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

Apologies for absence were notes for Councillor

## 186. APOLOGIES FOR ABSENCE

None

## 187. <u>DECLARATIONS OF INTEREST</u>

Councillor	Item	Interest
Beaver, Scott & Webb	All items relating to	Personal - East Sussex
	highways	County Councillor

## 188. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 4 March 2020 be approved by the Chair as a true record.

## 189. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received.

## 190. PLANNING APPLICATIONS

## 190.1 Land Adjoining Fishponds Cottage, Barley Lane (HS/FA/19/00871)

Proposal	Installation of domestic sewage
	treatment plant to replace septic tank
Application No.	HS/FA/19/00871
Conservation Area	No
Listed Building	No
Public Consultation	Yes- 1 objection

The Planning Services Manager had been advised by the agent that they had not served notice of the application on an individual that had an ownership interest in part of the land. The application was technically invalid and has been withdrawn from the agenda.

## 190.2 Land at Plot Px and Plot Qx, Sidney Little Road (HS/FA/19/00803)

Councillor Scott was not present fully for this item and therefore did not take part in the debate or vote.

Proposal	Develop a new 2 storey business
	incubation complex consisting of 29 units

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	for a total area of approx. 888m2 lettable space complex with associated car and cycle parking spaces.
Application No.	HS/FA/19/00803
Conservation Area	No
Listed Building	No
Public Consultation	Yes- Council application on Council
	owned land

The Planning Services Manager presented the application to develop a new 2 storey business incubation complex consisting of 29 units for a total area of approx. 888m2 lettable space complex with associated car and cycle parking spaces.

There is an amendment to condition 2 (hours of construction) as follows;

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:-

07.30 – 20.00 Monday to Friday

07.30 – 18.00 on Saturdays

No working on Sundays or Public Holidays'

The Planning Services Manager advised the committee that normally this range of construction hours are not permitted due to the impact on residents. In this case the location is in an industrial estate which has allowed for more flexibility with this condition.

The site is currently vacant and is overgrown with trees. Residential properties are located a minimum of 200 metres from the application site. The site is screened from residential properties by an ancient woodland and the surrounding industrial estate.

The site is allocated for employment under Policy GH8 of the Local Plan.

A total of 47 car parking spaces and 20 cycle parking spaces are proposed to serve the proposed incubation complex. There be a green roof with solar PV mounted panels and a wildlife pond to compliment the woodland setting.

There would be a 15m2 buffer to protect the existing woodland as required by Natural England. The application would not harm the Local Nature Reserve.

There would also be a £12,000 contribution towards real time passenger information display at the Bodiam Drive bus stop.

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

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Councillor Barnett, as Ward Councillor, spoke for the application. Councillor Barnett said there is a real need for industrial units of this kind across Hastings. Hollington is well provided for but these are well used and there is a demand for more especially for new start up businesses. The Council and CHART has provided funding towards this building to help with providing important spaces for activities such as training which are invaluable for new start ups and entrepreneurs. Given high levels of deprivation in the area it is hoped that these new units will help to increase local employment and improve resident's quality of living. Councillor Barnett is pleased with the application's green incentives of the green roof and solar panels and he hopes that the green transport links increase in the future. He is concerned that no additional working hours restrictions are put in place by the committee as flexible working hours will help with business development. He supports the amendment to condition 2 to increase them. The location is away from residents and the buffer of the woodland would mean that the proposed building would not cause issues for residents.

The Planning Services Manager had nothing further to add.

The Committee asked questions of the Planning Services Manager.

In response to the questions the Planning Services Manager confirmed that the Green Roof was a form of natural plants that would be conductive to supporting local wildlife. The specific planting details would be in the application.

The Councillors also asked if access to the completed building would be 24 hours, 7 days a week. It was confirmed that there were no hours of use conditions attached to the completed building meaning it would always be fully accessible because of its location and nature of use.

Councillors asked if there would be a change of use to the completed building. The owner could apply for change of use and this application would be accessed on its own merits.

Councillor Beaver proposed a motion, seconded by Councillor Edwards, to grant the application as set out in the resolution below including the amendments to condition 2.

# RESOLVED- (Unanimous) that Full Planning Permission be granted subject to the following conditions:

- A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act for the entire redevelopment site covered under HS/FA/19/00803 to secure:
  - a financial contribution of £12,000 towards Real Time Passenger Information;
  - · a Travel Plan in the form of the Travel Plan Framework

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• a S278 Agreement with ESCC highways for the detailed design of the highway works and improvements required, and the relocation of a lighting column.

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed by 3 December 2020 that permission be refused on the grounds that the application does not comply with the relevant policies (Policy CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

## B) Subject to the above

## **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. 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:-

07.30 - 20.00 Monday to Friday07.30 - 18.00 on SaturdaysNo working on Sundays or Public Holidays.

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

6400-ACC-00-ZZ-DR-A-1002 Rev.P1 Proposed Visibility Splay 6400-ACC-00-ZZ-DR-A-1002 Rev.P3 Proposed Site Plan amended 6400-ACC-00-ZZ-DR-A-0003 Rev.P0 Topographical Survey 6400-ACC-00-ZZ-DR-A-1006 Rev P2 Proposed Hard Landscaping 6400-ACC-00-ZZ-DR-A-1300 Rev P1 Elevations 6400-ACC-00-ZZ-DR-A-1110 Rev P1 Proposed Ground Floor 6400-ACC-00-ZZ-DR-A-1130 Rev P0 Proposed Roof Plan 6400-ACC-00-ZZ-DR-A-1120 Rev P1 Proposed First Floor Plan 6400-ACC-00-ZZ-DR-A-1400 Rev P1 3D Views 6400-ACC-00-ZZ-DR-A-1008 Rev P1 Ecological Constraints and Opportunities

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6400-ACC-00-ZZ-DR-A-1009 Rev P1 Site Plan Hoarding Plan 6400-ACC-00-ZZ-DR-A-1010 Rev P1 Site Compound and Haulage Routes 6400-ACC-00-XX-DR-A-1205 Rev P0 Section Through Access Road

- **4.** No external lighting shall be placed anywhere within the site without first obtaining the prior consent in writing from the Local Planning Authority. The submitted details shall include details of the type of luminaire and output measures to shield and direct light and illuminance. Thereafter lighting shall only be installed and maintained in accordance with the approved details.
- 5. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
- 6. The development shall not be occupied until the cycle parking, car parking areas and turning spaces for cycles and vehicles have been provided and constructed in accordance with the amended approved drawing no.6400-ACC-00-ZZ-DR-A-1002 Rev.P2 Proposed Site. Thereafter the approved areas shall be retained for that use as approved and shall not be used for any other purpose.
- 7. If any identified or significant additional or unforeseen contamination is encountered, it shall be immediately notified to the Local Planning Authority. If development has started, it shall cease in the affected area and should not commence until a programme of remediation has been submitted to and approved in writing by the Local Planning Authority.
- 8. All arboricultural, tree and ecological measures and/or works shall be carried out prior to commencement of this development hereby approved in accordance with the details contained in the Ecology and Arboricultural Report prepared by The Ash Partnership dated August 2019, and submitted as part of this planning application. These arboricultural, tree and ecological measures and/or works shall thereafter be maintained as approved.
- 9. 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 BSI 5837 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.

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10. No development shall commence until a Construction Environmental Management Plan (not including biodiversity) which details how the environmental impact of the construction work associated with this development will be controlled, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be adhered to throughout the construction period.

The plan should provide for:-

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) construction traffic management;
- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) measures to control noise disturbance;
- ix) measures to investigate and remediate any land contamination;
- **x)** measures to maintain land stability during construction;
- **xi)** a scheme for recycling/disposing of waste resulting from demolition and construction works; and

xii) working hours.

- 11. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones";
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;

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- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.
- 12. No development shall take place until details of the layout of the new access and the specification for the construction of the access which shall include details of protection markings have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence or be occupied until the construction of the access has been completed in accordance with the agreed specification. The access shall thereafter be maintained as approved.
- **13.** The access shall not be used until visibility splays as shown on the amended Drawing No 6400-ACC-00-ZZ-DR-A-1003 P1 are provided and are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.
- 14. Prior to the commencement of the development hereby approved details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed surface water drainage shall be maintained as approved.
- 15. The development hereby permitted shall be carried out in accordance with the measures detailed in the submitted Transport and Highways Supporting Document prepared by The Transportation Consultancy and dated November 2019, and submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.
- 16. The development hereby permitted shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
- **17.** The completed access shall have maximum gradients as indicated on the approved plan Drawing No. 6400-ACC-00ZZ-DR-A-1006 P2

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Proposed Hard Landscaping and the agreed gradients shall thereafter be maintained as approved.

- 18. The development shall not be occupied until a grit bin has been provided within the site to reduce the occurrence of ice on the access road in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the grit bin shall thereafter be retained for that use and shall not be used for any other purpose.
- 19. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.
- 20. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. Thereafter the scheme shall be carried out as approved and maintained in accordance with the approved scheme.
- 21. 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 defective, another tree of the same species and size as that originally planted shall be planted at the same.
- **22.** No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.
- 23. 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 BSI 5837 standards and to the

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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.

- **24.** Prior to first occupation of the development hereby approved, evidence, including photographs shall be submitted to and approved in writing by the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
- 25. 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 where needed and their origin and how long they have been in the nursery should be supplied to the Local Planning Authority prior to the commencement of any tree planting.
- **26.** No plant or equipment, for instance to heat the building, shall be installed within the building hereby permitted without first obtaining the prior consent in writing of the Local Planning Authority. The plant or equipment shall thereafter be implemented and maintained as approved.
- **27.** Work which is audible at the site boundary and deliveries to and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- 28. (i) Prior to construction of the development hereby approved, details of the proposed means of foul sewerage and surface water disposal/management is to be submitted to and approved in writing by the Local Planning Authority. These details shall include formal agreement from Southern Water for any new connection to the Public Sewer, including evidence that Southern Water has capacity within their system to accommodate the development. Along with a maintenance and management plan for the entire drainage system identifying those responsible for managing all aspects of the surface water drainage system and piped drains.
  - (ii) Development shall then be carried out in accordance with the details approved under (i)

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- (iii) The development hereby approved shall not be occupied until evidence (including photographs) has been submitted to and approved in writing by the Local Planning Authority demonstrating that the drainage system has been constructed as per the final agreed detailed drainage designs.
- **29.** No part of the development hereby approved shall commence until detailed drainage drawings and calculations have been submitted to and approved in writing by the Local Planning Authority.
  - i) The submitted details shall include evidence (in the form of hydraulic calculations) that surface water discharge rates are limited to 0.9 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Such hydraulic calculations shall take into account the connectivity of the different surface water drainage features.
  - ii) The details of the outfall of the proposed attenuation pond and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
  - Prior to the construction of the outfall, a survey of the condition of the ditch/ordinary watercourse (or sewer/drain) which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse/sewer/drain shall also be included and, if approved by the Local Planning Authority, implemented accordingly.
  - iv) A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:
    - a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
    - b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

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These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

#### Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. To ensure an acceptable form of development.
- 3. For the avoidance of doubt and in the interests of proper planning.
- 4. In the interests of amenity.
- 5. In the interests of the visual amenity of the area.
- 6. To ensure an adequate level of off-street parking to serve the development, in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, and in the interests of highway safety.
- 7. To ensure a satisfactory standard of development.
- 8. To protect features of recognised nature conservation importance.
- 9. To protect features of recognised nature conservation importance and the existing ancient woodland.
- 10. In the interests of neighbour amenity and to ensure an acceptable form of development.
- 11. To ensure that any adverse environmental impacts of development activities are mitigated.
- 12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
- 13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
- 14. To ensure a satisfactory standard of development.

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- 15. To ensure an acceptable form of development and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
- 16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
- 17. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
- 18. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
- 19. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
- 20. To ensure an acceptable form of development.
- 21. To ensure an acceptable form of development.
- 22. To ensure an acceptable form of development.
- 23. To ensure an acceptable form of development.
- 24. To ensure a satisfactory standard of development.
- 25. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.
- 26. To ensure an acceptable form of development.
- 27. To ensure an acceptable form of development.
- 28. To ensure a satisfactory standard of development.
- 29. To ensure a satisfactory standard of development.

## **Notes to the Applicant**

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

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- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
- 3. The proposed activities may constitute a prescribed process under the Environmental Protection Act 1990. Please contact the Environmental Protection Team on: 01424 451079 for further information.
- 4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.
- 5. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. This includes the construction of the new access and advisory keep clear marking across the junction. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
- 6. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes oversailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).
- 7. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
- 8. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or

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affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes oversailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

9. Consideration should be given to the provision of a domestic sprinkler system.

## 190.3 West Hill Lift, George Street (HS/LB/19/00699)

Proposal	Scaffold structure to provide additional support to existing temporary and other roof support structure to Upper Station, Old Motor Room. Consolidation works to steel ceiling beam
Application No.	HS/LB/19/00699
Conservation Area	Yes- Old Town
Listed Building	Grade II
Public Consultation	Yes- Affects a listed building. Council application on Council owned land.

The Planning Services Manager presented the application for scaffold structure to provide additional support to existing temporary and other roof support structure to Upper Station, Old Motor Room. Consolidation works to steel ceiling beam.

The lift runs along the cliff face and connects the West Hill to George Street. It is a Grade II listed building and has a café which partially sits atop the Old Motor Room. Other than the lift the West Hill is an open recreational area.

The application relates to internal works only. The erection of the bird cage scaffolding and acro prop supports (a temporary steel support strut) is to provide additional support to existing temporary and other roof support structure to the Old Motor Room. This will address any potential movement that otherwise could occur. This has application has been put forward in lieu of full repairs to address for health and safety reasons. The Conservation Officer comments that they would like to see a more considered application for full repairs in the future.

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

The Councillors asked about the temporary nature of the repairs and would they be removed in the future. The Planning Services Manager advised that only this application is being accessed and that they have not been advised about the long-term plans for the site. The acro props and bird cage would not be removed until

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permission was given for an alternative method of making sure the building was safe. There is a 5 year expiry date in the conditions that would mean that another repair application would have to be submitted before 2<sup>nd</sup> June 2025. It was anticipated that the Council would submit an application for long term repairs before this date.

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

# RESOLVED- (Unanimous) that Listed Building Consent be granted subject to the following conditions:

- 1. The temporary supports hereby approved shall be for a period not exceeding 5 years, expiring on 2nd June 2025.
- 2. The works hereby permitted shall be carried out in accordance with the following approved plans:

Site plan, H5436/01, HBC2358-01-1A

#### Reasons:

- 1. The supports have been justified in line with paragraph 194 of the NPPF as a temporary measure and therefore should only be permitted to remain for a limited period.
- 2. 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 consent may result in enforcement action without further warning.
- 2. The applicant is advised that on or before the expiry of this listed building consent, a new proposal shall be submitted to the local authority for approval that is considered to be a permanent solution regarding structural support.
- 3. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

### The reason for granting this consent is:

1. National Planning Policy Framework Section 16 applies. The works proposed causes less than substantial harm to the designated heritage asset, and that harm has been mitigated by provision of clear and convincing justification.

### 191. PLANNING APPEALS AND DELEGATED DECISIONS

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The report was noted by the Committee.

(The Chair declared the meeting closed at. 6.39 pm)