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Present: Councillors Roberts (Chair), Cox (Vice-Chair), Bacon, Bishop, Edwards, Foster, Marlow-Eastwood, Scott, Sinden and Williams.

300. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Beaver and Roark.

Councillor Edwards was present as a substitute for Councillor Beaver, and Councillor Sinden was present as a substitute for Councillor Roark.

301. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
All Labour councillors	303c	Personal – A signatory of the petition is known to Labour councillors as a former party activist
Roberts	303d	Prejudicial – Has been in contact with the lead petitioner and visited the site although not regarding the current application
Scott	303d	Prejudicial – Knows the lead petitioner as both a constituent and a friend
Scott	All applications relating to highways	Personal – East Sussex County Councillor
Marlow-Eastwood	All applications relating to highways	Personal – East Sussex County Councillor
Marlow-Eastwood	303c	Personal – Has received correspondence from the lead petitioner

302. MINUTES OF PREVIOUS MEETING

RESOLVED - that the minutes of the meeting held on 14th October 2021 be approved as a true record.

303. PLANNING APPLICATIONS ATTRACTING A PETITION

The Chair called agenda item 5b (application no. HS/FA/20/00715) first in order to allow time for the petitioner on item 5a (application no. HS/FA/20/00959) to arrive at the meeting.

303.1 Land south west of Newts Way (HS/FA/20/00715)

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Proposal	Construction of a single dwelling house which will include 3 bedrooms, work from home space, gardens, parking and access to Newts Way
Application No.	HS/FA/20/00715
Conservation Area	No
Listed Building	No
Public Consultation	Yes - 22 letters of objection; 12 letters of support; 1 petition of objection; and 1 petition of support.

The Principal Planning Officer, Ms Zulu, presented the application for construction of a single dwelling house which will include 3 bedrooms, work from home space, gardens, parking and access to Newts Way.

Since publication of the report a letter was received from barrister Simon Bell advising the Planning Committee not to follow the officer's recommendations for reasons including, the report shows a concerning level of unconscious bias.

The site is located at the junction of Newts Way and Darwell Close. To the north there is a stream and equipped play area owned by Hastings Borough Council. To the south there are dwellings which front onto The Sedges.

The application site contains underground attenuation drainage pipes and tanks. The footprint of the proposed dwelling takes a rectangular shape as the majority of the site cannot be developed due to the underground pipes and tanks.

The proposal is modern in design and rectangular in form, consisting of a playroom and car park on the ground floor; open plan kitchen/dinner, living room, library and en-suite bedroom on the first floor; and office/bedroom and two further en-suite bedrooms on the second-floor.

The loss of green space is an important determining factor. The application site was designated a green space in a previous application; however, this green space was not reserved for the lifetime of the development in the Section 106 agreement for permission HS/DS/88/1079. Over time the site has become a valuable open space which positively contributes to the appearance and character of the area. The loss of green space to housing would prejudice the open nature of the site and be detrimental to the visual and special character of the area, contrary to policy.

It is determined that the development as proposed would not fit well with the traditional character and appearance of the surrounding housing estate. This is not to say that modern proposals are wrong, but that the development has failed to take the context of the area into consideration and does not improve the aesthetic of the area.

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The site area is uniform in design, plot type and plot depth. Front elevations of dwellings in the area address the street and linear development is the norm. Given this it is determined that the proposed development is out of character with the established character and appearance of the area and is not appropriate.

The proposed development poses a risk to the health of an established mature oak tree which currently makes a positive visual impact on Newts Way.

It is also concluded that the development as proposed would cause direct overlooking into the gardens of neighbouring properties in direct contravention of agreed policies.

In conclusion given that the council cannot demonstrate a 5-year housing supply, paragraph 11 of the National Planning Policy Framework is engaged and therefore the positives of the scheme are to be weighed against the negatives. The positives being the gain of an extra dwelling house and the sustainable and green credentials of the scheme. The negatives are the impact on trees and neighbours, and the fact that the design is not appropriate for the area.

The negatives are considered to outweigh the positives and therefore the scheme is considered to be contrary to policy and recommended for refusal.

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

Mr Daly, the lead petitioner was present and spoke in favour of the application. Mr Daly said he met the applicant after contacting her about the project as he is involved in a sustainable building materials start-up looking at new building products to make construction less environmentally damaging. Mr Daly said he has no financial or commercial interest with the applicant and supports the application because of his belief in its intrinsic value. Mr Daly proposed the committee support the application for the following reasons, there is a need for new home building to cover an existing shortfall; the site is currently wasteland; and there is a need to increase the supply of homes to stop local people being priced out of the local housing market. The application also deserves support because of its sustainable credentials. Smaller developers are pushing boundaries in environmental sustainability in construction. Mr Daly concluded that the proposal offers an opportunity to present Hastings as a town thinking positively about its environmental credentials.

The applicant, Ms Owusu, was present and spoke in favour of the application. Ms Owusu said the site was purchased on the open market and as previously mentioned was never registered under Section 106. The council arboriculturist has issued a note, available on the planning portal, which says he agrees with the applicant that tree T1 will not be damaged by the construction. Ms Owusu says she has engaged in a long process with the independent Design Review Panel (DRP). They have looked at the scheme and deemed it to be excellent. Fifty new drawings have been produced since May 2021, now available on the planning portal. The independent Chair of the DRP was so concerned about the recommendation to refuse that he wrote to say he and

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the panel were in support of the scheme. When the initial application for a family house was submitted Ms Owusu says it was intended to be her family home, however this will no longer be the case. In conclusion Ms Owusu said although there have been 34 objections, there are 40 signatures in favour.

Councillor Karl Beaney addressed the meeting as Ward Councillor. Councillor Beaney said that he wished to address the committee on behalf of local residents who are against development on this site. The applicant is trying everything they can to overcome local objections and the concerns of planning officers. The site is not suitable for development, the letters of support are all from friends, associates and colleagues of the applicant who do not live in the town and are unlikely to have visited the site. Local residents have said the imposing design is totally out of character with the local estate and street scene. The proposal removes the privacy of residents in The Sedges and there will be massive disruption to walkways, the local playpark and access roads. The applicant complains of anti-social behaviour yet a recent FOI request on Sussex Police reveals that no such crimes have been supported and there are no reports of fly-tipping or anti-social behaviour at this location. Councillor Beaney concluded by asked the Committee to accept the officer's recommendation.

The Principal Planning Officer clarified that the involvement of the Design Review Panel was restricted to the proposal for 4 dwelling houses, not the application under consideration. It was also confirmed that no amendments were submitted for the application under discussion.

Councillor Bishop proposed that full planning permission be granted, seconded by Councillor Scott. The proposal was not carried (by 6 against, to 4 for).

Councillor Marlow-Eastwood proposed approval of the recommendations, seconded by Councillor Cox.

RESOLVED (by 6 for, to 4 against) that full planning permission be refused for the following reasons:

1. The application site is a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space, together with the open space at the junction of Newts Way and Darwell Close, it makes a positive contribution to the appearance and character of this part of an established housing estate. This open space provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development, which if lost, would be detrimental to the overall character of the area as a whole. Given this, the loss of this open space to housing development as proposed would prejudice the open nature of this area, its biodiversity and accessibility and would be to the detriment of the visual and spatial character of this part of the area with no exceptional circumstance being met, contrary

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to policies. Whilst an area of open space will be left following the construction of the dwelling, and whilst this area is proposed to be planted as a meadow, its size will be limited and will be compromised by the existence of the proposed three storey dwelling. Given that this area of land is proposed to be used as a residential garden and will be occupied by residential clutter and paraphernalia associated with the residential use of this dwelling, its amenity and recreational value will be compromised and a development as proposed will make a negative contribution to the visual and spatial character of this part of the area, with no exceptional circumstance being met. As such, it is not considered that the applicant has sufficiently demonstrated that there is a local need for a house in this location that outweighs the harm that would be caused to the nature conservation (Local Wildlife Site) and visual amenity interests of this site. As such a development as proposed would be contrary to NPPF policies and Local Plan Policies HN8, HN10, DM1, DM3, and DM4 of the Development Management Plan 2015, Policy EN2, EN3, EN6 and EN8 of the Hastings Planning Strategy 2014, and the National Design Guide 2019.

2. Given the siting of the development hard up against the plot boundaries to the north and east of the application site, coupled with the shape of the plot, its plan depth and form, and the fact that most of the application site is undevelopable, a development as proposed would run counter to the established plan plot depth characterising this area and would detract from the established grain of development found in this area. This is uncharacteristic of the layout of dwellings in this area as there is evidence of spacing in-between dwellings and plot boundaries, and all dwellings are a linear form of development that address a street, have good size plots with spacing in-between plot boundaries, and all front elevations of dwellings address a street and all dwellings have a front door that addresses a street. This application proposes a detached dwelling which does not address a street, and its front elevation does not address a street but faces a garden. As such, it is considered that a development as proposed would fail to have regard to the site's context or the established pattern and grain of development in the area, would be an incongruous form of development that is out of keeping with, and harmful to the established visual and spatial character of the area, appearing as an alien and incoherent development within this established settlement, contrary to the NPPF policies and Local Plan Policies DM1, DM3, of the Development Management Plan 2015, and the National Design Guide 2019.

3. Due to the unsympathetic modern design of the proposed development with dominant angular form and scale, the modern design detailing with window arrangements that largely reinforce the building's horizontal emphasis, together with the modern glazing that is proposed to the centre of the principal façade, it is considered that the proposed scheme is an incongruous form of development that is out of keeping with the established character of buildings in this local area and does not positively respond to the context of the surrounding site, contrary to policies. Whilst it is acknowledged that good design is more than visual impact, the policy specifically requires proposals amongst other things to take into account protecting

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and enhancing local character, to appreciate the surrounding neighbourhood, scale, height, massing and materials and that development should be of a scale, height and form that is appropriate to the location. In this case the proposed scheme does not positively respond to the context of the surrounding site. In addition, whilst the proposed development would represent change and a degree of innovation, a development as proposed is not considered to be appropriate in this context. The proposed scheme is not considered to be of architectural merit, it is not sophisticated, not distinctive, has no interest, no rigour and is not delightful to viewers. Given the prominent location of the proposed development at the junction of Darwell Close and Newts Way, and where the gable end elevation of the development is important in views and would be clearly noticeable at the junction of Newts Way and Darwell Close, it is considered that a development as proposed fully visible from public vantage points would be a dominant form of development that is clearly noticeable and contrasts uncomfortably with the traditional buildings of the existing neighbouring properties thereby increasing the incongruity of the development within the street scene and the local area. As such, a development as proposed would fail to have regard to the site's context and would be an incongruous form of development that is harmful to the visual amenities of the area and would detract from the established traditional character and appearance of this part of Darwell Close and Newts Way, contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.

4. Due to the proximity of the proposed detached dwelling to a mature Oak Tree T1 and a group of Hazel Trees G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these important mature trees, contrary to NPPF policies and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and DM1 of the Development Management Plan 2015. In addition, given the proximity to the proposed detached dwelling to the existing mature trees, it is considered that a shade will be caused to the residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to the NPPF Policies and Policies DM1, DM3, of the Development Management Plan 2015.

5. Given that the application site adjoins the rear gardens of nos. 2-7 The Sedges, that the proposed development has principal windows facing these neighbours and that a balcony is proposed that will directly face the garden of no.7 The Sedges, and given the proximity of the proposed development to these neighbours, it is considered that the future occupants of the proposed dwelling will directly overlook these neighbours to the detriment of the enjoyment of their gardens, and detrimental to the enjoyment of their residential amenities, contrary to policies in the NPPF, and Policy DM3 of the Hastings Development Management Plan 2015.

Note to the applicant:

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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.

303.2 Land south west of Newts Way (HS/FA/20/00959)

Proposal	Construction of four family dwelling houses which will include work from home space, gardens, parking and access to Newts Way
Application No.	HS/FA/20/00959
Conservation Area	No
Listed Building	No
Public Consultation	Yes - 34 letters of objection; 60 letters of support; 1 petition of objection; and 1 petition of support.

The Principal Planning Officer, Ms Zulu, presented the application for construction of four family dwelling houses which will include work from home space, gardens, parking and access to Newts Way.

Since publication of the report a statement has been received from Jonathan Braddick, Chair of the Design Review Panel (DRP) explaining the role of the DRP. The DRP provides independent, impartial and multidisciplinary feedback to local authorities and applicants. Such feedback is a material consideration when determining planning applications.

The DRP met on two occasions to review the proposals and advise that they are supportive, although further work is required to justify the development such as 3D modelling, long site sections and context analysis. Following this the applicant submitted an amended scheme which is being discussed.

Additionally, a letter was received from barrister Simon Bell advising the Planning Committee not to follow the officer's recommendations.

The application is for the same site as the previous item and the footprint of the proposed development is very similar. The application proposes a terrace of four dwellings in a rectangular form taking an L shape. The proposed development sits against the north and eastern boundary of the site and includes a communal garden to the front of the houses and 1 parking space per dwelling.

This is a revised scheme which has been submitted following concerns raised by officers and the Design Review Panel (DRP). As such the revised scheme before the Committee has not been reviewed by the DRP.

The amended scheme is of a modern design with varying roof pitches, heights, and roof forms. It is recognised that the proposal is sophisticated in design and has

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interest. However, it is considered that development as proposed is not appropriate for the area. The proposal is uncharacteristic and does not correspond to the size and scale of local development and fails to respond to the context of its surroundings, contrary to policies.

As with the previous application officers have concerns with the proximity of the development to tree T1.

The council cannot demonstrate a 5-year housing supply and as such, paragraph 11 of the National Planning Policy Framework is engaged and the positives of the scheme are to be weighed against the negative. It is considered in this application that the negatives of the scheme considerably and demonstrably outweigh the positives and as such it is recommended for refusal.

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

Ms Owusu, the applicant, was present and spoke in favour of the application. Ms Owusu said there is a hierarchy of open space, each house has a private terrace and the mini-meadow area could be fenced off. There are also private terraces to the rear of each house. On the 23rd April 2021 the council arboriculturist said there will be no damage to the tree T1. Ms Owusu said she has a signed agreement with Southern Water that the site may be developed and the tanks have been inspected and surveyed. The statements of experts such as technicians and engineers are not being listened to and the assertion that this is not a suitable site is not sustainable.

Councillor Karl Beaney was presented and spoke against the application. Councillor Beaney said the same points stand as per the previous item and in addition four large houses will increase the need for on road parking. Councillor Beaney asked the Committee to accept the officer's recommendation and refuse the application.

Councillor Marlow-Eastwood proposed approval of the recommendations, seconded by Councillor Foster.

RESOLVED (by 6 for, to 4 against) that full planning permission be refused for the following reasons:

1. The application site is a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space, together with the open space at the junction of Newts Way and Darwell Close it makes a positive contribution to the appearance and character of this part of an established housing estate. This open space provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development, which if lost, would be detrimental to the overall character of the area as a whole. Given this, the loss of this open space to housing development as proposed would prejudice the open nature of this area, its

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biodiversity and accessibility and would be to the detriment of the visual and spatial character of this part of the area with no exceptional circumstance being met, contrary to policies. Whilst an area of open space will be left following the construction of the dwellings, and whilst this area is proposed to be planted as a meadow, its size will be limited and will be compromised by the existence of the proposed dwellings. Given that this area of land is proposed to be used as a residential garden and will be occupied by residential clutter and paraphernalia associated with the residential use of these dwellings, their amenity and recreational value will be compromised and a development as proposed will make a negative contribution to the visual and spatial character of this part of the area, with no exceptional circumstance being met. As such, it is not considered that the applicant has sufficiently demonstrated that there is a local need for houses in this location that outweighs the harm that would be caused to the nature conservation (Local Wildlife Site) and visual amenity interests of this site. As such a development as proposed would be contrary to NPPF policies and Local Plan Policies HN8, HN10, DM1, DM3, and DM4 of the Development Management Plan 2015, Policy EN2, EN3, EN6 and EN8 of the Hastings Planning Strategy 2014, and the National Design Guide 2019.

2. Given the siting of the development hard up against the plot boundaries to the north and east of the application site, coupled with the shape of the plot, its plan depth and form, and the fact that most of the application site is undevelopable, a development as proposed would run counter to the established plan plot depth characterising this area and would detract from the established grain of development, and be out of character with the established visual and spatial character of the housing development found in this area. This is uncharacteristic of the layout of dwellings in this area where there is evidence of spacing in-between dwellings and plot boundaries, and all dwellings are a linear form of development that address a street, have good size plots with spacing in-between plot boundaries, and all front elevations of dwellings address a street and all dwellings have front doors that address a street. This application proposes a terrace of 4 dwellings which do not address a street, and whilst 1 dwelling has a front door that addresses a street, the front elevation of 3 dwellings do not address a street but face a communal garden. As such, it is considered that a development as proposed would fail to have regard to the site's context or the established pattern and grain of development in the area, would be an incongruous form of development that is out of keeping with, and harmful to the established visual and spatial character of the area, appearing as an alien and incoherent development within this established settlement, contrary to the NPPF policies and Local Plan Policies DM1, DM3, of the Development Management Plan 2015, and the National Design Guide 2019.

3. Due to the unsympathetic modern design of the proposed development with dominant form and scale, the modern design detailing with window arrangements that largely reinforce the building's vertical emphasis and the prominent location of the proposed development at the junction of Darwell Close and Newts Way, and where the gable end elevation of the development is important in views and would be clearly

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noticeable at the junction of Newts Way and Darwell Close, it is considered that a development as proposed fully visible from public vantage points would be a dominant form of development that is clearly noticeable and contrasts uncomfortably with the traditional buildings of the existing neighbouring properties thereby increasing the incongruity of the development within the street scene and the local area. As such, a development as proposed would fail to have regard to the site's context and would be an incongruous form of development that is harmful to the visual amenities of the area and would detract from the established traditional character and appearance of this part of Darwell Close and Newts Way, contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.

4. Due to the proximity of the proposed development to a mature Oak Tree T1 and a group of Hazel Trees G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these important mature trees, contrary to NPPF policies and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and DM1 of the Development Management Plan 2015. In addition, given the proximity to the proposed development to the existing mature trees, it is considered that a shade will be caused to the residential occupiers of these dwellings thereby resulting in a harmful impact on their residential amenities, contrary to the NPPF Policies and Policies DM1, DM3, of the Development Management Plan 2015.

5. Given that the application site adjoins the rear gardens of nos. 2-7 The Sedges, that the proposed development has principal windows facing these neighbours and that balconies are proposed that will directly face the garden of these neighbours, and given the proximity of the proposed development to the common boundary with these neighbours, it is considered that the future occupants of the proposed dwelling will directly overlook these neighbours to the detriment of the enjoyment of their gardens, and detrimental to the enjoyment of their residential amenities, contrary to policies in the NPPF, and Policy DM3 of the Hastings Development Management Plan 2015.

6. Due to the lack of a private amenity area for future occupants of the proposed dwellings, it is considered that a development as proposed would not present a good standard of accommodation to future families that would occupy the proposed dwellings and as such a development as proposed would be contrary to policies. In addition, a big shared garden as proposed is not a character morphology of this area, and as such a development as proposed would detract from the established character of this area contrary to NPPF policies, and policies DM1 and DM3 of the Hastings Local Plan - Development Management Plan (2015), and Policies in the National Planning Policy Framework.

7. Given that the proposed development proposes 1 car parking space per dwelling it is considered that a development as proposed does not provide adequate on plot parking, in particular, in this location at the junction of Newts Way and Darwell Close

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where there are limited opportunities for on-street parking, and as such a development as proposed would give rise to increased on street parking on nearby streets thereby resulting in increased hazards to highway users to the detriment of their safety, contrary to NPPF policies, and Policies DM3 of the Hastings Development Management Plan 2015.

Notes to the applicant:

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.

303.3 Land rear of 23 Martineau Lane (HS/FA/21/00712)

Proposal	Erection of two to three storey detached dwelling (revision to HS/FA/17/00468) (part retrospective)
Application No.	HS/FA/21/00712
Conservation Area	No
Listed Building	No
Public Consultation	Yes - 50 letters of objection; 30 letters of support; and 1 petition of objection.

Ms Fellows, Senior Planning Officer, presented the application for erection of two to three storey detached dwelling (revision to HS/FA/17/00468) (part retrospective).

The Senior Planning Officer reported that three late representations were received, all objecting to the application.

The representations raised questions in respect of the officer's report and assessment of the application. The representations also raised issues regarding retaining walls in breach of Section 5 of the Hastings Borough Council Act 1988 and the barristers report referred to in the officer's report, but which is not in the public domain. However, the matters relating to the retaining wall and barrister's report are not material considerations in regard to the application.

The application seeks to regularise the development that has been built on the site. An application for a similar development was approved in 2017 and during construction amendments were been made and therefore the dwelling is not built-in accordance with the approved 2017 application. The difference between the two applications relates to soft landscaping around the dwelling house.

In 2018 a discharge of condition relating to hard landscaping was approved and in 2020 a revised landscaping scheme was submitted, which was assessed to contain changes which would be too significant for consideration under that application type. It was subsequently refused on that basis. On the same basis the 2018 approval for hard landscaping was revoked. On challenge the council sought legal advice which

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confirmed that the correct procedure had not been followed. Therefore the 2018 application is valid and forms a fallback position which could be implemented by the applicant.

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

Mr Coombes, the lead petitioner, was present and spoke against the application. Mr Coombes said little weight has been given to the fact that had the formal enforcement request made back in 2019 been implemented as per the enforcement protocol, we may not be in the current situation. Fundamentally this is identical to the April 2021 application, which was refused, the only difference being the addition of a few shrubs and screening plants in pots which cover planning breaches. Mr Coombes said he would have thought that these superficial amendments in respect of the hard and soft landscaping would be insufficient and contrary to policies DM1 and EN7. Since approval in 2017 this is now the third retrospective application, including the 2018 refusal. Mr Coombes said he had received an email from Richard Temple, Principal Planner, on 7th May 2019, and quoted 'Please be aware that the approval of the condition is purely for drainage it is not an approval of an amendment to approved floor plans of this application. Should the development not be carried out in compliance with approval the applicant still risks enforcement action. I have made clear to the agent that foundations should be piled straight into the existing ground levels and not create a void.' Mr Coombes said that the approved drainage details would not approve a void, which is what has now been created to allow a games room. Therefore, the petitioners ask that the Committee refuse on the same basis as April 2021. If the application is refused and an appeal is dismissed the petitioners would expect enforcement action to commence.

Mr Collins, the agent for the applicant, was present and spoke in favour of the application. Mr Collins said the main difference in what is being considering is that the applicant has applied for the details of hardstanding and associated levels be approved. The three-dimensional structure on site is as approved by the council. The council have been advised that it isn't possible to revoke that approval. Mr Collins said he had been instructed by the applicant to audit the case and he hasn't seen one objection or reason as to why the building is harmful. All elevations are as approved, there are windows in the front elevation which can't be seen from the road. When looking out from inside the property there is no overlooking. The curved wall which is referenced in some objections was in place in 2016 when the original application was considered. The turning area in front of the house avoids the need to reverse into Mill Lane, which is a shared area. The solution is not to take the hardstanding away but to improve the landscaping which is what is proposed.

In response to a question from the Committee the Senior Planning Officer confirmed that the April 2021 refusal was not appealed by the applicant. The applicant did appeal the discharge of conditions application for hard and soft landscaping in 2020. That application was refused on the basis that the changes proposed were too significant to

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be determined under that application type, which was agreed by the Planning Inspectorate.

It was also confirmed that where there are live applications or an appeal is in process, enforcement action is put on hold until the application has been determined or the appeal decided.

Councillor Foster proposed refusal of the application, seconded by Councillor Edwards.

RESOLVED (by 6 for, to 3 against with 1 abstention) that full planning permission be refused for the following conditions:

The proposal re-contours the visual appearance of the land and would significantly increase the scale of the dwelling and proportions of the north elevation as to detract from the visual appearance of the area and would therefore fail to comply with Policy DM1 of Hastings Development Management Plan which requires development to take into account protecting and enhancing local character and it would fail to comply with Policy EN7 of Hastings Planning Strategy to protect and enhance the inherent visual qualities and distinctive character of the AONB landscape.

Notes to the applicant:

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

303.4 Rose Cottage, 4 Gillsmans Hill (HS/LB/21/00664)

Proposal	Installation of new floor to existing basement store.
Application No.	HS/LB/21/00664
Conservation Area	Yes – Springfield Road
Listed Building	Yes – Grade II
Public Consultation	Yes - 6 letters of objection; and 1 petition of objection.

Councillors Roberts and Scott, having declared a prejudicial interest, left the Council Chamber during discussion of this application. Councillor Cox chaired the meeting for the duration of the item.

Mr Richard, Planning and Assistant Conservation Officer, presented the application for the installation of new floor to existing basement store.

Since publication of the report one further comment was received.

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Mr Richards explained that the property was previously compulsorily purchased by East Sussex County Council Highways in order to make way for a new road. The road was never built and the cottage was released back into private ownership. The applicant is also in ownership of 66 Sedlescombe Road South with land from this site being used to provide Rose Cottage with a garden as part of a wider development.

The proposal is to relay the basement floor, which is currently of an earthen appearance, in order to create a habitable space for use as a home office. As this will change the internal appearance of a Grade II listed building, listed building consent is required.

In reference to objections raised regarding land ownership it was confirmed that the applicant has completed a Certificate A notice which states that they are the sole owners of the land in which they are proposing to carry out works. Officers have consulted the Land Registry as a matter of prudence to ascertain which properties own which pieces of land. The title plans have satisfied the council that it's duties as a Local Planning Authority can be discharged correctly.

The proposal is for a floor consisting of limecrete and lime finish with brick slips and cobbles. A sample of the finish must be submitted for approval as per the proposed conditions. It is concluded that this will cause no harm to the heritage asset and will be of benefit by creating an additional living space.

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

Mr Piggott, lead petitioner, was present and spoke against the application. Mr Piggott said the petitioners and objectors support Rose Cottage being reoccupied after a sensitive restoration under proper controls. However, heritage requirements have been violated from 2018 onwards and 10 weeks ago enforcement action was taken. Mr Piggott said the cellar floor should not cause any objections. However, the application is a Trojan horse, raising the matter of sole ownership. Mr Piggott said he had been in possession of Olive Lodge for 30 years and he is not sure why the title plans do not agree the physical boundaries. Mr Piggott said he was advised that the applicant should mark all adjoining ownership land in blue ink. In 13 applications this has never been shown and the Sedlescombe Road South land should not be considered as, according to the Land Registry, Rose Cottage has no land.

Councillor Marlow-Eastwood proposed approval of the recommendations, seconded by Councillor Williams.

RESOLVED (unanimously) that listed building consent be granted subject to the following conditions:

1. The works hereby permitted shall be carried out in accordance with the following approved plans: 5881/LBP 5881/19/5

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2. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.

3. Prior to installation, a sample of the floor finish (either cobble or brick slip) shall be submitted to the Local Planning Authority for approval in writing. Once approved the works will be carried out utilising the approved floor finish and retained as such thereafter.

Reasons:

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

2. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

3. To ensure the floor finish is reflective of the character and appearance of a Grade II Listed Building.

Notes to the applicant:

1. Failure to comply with any condition imposed on this consent 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.

The reason for granting this consent is:

1. National Planning Policy Framework Section 16 applies. The works proposed will not harm the designated heritage asset.

304. OTHER PLANNING APPLICATIONS

Councillors Roberts and Scott returned to the Council Chamber for the remaining items.

304.1 9 Kite Close (HS/FA/21/00615)

Proposal	Proposed two storey side extension & alterations
Application No.	HS/FA/21/00615
Conservation Area	No
Listed Building	No
Public Consultation	Yes - 1 letter of objection; and 8 letters of support

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Ms Wood, Assistant Planning Manager, presented the application for a proposed two storey side extension & alterations.

The application is a resubmission of a previously refused application, which was refused under delegated powers.

The size of the planned development has been reduced since the previous application. However, it is still considered that the impact, scale and design features of the proposal are not appropriate and will cause harm to the character and appearance of the area.

The location of the property is quite prominent in the street scene and the development will enclose what is generally a spacious area. There is a general uniformity to the dwellings in the area and the proposed extension will unbalance the symmetry of the street scene.

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

Councillor Roberts proposed refusal, seconded by Councillor Sinden.

RESOLVED (by 8 for, to 1 against, with 1 abstention) that full planning permission be refused for the following reasons:

1. The proposed two storey side extension, by virtue of its mass, location and proximity to the side boundary, would result in a form of development that would result in the loss of the spacious character at the junction of Kite Close and the Kite Close cul-de-sac. The proposed development would therefore be harmful to the character and appearance of the area, contrary to Policy DM1 of the Hastings Development Management Plan 2015
2. The proposed two storey side extension will unbalance the predominant symmetrical form between the host property and its attached neighbour at 10 Kite Close. The asymmetry will be clearly visible in this prominent corner plot location and would result in significant detriment to the character and appearance of the area, contrary to Policy DM3 of the Development Management Plan 2015.
3. The unique and prominent positioning of the dwelling on the corner of Kite Close and its associated cul-de-sac, means that sufficient design detail should be included in the south side elevation, creating a focal point when travelling southwards down Kite Close. Insufficient detail is included within this proposed side elevation, and as such, it fails to create an active frontage that causes harm to the streetscene, contrary to Policy DM1 of the Development Management Plan 2015.

Notes to the applicant:

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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.

304.2 61 Bembrook Road (HS/FA/21/00696)

Proposal	Demolition of conservatory. Proposed two storey side extension, part two storey and single storey rear extension and front entrance porch
Application No.	HS/FA/21/00696
Conservation Area	No
Listed Building	No
Public Consultation	Yes

Ms Fellows, Senior Planning Officer, presented the application for demolition of conservatory, to be replaced by a proposed two storey side extension, part two storey and single storey rear extension and front entrance porch.

The Senior Planning Officer confirmed the application has been brought to the Planning Committee as it has been submitted by a serving employee in a restricted post.

The site is just off Bembrook Road within its own Cul-de-Sac. The topography of the road is such that the ground level rises as you move up the Cul-de-Sac towards the site. The proposed development will extend around 1-metre beyond the existing conservatory.

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

Councillor Edwards proposed the approval of the recommendations, seconded by Councillor Bacon.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 6938/EX/A, 6938/LBP, 6938/1/A and 6938/2
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:-

Monday to Friday: 08.00 - 18.00

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Saturday: 08.00 - 13.00

No working on Sundays or Public Holidays.

4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
5. The ground floor shower room window and the first-floor bathroom window on the south-east elevation and the first-floor bedroom window on north-west elevation shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To protect the amenity of the occupiers of nearby properties.
4. To ensure that the finished extension matches the appearance of the existing dwelling.
5. In order to protect the residential amenities of neighbouring properties.

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.

305. PLANNING APPEALS AND DELEGATED DECISIONS

The Assistant Planning Services Manager informed the Committee that two new appeals had been received but none had been determined since the last Committee meeting.

The Committee noted the report.

(The Chair declared the meeting closed at 9.40pm)

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