outbuilding from the southern side.

A brick wall having a height of some 1.7m is located along the north-western boundary/party wall boundary with the neighbouring semi at Barton's Cottage. The proposed outbuilding would be located some 0.3m from this boundary and the roof is to slope away. Under these circumstances, it is not considered that the proposed outbuilding would result in any undue impact on the amenity of this neighbour. It should be also noted that recently, a shed was located in the western corner of the site and was removed in readiness for the erection of the proposed outbuilding.

Overall, it is not considered that the proposal will result in any negative impact to neighbouring residential amenity with regards to over shadowing or loss of daylight.

The proposed works are therefore considered acceptable in this respect and are in accordance with Policy DM3 of the Hastings Local Plan - Development Management Plan



(2015).

#### d) High Weald AONB - impact on landscape

Policy HN9 of the Hastings Local Plan - Development Management Plan (2015), states, areas of landscape value are AONBs and the Combe Valley Countryside Park. The inherent visual qualities and distinctive character of these areas will be protected. Development will only be permitted that is not detrimental to the character, scenic quality or visual benefit of these areas. Policy EN7 of the Hastings Local Plan – Planning Strategy (2014) seeks to protect and enhance the town’s landscape including the High Weald Area of Outstanding Natural Beauty

The High Weald AONB Unit will only provide detailed comments on planning applications if they are major developments (such as 10 or more dwellings) or they directly impact on one of the landscape character components identified in the High Weald AONB Management Plan’s statement of significance. However, it is still the responsibility of the LPA, in this case Hastings Borough Council, to decide whether the application meets legislative and policy requirements in respect of AONBs, specifically taking into regards NPPF paragraph 172, which requires great weight be given to conserving and enhancing landscape and scenic beauty in AONBs, and the High Weald AONB Management Plan.

There are seven defining components which should be assessed against when considering any application which may have an effect on the High Weald AONB:

- I. Geology, landform and water systems
- II. Settlement
- III. Routeways
- IV. Woodland
- V. Field and heath
- VI. Land-based economy and related rural life
- VII. Other qualities (features that are connected to the interaction between the landscape and people and which enrich character components)

It is considered that the proposal need only be assessed against one of these components, specifically ‘Settlement’. When assessing against this component there are three objectives which need to be considered, these are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside.
- Objective S2: To protect the historic pattern and character of settlement.
- Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

It is considered that only objective S3 need be assessed when considering this proposal due to the nature of the development. When assessing the impact of a development against this objective, it should be considered as to whether the proposal maintains and enhances the local distinctiveness, the build environment character, and the ‘sense of place’ of the High Weald AONB.

The front boundary treatment, alongside Jenners Lane comprises a low level picket fence, this and the raised garden level, relative to the lane, is such that the proposed outbuilding will be visible when viewed from the lane, albeit that those views will be slightly limited by an existing mature Plum Tree, proposed to be retained (see Arboricultural Report). However, this will only apply when standing directly in front of the garden, at the point of the existing

parking area. There will be no other points from the public realm where the outbuilding could be seen. There may be some limited views of the roof of the outbuilding above the hedge along the south west boundary from the adjacent field however most views including longer distance views across the AONB will not be able to distinguish or see the outbuilding from the enclave of built form around it, namely Dingle Cottage itself, Bartons Cottage and other neighbouring buildings and outbuildings. Under the circumstances, it is considered that the proposed outbuilding/home office will have a negligible impact on the character of the area and the intrinsic qualities of the High Weald AONB.

The proposed outbuilding/home office is to be finished in treated softwood featheredge boarding finished in dark green and the roof is proposed to be finished in 'Eternit thrutone' composite slates. The proposed use of featheredge boarding is considered appropriate and acceptable in the High Weald AONB. The existing dwelling has the provision of slates above the main dwelling and the existing porch and slates are present in the wider locality. Under the circumstances it is considered that the proposed materials are sympathetic to requirements of High Weald AONB Management Plan.

The point at which the outbuilding is proposed is fairly level at which point a concrete base is located. The applicant has advised that until recently, an existing shed was located in the western corner of the site (this is visible on google 3D maps) and was removed in readiness for the erection of the proposed outbuilding.

Due to the nature of this development, its siting and scale, it is considered that there is no detrimental impact to the character, scenic quality or visual benefit of the High Weald AONB.

The proposed works are therefore considered acceptable in this respect and in agreement with Policy HN9 of the Hastings Local Plan - Development Management Plan (2015), Policy EN7 of the Hastings Local Plan – Planning Strategy (2014), national guidance and the High Weald AONB Management Plan.

#### e) Constraint - Archaeological Notification Area

Policy HN4 of the Hastings Local Plan - Development Management Plan (2015) requires sites with potential archeological interest to be accompanied by relevant information to demonstrate that the archaeological interest of the site will be satisfactorily preserved either in situ or by record as a result of the proposed works.

Given that the proposal does not require any excavation of the ground, no assessments or evaluations are required and no consultations need to be undertaken.

Whilst the Local Plan Proposals Map shows part of the application site within an area of Archaeological Notification Area, this is no longer the case. Correspondence from ESCC Archaeologist has been submitted with this application which confirms this. As such the proposed development will not have an impact on heritage assets.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy HN4 of the Hastings Local Plan - Development Management Plan (2015).

#### f) Impact on trees

The applicant has submitted an Arboricultural Report in support of the application.

A mature Ornamental Plum tree is located within the front garden however as shown from the Arboricultural Report, the outbuilding will be located outside of the root protection area of that tree. No tree removal is proposed. No foundations are proposed, the shelter being placed on an existing concrete base. The weight of the structure is not sufficient to compact the ground therefore no trees or their roots systems will be affected by this proposal.

An Arboricultural Report composed of Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan produced by Barry Holdsworth Ltd is submitted with this application. The report concludes the tree will not present a planning constraint to the erection of the outbuilding and recommends that tree retention and protection within this report are adhered to.

Taking the above into account, subject to the implementation of mitigation methods and recommendations contained within the submitted Arboricultural Report, there is not considered to be any adverse impact on trees or level of screening provided. Policy EN3 of the Hastings Planning Strategy 2014 is therefore complied with.

#### g) Ecology

A Phase 1 survey and report commissioned by the applicant and compiled by Ecology & Habitat Management Ltd provides an assessment of the site, reporting on the current conditions of the habitats present and their potential to support protected and notable species.

The Phase 1 assessment does not identify any likely impacts on protected species, but does recommend methods to ensure construction is compliant, and ensure features that are likely to be providing an ecological resource are protected. These mitigation measures are identified in the following areas:

- Protection of breeding birds,
- Protection of wider habitats
- Appropriate lighting for bats
- Adequate Pollution Control

Subject to the ecological measures and/or works being carried out in accordance with the details contained in the submitted Ecology Report, the development is considered acceptable and complies with Policy HN8 of the Development Management Plan (2015).

#### h) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) requires the Local Planning Authority to determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations:

if it is listed in Schedule 1 an Environmental Impact Assessment is required in every case; if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development.

This development is within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore no screening opinion is required.

#### i) Flooding and drainage

Policy SC7 of the Hastings Local Plan – Planning Strategy (2014), states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The proposed outbuilding/home office is to be built on an existing concrete base and as such the proposal does not result in any flooding implications.

The site is not in an area of groundwater or surface water flood risk. The footprint of the building is just under 17m<sup>2</sup> and therefore will have a minimal impact upon surface water drainage. A drainage scheme has been submitted with the application which shows guttering to the outbuilding will feed into a water butt. A rainwater pipe will be installed that will connect the water butt to the rainwater pipes at the house. This rainwater pipe will run alongside the boundary wall of the property, positioned behind existing vegetation, and connecting to the existing rainwater pipe at the house, which terminates in the combined chamber. This will effectively mean that in events of heavy rainfall, the water butt will not overflow. This method of addressing any displaced water will ensure there is no harm arising in terms of ground or surface water flooding.

SUDS Authority recommend that the current condition of the drainage system should be investigated and any maintenance or rehabilitation completed should it be required. An informative to this effect could be attached to any planning consent.

The proposal therefore overall complies with Policy SC7 of the Hastings Planning Strategy.

## 6. Conclusion

The proposed outbuilding/home office is considered to be of an appropriate design. The proposal would not cause harm to the character or appearance of the area, would not harm residential amenities and would not cause harm to the High Weald AONB.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

## 7. Recommendation

### **Grant permission subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
NR1680/20/01, ES1600/20/01, SHT-3, SHT-8 and 1646-100
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. All ecological measures and/or works shall be carried out in accordance with the details contained in The Phase 1 ecology report for Dingle Cottage, Jenner's Lane, by Ecology and Habitat Management Ltd, dated 9/12/20 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
5. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright

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

6. All arboricultural and tree measures and/or works shall be carried out in accordance with the details contained in the Arboricultural Report (Prepared by Barry Holdsworth Ltd and dated 30<sup>th</sup> November 2020) submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.

#### **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.
5. To protect trees and hedges that positively contribute to the visual amenity of the area or contribute to the overall landscaping scheme of the site that forms an essential part of the overall design of the development. To protect trees that are noted as forming part of a habitat or foraging area for priority and protected species.
6. To protect trees identified as having a high visual amenity value and that contribute towards the features of recognised nature conservation importance and the existing ancient woodland.

#### **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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.

4. The current condition of the drainage system should be investigated and any maintenance or rehabilitation completed should it be required.

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**Officer to Contact**

Ishita Sheth, Telephone 01424 783329

**Background Papers**

Application No: HS/FA/21/00203 including all letters and documents

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# Agenda Item 6

Agenda Item:

<b>Report to:</b>	Planning Committee
<b>Date:</b>	13 May 2021
<b>Report from:</b>	Planning Services Manager
<b>Title of report:</b>	<b>PLANNING APPEALS &amp; DELEGATED DECISIONS</b>
<b>Purpose of report:</b>	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 16/04/2021 to 12/05/2021
<b>Recommendations:</b>	That the report be noted

**The following appeals have been received:**

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
17-18 Kings Road, St Leonards-on-sea, TN37 6DU  HS/FA/19/00916	Erection of a 2 storey rear extension at the Lower Ground and Ground Floor. Formation of a residential unit at lower ground floor level and alterations to elevations to include the installation of windows at the rear lower ground floor (amended description).	Refuse Planning Permission	DELEGATED	Planning
Valkyries, 99 Rye Road, Hastings, TN35 4LL HS/FA/20/00765	Garage conversion into a residential annexe	Refuse Planning Permission	DELEGATED	Planning
40 St Helens Road, Hastings, TN34 2LQ	Change of use from dwellinghouse	Refuse Planning Permission	DELEGATED	Planning

HS/FA/20/00811	(C3) to a 6 bedroom HMO (C4)			
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**The following appeals have been allowed:**

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
78 Alexandra Road, St Leonards-on-sea, TN37 6LE  HS/FA/20/00240	Change of use of the building into 2no. 3 bedroom flats and rear extensions at lower ground and first floor levels	Refuse Planning Permission	DELEGATED	Planning

**The following appeals have been dismissed:**

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
63 Birch Way, Hastings, TN34 2JY  HS/FA/20/00095	Demolition of garage and entrance porch, proposed two storey extension to front, side and rear elevations, replacement of hung tiles with vertical board cladding, and raised decking to rear elevation	Refuse Planning Permission	DELEGATED	Planning

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
General PD Approval	2
Granted Permission	61
Part Granted	3
Prior Approval Approved	2
Prior Approval Refused	2
Refused	8
Self Certificate – Not Permitted	1
Withdrawn by Applicant	3
<b>Total</b>	<b>82</b>

**Report written by**

**Sam Townshend** – Tel: (01424) 783264

Email: [planning@hastings.gov.uk](mailto:planning@hastings.gov.uk)