

Planning Agenda

Wednesday, 20 April 2022 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Tourist Information Centre entrance.

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

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of previous meeting 23/02/22 & 23/03/22	1 - 40
4.	Notification of any additional urgent items	
5.	Planning Applications	
(a)	400 Harold Road (HS/FA/21/00997) (<i>L Fletcher, Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_119052	41 - 54
(b)	Roadways and Footpaths at Pelham Crescent (HS/FA/21/00994) (<i>T Zulu, Principal Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_119049	55 - 76

(c)	Roadways and Footpaths at Pelham Crescent (HS/LB/21/00995) <i>(T Zulu, Principal Planning Officer)</i> https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= _HSTBC_DCAPR_119050	77 - 94
(d)	Land Opposite 34-35 St Mary's Terrace (HS/FA/21/01132) <i>(E Evans, Planning Services Manager)</i> https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= _HSTBC_DCAPR_119187	95 - 106
6.	Planning Appeals and Delegated Decisions	107 - 108

Agenda Item 3 Public Document Pack

PLANNING

23 FEBRUARY 2022

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

317. APOLOGIES FOR ABSENCE

Apologies received from Councillor Bacon (substituted by Councillor Sinden)

318. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Scott	5(a) 6(a)(b)(c)	Personal – East Sussex County Councillor
Cllr Marlow-Eastwood	5(a) 6(a)(b)(c)	Personal – East Sussex County Councillor
Cllr Beaver	5(a) 6(a)(b)(c)	Personal - East Sussex County Councillor
Cllr Roark	5(a) 6(c) 6(b)	Personal – Family member owns property in area Personal – Lives in Silverhill area
All Councillors	5(a)	Personal – Councillor lives near by

319. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 19th January 2022 be approved as a true record with the amendment to the name of the school in items 315.2 which has been confirmed as Former Spyway School and not Spyways School (HS/OA/20/00022) following a query by Councillor Beaver.

320. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

PLANNING

23 FEBRUARY 2022

321. PLANNING APPLICATIONS WITH A PETITION

322. CAR PARK, CORNWALLIS STREET, HASTINGS (HS/FA/21/00851)

Proposal	Erection of hotel with ancillary ground floor restaurant, car parking, landscaping and all associated works
Application No	HS/FA/21/00851
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 22 objections received Petition received. Council application on Council owned land.

A hard copy of 2 representations was circulated to members of the committee due to a technical error. Councillors were given time before the meeting started to read the representations and advised that the Assistant Planning Manager would address the issues raised in her presentation.

The Assistant Planning Manager presented this application for the erection of a hotel with ancillary ground floor restaurant, car parking, landscaping and all associated works. Two late comments have been submitted. One of objection relates to poor design and one of support for the new hotel and investment needed in this sector. Two comments have been re-instated (circulated as noted above). One related to cycle provision and the reliance on cycle parking at Hastings train station not being sufficient. It was pointed out that East Sussex County Council have no objections to this application and the Highway Department do note that the use of cycle storage at Hastings train station promotes multi modal travel. The second comment relates to the Local Plan allocation for housing on this site. This is discussed in pages 49, 50 & 52 of the agenda.

An error in the report was highlighted by the Assistant Planning Manager regarding the amount of cycle stands and spaces. The correction is six cycle stands with twelve spaces.

The Assistant Planning Manager showed slides of a location plan, aerial view and photos of the car park as it is at this time. Slides were shown highlighting front and rear elevation and 3D views of the proposed hotel. The proposal is for an 84 bedroom hotel ranging from three to five storey high. This will provide 20 FTE jobs. There will be 33 car parking spaces on site. Eight of them will be electric vehicle charging points. The hotel will have a green roof and air source heat pump. The loss off the car park is

PLANNING

23 FEBRUARY 2022

already accepted in the Local Plan and the emerging Local Plan shows the site for a mixed use development being either housing or hotel led. Providing a hotel and restaurant in this location is in accordance with our adopted policy and also national policy. It's an appropriate Town Centre use as defined by the National Planning Policy Framework.

The petitioner Kira Brabenec addressed the committee, speaking on behalf of the local STAR Residents Association. She explained the previous plans for ten homes would be welcomed to help with the shortage of homes within the town centre. The group have two main objections to the hotel. One is the scale, character and community aesthetic. The scale of the building will impact on the light that can get to nearby properties. The Second is ecology and innovation. The building with 84 bedrooms will use more services than 10 family houses. Ground heat pumps are three times more effective than air heat pumps, but ground heat pumps have been rejected for this application due to space. Air heat pumps work with gas boilers which will not be permitted from 2025. There is a lack of green ambition and no future proofing of the build. Consulting with the local community was dismissed as not mandatory, shocking for a council led development.

Mr Duvall addressed the Committee on behalf of the applicant. The scale of the development was considered carefully and its proximity to those nearest residential neighbours. The pre application process was invaluable in this regard. Whilst the site is currently allocated for residential development, a balance needs to be struck between this allocation and the suitability of the proposal in this location and the benefits that the hotel use will bring to the town. The hotel would boost tourism within the town. The creation of construction jobs through the building stage and jobs within the hotel once it is built. These are considered objectives for the town centre regeneration, the local economy and the tourism industry are significant and on balance outweigh the fact that residential development would not come forward on the site. The building is a maximum of five storeys in height at the South of the site, which is appropriate to its relationship with Priory Meadow Shopping Centre and the buildings along Devonshire Rd and South Terrace. Additional landscaping has also been introduced to provide a softer appearance, and this provides a 34% biodiversity net gain on the site as it stands.

Mr Duvall stated that all statutory consultation was taken and through the application they have undertaken two rounds of extensive pre application advice with the Council.

The applicant explained the Whitbread Premier Inn's priority when sourcing employment is to fill the jobs locally first. The applicant was asked regarding the loss of light and advised that a detailed light assessment has been submitted.

The Assistant Planning Manager advised that all statutory public consultation was completed. The Highway Authority have no objections regarding the parking spaces. With regards to the drainage scheme there are several conditions that require more

PLANNING

23 FEBRUARY 2022

details to be approved before development can commence, which the applicant has agreed to.

Councillor Rogers as the Ward Councillor addressed the Committee. She explained her disappointment that the residents were not consulted regarding this application. Policy DM1 in the local plan states all proposals must reach a good standard of design, which includes efficient use of resources and takes into account assessment of visual impact, including the height, scale and former development that should be appropriate to the location. Councillor Rogers explained even though the plans have been adjusted this plan is overbearing and overwhelming with regard to the properties around about it. The highest point overlooks Mann Street. The East side will overlook into St Andrews Sq. An idea going forward would be to work with the local residents regarding landscaping. Parking is a concern for residents with local restrictions ending at 20:00 hours.

The Assistant Planning Manager highlighted the scale is mentioned in the report. There is a soft landscaping condition for the applicant to submit a robust plan. With regards to the parking, it is set out in the report and East Sussex County Council as the Highway Authority are happy with all the proposals.

Councillors asked regarding how many homes would be possible on the land. The Assistant Planning Manager stated that the emerging local plan identifies a yield of 20 units. The adopted local plan identifies a yield of 10. Councillors asked regarding the green roof. The Assistant Planning Manager replied there is a Management and Maintenance Plan for the upkeep of the green roof secured by condition

The councillors debated.

Councillor Cox proposed approval of the recommendation, seconded by Councillor Foster.

RESOLVED (8 votes for, 2 vote against) Grant permission subject to the following:

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 to secure:

- **A Section 278 Agreement for off site highway improvements including**
 - **The proposed alteration of the existing access serving the site with dropped kerbs and tactile paving provided either side.**
 - **The provision of a separate pedestrian access into the site to link with the footway on the north side of Cornwallis Street.**
 - **The provision of a new pedestrian crossing to the west of the site on**

PLANNING

23 FEBRUARY 2022

South Terrace.

- **A Travel Plan Audit fee of £6000**

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/infrastructure.

In the event that the Agreement is not completed by 19 July 2022, that the application be refused on the grounds that it does not comply with the relevant policies (policies H3 and C11) 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

5112-BAL-ZZ-00-DR-A-07-4001 (Site location plan)
5112-BAL-ZZ-00-DR-A-07-4002 Rev A (Existing site plan)
5112-BAL-ZZ-00drA-07- 4003 Rev B (Proposed block plan)
5112-BAL-ZZ-00-DR-A-07-4010 Rev A (Proposed site plan)
5112-BAL-ZZ-00-DR-A-07-4011 Rev A (Proposed ground floor plan)
5112-BAL-ZZ-01-DR-A-07-4012 Rev A (Proposed first floor plan)
5112-BAL-ZZ-02-DR-A-07-4013 Rev A (Proposed second floor plan)
5112-BAL-ZZ-03-DR-A-07-4014 Rev A (Proposed third floor plan)
5112-BAL-ZZ-04-DR-A-07-4015 Rev A (Proposed fourth floor plan)
5112-BAL-ZZ-05-DR-A-07-4016 Rev A (Proposed roof plan)
5112-BAL-ZZ-XX-DR-A-07-4020 Rev A (Proposed elevations, front and rear)
5112-BAL-ZZ-XX-DR-A-07-4021 Rev A (Proposed elevations, side)
5112-BAL-ZZ-XX-DR-A-07-4030 Rev A (Existing and proposed sections)
5112-BAL-ZZ-XX-DR-A-07-4040 Rev A (Proposed area schedules)
5112-BAL-ZZ-XX-DR-A-07-4050 Rev A (Proposed 3D views)
41701-JASSOC-PB-00-DR-ME-0001 P04 (Ground floor initial services proposals)

PLANNING

23 FEBRUARY 2022

41701-JASSOC-PB-01-DR-ME-0002 P03 (First floor initial service proposals)
41701-JASSOC-PB-02-DR-ME-0003 P03 (Second floor initial services proposals)
41701-JASSOC-PB-03-DR-ME-0004 P04 (Third floor initial services proposals)
41701-JASSOC-PB-04-DR-ME-0005 P01 (Fourth floor initial services proposals)
41701-JASSOC-PB-RF-DR-ME-0006 P03 (Roof floor initial services proposals)
7767 (PV layout)

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.

Deliveries to, and waste collection from, the premises during normal operational procedures should only be undertaken between the hours of 08:00 - 19:00 on all days.

4. The restaurant element of the premises shall not be used except between the following hours:-

Monday to Friday: 05.30 - 23.00
Saturday and Sunday: 06.00 - 23.00

Drinks will be allowed to be served to residents of the hotel outside of these hours.

The hotel will be open 24 hours a day, 7 days a week.

5. Prior to the occupation of the development hereby approved, the vehicular access serving the development must be reconstructed in accordance with the approved drawing.
6. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
7. The proposed parking spaces shall measure at least 2.5m by 5m (add an

PLANNING

23 FEBRUARY 2022

extra 50cm where spaces abut walls).

8. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
9. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans 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.
10. Development shall take place in accordance with the measures set out in the submitted Construction Environmental Management Plan (RGP, August 2021) unless the scheme(s), or programme(s) of measures contained within is otherwise first varied, by way of prior written approval from the Local Planning Authority. This must be implemented and adhered to in full throughout the entire construction period.
11. Prior to the commencement of any part of the development, a further indicative programme for carrying out the works set out in the approved Construction Environmental Management Plan (RGP, August 2021), together with details of the main site operator must be submitted to and approved in writing by the Local Planning Authority.
12. Prior to the commencement of any part of the development, should a tower crane be required for construction, a swept path analysis and further details must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
13. The submitted Travel Plan shall be in operation on occupation of development and thereafter. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after 1, 3 and 5 years to be audited by the Highway Authority.
14. Development shall take place in accordance with the measures set out in the submitted Phase I and II Geotechnical & Geo-Environmental Investigation Report (Land Science, January 2020) unless the scheme(s), or programme(s) of measures contained within is otherwise first varied, by way of prior written approval from the Local Planning Authority. This is specifically relevant to the recommendation for further ground investigation to determine piled foundation parameters and for further gas monitoring and any gas protection options required. This should be undertaken and properly assess the risks to end user groups and should be carried out by a suitably qualified

PLANNING

23 FEBRUARY 2022

and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.

15. Prior to the commencement of remediation works, a further Site Investigation Report detailing all investigation works and sampling on site together with the results analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to and approved in writing by the Local Planning Authority.

Any approved remediation works, shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance.

16. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority.

Development shall not re-start on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority: -

- a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.
- b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Local Planning Authority)
- c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out

PLANNING

23 FEBRUARY 2022

and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to, and approved in writing by, the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

17. The development hereby approved shall not be occupied until details of all roof plant and its enclosure, together with a further BS4142 assessment in relation to noise have been submitted to and approved in writing by the Local Planning Authority. This assessment should include any mitigation measures required so that any potential noise outbreak does not exceed the minimum background noise level between the hours of 07:00-23:00 and be at least - 5db relative to the minimum background noise level between the hours of 23:00-07:00. The development shall therefore be implemented in accordance with the approved details and maintained thereafter.
18. Prior to the commencement of any part of the development, the applicant is required to secure the implementation of a Programme of Archaeological Works in accordance with a Written Scheme of Investigation which has been submitted to and approved in writing by the Local Planning Authority.
19. No phase of the development hereby permitted shall be brought into use until the Archaeological Site Investigation and Post-Investigation Assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The Archaeological Site Investigation and Post-investigation Assessment will be undertaken in accordance with the programme set out in the Written Scheme of Investigation approved under condition 18 above.
20. (i) Prior to the commencement of any part of the development, a detailed foul and surface water drainage strategy/system shall be submitted in support to and approved in writing by the Local Planning Authority. The surface water drainage strategy/system shall incorporate the following:
 - a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 9.3 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence.

PLANNING

23 FEBRUARY 2022

- b) The details of the outfall of the proposed drainage system and how it connects into the sewer shall be submitted as part of a detailed design including cross sections and invert levels.
- c) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- d) The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided as part of this submission.

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

And

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

21. Prior to the commencement of any part of the development, a Maintenance and Management Plan for the entire drainage system shall be submitted to the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The Management and Maintenance 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

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.

22. Prior to the commencement of any part of the development, details of

PLANNING

23 FEBRUARY 2022

measures to manage flood risk, both on and off the site during the construction phase must be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

23. Prior to occupation of the development evidence (including photographs) should 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 approved pursuant to Condition 20 of this consent.
24. No development shall take place above ground until there has been submitted to and approved in writing by the Local Planning Authority a revised Scheme of Soft Landscaping, which shall identify of all existing trees and hedgerows on the land and include 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. Details shall also include any earthworks proposed, their form, associated land levels, planting pits and soil type, and relationship to the wider landscape.

In this case, tree species within the car parking area should consist solely of London plane, and tree species within areas where space is restricted should consist solely of Turkish hazel.

25. All planting seeding or turfing comprised in the approved Soft Landscaping Scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives prior written consent to any variation.
26. Where relevant, no development shall take place until the measures outlined in the following statements and reports have been fully implemented unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted reports are:

- Ecological Impact Assessment and accompanying Small Sites Metric

PLANNING

23 FEBRUARY 2022

(Ecology By Design, July 2021)

- Emissions Mitigation Assessment (Air Quality Consultants, August 2021)
- Proposed Lighting Strategy (Ansell Lighting, September 2021)
- Landscaping and Green Roof Maintenance Management Plan (Brookes Architects, November 2021)

Subject to additional information required by Conditions 20-23 this will also include the Flood Risk, SUDS and Foul Drainage Assessment (Simpson TWS, August 2021)

27. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
28. Prior to occupation of the development hereby approved, details must be submitted to and approved in writing by the Local Planning Authority with regard to the provision of Electric Vehicle Charging Points. As a minimum, this should include:
 - At least 8 Electric Vehicle Charging Points within the boundary of the car parking area

The Electric Vehicle Charging Points shall thereafter be retained for that purpose.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To safeguard the amenity of adjoining and future residents.
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

PLANNING

23 FEBRUARY 2022

6. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
7. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
8. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interests of highway safety and the amenities of the area.
11. In the interests of highway safety and the amenities of the area.
12. In the interests of highway safety and the amenities of the area.
13. In order that the development site/use hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development.
14. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
15. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
16. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
17. To safeguard the amenity of adjoining and future residents.
18. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

PLANNING

23 FEBRUARY 2022

20. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
21. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
22. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
23. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
24. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
25. In the interests of the visual amenity.
26. To protect features of recognised nature conservation importance.
27. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
28. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies contained in the NPPF.

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 a separate licence will be required for the sale of alcohol for consumption in the bar and in the restaurant.
4. The applicant is reminded that sufficient management measures must be put in place by the hotel to ensure that guests are directed to the most appropriate public car parks once the hotel car park has reached full occupancy. Also, to encourage responsible parking the hotel should refund visitors the cost of the overnight parking ticket.

PLANNING

23 FEBRUARY 2022

5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
6. The applicant is advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.
7. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
8. The applicant is reminded to implement measures as set out in Sussex Police's consultation response to ensure a safe and well planned development that addresses the principles of Secured by Design.

323. PLANNING APPLICATIONS

324. THE STADE FAMILY AMUSEMENT PARK, THE STADE (HS/FA/21/00979)

Proposal	Proposed removal of low-level walls.
Application No	HS/FA/21/00979
Conservation Area	Yes – Old Town
Listed Building	No
Public Consultation	Yes – 17 objections

The Principal Planning Officer presented this application for the removal of low-level walls. There is one update. A letter of objection received raising concerns regarding moving the kiosk, potential loss of pedestrian access and that the Foreshore Trust has failed to protect the public access. The Principal Planning Officer advised that these matters have been covered within the report and are not the substantive application which purely seeks to demolish the existing modern low level walls.

Slides were shown of the location plan, block plan, ariel pictures and photos of the low level walls. Drawings were shown showing the walls that would be removed.

An assessment explained the low level walls are of modern construction, and they only serve to define ride areas from the public realm. They do not contribute to the special character of the Conservation Area, and they also don't make any contribution

PLANNING

23 FEBRUARY 2022

to the setting of the listed buildings nearby and therefore their loss is found to be acceptable. As such the loss of the low level walls complies with policies. It should be noted that the application does not propose to make any changes to the existing pedestrian walkway and does not propose to make any changes to the existing railings.

Councillor Hilton as the Ward Councillor addressed the committee. She said that the land the amusement park sits on is held in trust for the common use, benefit and enjoyment of all Her Majesty's subjects. The Coastal Users group is meant to be informed of all relevant planning applications on Foreshore Trust land and this application was only circulated on Monday at her prompting, only two days before the Planning Committee. Councillor Hilton expressed her concerns that once the wall is removed then rides may spill out onto the path and public access.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Roberts.

RESOLVED (9 for 0 against and 1 abstention)

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:

BA2160.03, BA2160.04, BA2160.05C and BA2160.06.
3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
4. The existing railings shall be retained in their current form, and this decision shall not be construed as granting Planning Permission for alterations to, or removal of the railings.

PLANNING

23 FEBRUARY 2022

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. In the interests of the historic integrity of the Old Town Conservation Area and the setting of nearby Listed Buildings.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill Great Crested Newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should Great Crested Newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

**325. 39-41 SEDLESCOMBE ROAD NORTH, ST LEONARDS-ON-SEA
(HS/FA/21/00824)**

Proposal	Change of use of retail (E use class) into restaurant (E use class) and takeaway (Sui Generis) including
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PLANNING

23 FEBRUARY 2022

	installation of extraction flue system to rear, and new shop front.
Application No	HS/FA/21/00824
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 13 objections

The Planning Services Manager presented the Change of use of retail (E use class) into restaurant (E use class) and takeaway (Sui Generis) including installation of extraction flue system to rear, and new shop front.

There has been a change to informative 6 to state

“The applicant was advised to have a bin located to the front of the premises for people to put their litter in. The applicant doesn't own that land so the applicant is advised that to prevent undue littering on the pavement outside the premises, that staff should regularly check for litter and clear where necessary”.

Slides were shown of location plan, block plan and an aerial picture. Photographs of the front and rear of the application site were shown. A slide showing the rear elevation was shown including the extraction flue. There will be no consumption or selling of alcohol at the premises. Five car parking spaces are shown within the rear service yard, although there is opportunity for street parking nearby. The proposed opening hours are 8:00 AM to 11:00 Monday to Sunday. The Planning Services Manager explained that the takeaway use requires planning permission but not the restaurant. The Planning Service Manager noted that Environmental health has no objections.

Councillors asked if the delivery service could be completed from the rear of the site. suggested Condition 8 and Informative 7 were put forward. This is that take away food collected and delivered by the delivery services should be collected from the rear and not from the front of the building at anytime . Informative 7 states the applicant is advised that condition 8 does not refer to members of public visiting the takeaway.

Councillors asked regarding having bollards outside the front. The Planning Services Manager explained East Sussex Highways have no objections to the application and Highways have not required this to make the application acceptable in highway safety terms.

PLANNING

23 FEBRUARY 2022

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Sinden

RESOLVED (unanimously)

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:

056/P/21.01; 056/P/21.02; 056/P/21.03; 056/P/21.04; 056/P/21.05;
056/P/21.06; 056/P/21.07 and 056/P/21.08.
3. The premises shall not be used except between the following hours:-

08:00 - 23:00 Monday - Sunday or Bank Holidays.

Any proposed changes to the above opening times shall be submitted and approved by the Local Planning Authority.
4. Any waste and recycling shall be securely stored within the rear service yard of the building and taken to the closest collection point on the relevant collection day.
5. There shall be no selling of alcohol for consumption on or off the premises.
6. The development hereby approved shall be carried out in accordance with the measures in the submitted Noise Impact Assessment prepared by DAAGroup and the Odour Management Plan (FireAway) and Odour Management Plan (Per Peri Unit) prepared by Delta Tech Ltd and such measures shall thereafter be maintained as approved.
7. No development shall commence before details of the sound-proofing of the internal floor between the ground floor commercial unit and the first floor of the building have been submitted to and approved in writing by the Local Planning Authority, and the sound-proofing works shall be implemented before the flats approved under planning permission ref HS/FA/20/00268 are occupied.
8. Takeaway food collected and delivered by the delivery services should be

PLANNING

23 FEBRUARY 2022

collected from the rear and not from the front of the building at any time

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 ensure a satisfactory standard of development.
4. To avoid harm to local amenity from waste nuisance.
5. To ensure an acceptable form of development and in the interests of neighbour amenity.
6. To ensure that the measures considered necessary as part of the Noise Impact Assessment and Odour Management Plan are carried out as specified.
7. In the interests of the amenity of the neighbouring residential occupiers.
8. To ensure an acceptable form of development and in the interests of the safety of the users of the highway.

Notes to the Applicant

You are advised:

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

PLANNING

23 FEBRUARY 2022

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 Food Business Operator will be required to register the food establishment with Hastings Borough Council 28 days prior to opening. The registration form can be found online at http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/.
4. The applicant is strongly advised to contact the Hastings Borough Council's Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law.
5. The Crime & Disorder Act 1998 heightens the importance of taking crime prevention into account when planning decisions are made. Section 17 of the Act places a clear duty on both police and local authorities to exercise their various functions with due regard to the likely effect on the prevention of crime and disorder. If you are planning to replace or alter any of the external openings within the store then appropriate security standards should be adopted. For further information please see www.securedbydesign.com or contact Sussex Police. Any material external alterations to the shop front will require planning permission.
6. The applicant is advised that in order to prevent undue littering on the pavement outside the premises, that staff should regularly check for litter and clear where necessary.
7. The applicant is advised that condition 8 does not refer to members of public visiting the takeaway.

**326. SHOP AND PREMISES, 40-41 QUEENS ROAD, HASTINGS
(HS/FA/21/00443)**

Proposal	Change of use of the ground floor unit of 40-41 Queens Road from a vacant pawnbrokers (E Class) to an Adult Gaming Centre (Sui Generis).
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PLANNING

23 FEBRUARY 2022

Application No	HS/FA/21/00443
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 14 objections Referred by Ward Councillor

The Planning Services Manager presented the application for a change of use of the ground floor unit of 40-41 Queens Road from a vacant pawnbrokers (E Class) to an Adult Gaming Centre (Sui Generis).

Slides and drawings were shown of the proposed ground floor plan. No external alterations are proposed. The proposed opening hours are 24 hours, seven days a week. Complimentary refreshments and teas and coffees will be served to customers, but no alcohol served on the premises. A noise survey is required and with implementation of measures required by the noise survey. Environmental Health have no objections to the application.

Councillor Rogers as the Ward Councillor addressed the Committee. Castle Ward one is in the top 10% of the most deprived wards in the whole country and the 2nd with the highest violent crime record in Sussex. National Planning Policy Framework item 8, Paragraph 92 B planning policies and decisions, should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder and the fear of crime do not undermine the quality of life or community cohesion well. Councillor Rogers argued that this is exactly what this application is going to do. The application is not within the Town Centre and is in a mixed usage area with residential properties above either side and behind the application site. The application will not have a positive impact on the area or residents. Councillor Rogers urged the Committee to refuse the application.

Councillors asked the Planning Services Manager regarding the condition regarding patrons smoking outside the front of the application site. The Planning Services Manager agreed that the condition would be unenforceable and should be removed.

Councillors asked regarding gambling addiction and what the applicant would do regarding this. The Planning Services Manager highlighted the applicant has robust measures in place to ensure vulnerable people are protected. This includes staff training, customer supervision, monitoring, interaction, reviewing source of funds, providing self-help tools.

PLANNING

23 FEBRUARY 2022

Councillor Beaver proposed refusal of the recommendation, seconded by Councillor Scott

The Planning Service Manager advised members that planning permission had been granted at appeal for a similar use at 11 Wellington Place and that any appeal against a refusal would likely be successful.

Refused (unanimously) for the following reason:-

The proposed development would create a level of noise and disturbance at late night and early morning that would be out of keeping with the quiet nature of the area at this time of day. As such the proposed development would be contrary to Policy DM6 of the Hastings Development Management Local Plan (2015). In addition, the proposal would result in a use type that would harmfully affect the more vulnerable residents of Hastings, specifically in respect of gambling and its negative impact on health and wellbeing contrary to Policy FA3 of the Hastings Planning Strategy (2014) and paragraph 130 of the National Planning Policy Framework, which seeks to ensure that decisions result in development that promotes health and wellbeing.

Note to the Applicant

You are advised:

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.

327. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at. 8.23 pm)

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PLANNING

23 MARCH 2022

Present: Councillors Roberts (Chair), Cox (Vice-Chair), Bacon, Beaver, Bishop, Foster, Roark, Marlow-Eastwood, Williams and Sinden

328. APOLOGIES FOR ABSENCE

Councillor Scott (substituted by Councillor Sinden)

329. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Foster	5(a)	Prejudicial – Organised a petition against the sale of the land and had a meeting with Developer
Cllr Marlow-Eastwood	5(a)(b)	Personal – East Sussex County Councillor
Cllr Beaver	5(a)(b)	Personal - East Sussex County Councillor

330. MINUTES OF PREVIOUS MEETING

To be agreed at the next meeting

331. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

332. PLANNING APPLICATIONS

Councillor Foster left the chamber and took no part in item 5(a).

333. HARROW LANE PLAYING FIELDS, HARROW LANE (HS/DS/21/01044)

Proposal	Approval of Reserved Matters relating to appearance, landscaping, layout and scale pursuant to Outline Planning Permission
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PLANNING

23 MARCH 2022

	HS/OA/17/00901 (Outline application,(seeking approval of Access) for the erection of 140 residential units (22 no. 4-bed, 61 no. 3-bed, 36 no. 2-bed, 21 no. 1-bed units) of which fifty six are 'affordable homes', public open space, access and landscaping at Harrow Lane Playing Fields, St Leonards-on-sea.)
Application No	HS/DS/21/01044
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 30 objections received

The Assistant Planning Manager presented this application for the approval of Reserved Matters relating to appearance, landscaping, layout and scale following the previous approval of outline consent in 2019, for the erection of 140 residential units on the site.

Since the report was published there are some updates. The Highway Authority has removed their objection following minor amendments to the parking layout. This has created some amendments to Conditions 1 and 10 updating approved plan numbers. There is a new condition 16 relating to the provision of cycle parking areas. New Condition 17 relates to the specification of the construction of accesses to be approved in writing. New Condition 18 relates to the details of the roads to be approved in writing.

Slides were shown. These were a location plan, block plan showing the proposed layout and an aerial view of the site as it now. Photographs of the site were shown. An image of the amendment to the parking layout was shown. A slide of the proposed elevations of the buildings were shown. Some perspective views were shown to give an idea of what the site would look like should it be developed and taking account of the Central Greens.

The Assistant Planning Manager advised the Planning Committee that this is an allocated site with Outline Planning Consent. The principle of the development, including the number of homes has already been agreed through the outline consent as well as the Local Plan process. So has the impact on strategic infrastructure. The site layout takes account of what is in the adopted Local Plan in terms of the quantum of development and the broad design brief that was set out within that. The three-character areas provide clear definition between them, creating a good sense of place

PLANNING

23 MARCH 2022

within the development. The site is well thought out, providing pedestrian and cycle links which link up with the existing rights of way. The level of affordable housing has been a contentious issue. This application is for Reserved Matters, relating to appearance, landscaping, layout and scale only. Affordable housing is not a reserved matter and so cannot be considered here. Affordable housing has been considered as part of the Outline consent and its related Section 106 Agreement.

Cllr Edwards as the Ward Councillor addressed the Planning Committee. He explained he had attended the pre planning forum in October 2016 where residents had spoken against the proposed application. In 2019 Outline Planning Permission was granted with overwhelming opposition from local residents. The objections cited were the principle of the development, the loss of green space, the lack of infrastructure, traffic and overdevelopment. In 2021 a deal was reached with Ilke Homes based in Yorkshire who construct modular homes. In its Statement of Community Involvement, the applicant described how they contacted hundreds of residents online, seeking their opinions on the scheme. However, only eight people, including Councillor Edwards, replied and only one was partially supportive. The online consultation really was not effective in reaching out to people and seeking opinion. Councillor Edwards explained his concerns regarding the carbon footprint of transporting the housing units from Yorkshire and the loss of green land.

Councillor Edwards explained the proposed development doesn't meet the three (economic, social and environmental) overarching objectives contained in paragraph 8 of the National Planning Policy Framework. The site is not the right place or time to meet the economic case for development, the social case also falls short by seeking to build 100% affordable homes, there is not a range or a variety of homes to meet the needs of present or future generations. 140 gas powered homes will create a huge carbon footprint.

The Assistant Planning Manager responded that the loss of green space has been agreed at the outline consent stage. A lot of modelling has been completed in terms of the impact on the highway network. East Sussex County Council as the Highway Authority do not have any concerns about the impact on the highway network. The pre application consultation process is not a statutory requirement, the sale of land is not something that could be considered as material to determine this planning application.

The Assistant Planning Manager responded to concerns about affordable housing and advised that a change in tenure is not classed as development and does not require a planning application.

Councillors debated.

Councillor Roberts proposed approval of the recommendation, seconded by Councillor Sinden.

RESOLVED (5 for, 3 against and 1 abstention)

PLANNING

23 MARCH 2022

Approve Reserved Matters subject to the following conditions:

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

DR-L-0101 P04, DR-L-0102 P03, DR-L-0103 P02, DR-L-0104 P02,

DR-L-0105 P03, DR-L-0106 P03, DR-L-0107 P02, DR-L-0108 P03 and

DR-L-0901 P05

P21-485-SK100 P6, P21-485-SK102 P7, P21-485-SK110 P5,

P21-485-SK111 P3 and P21-485-SK112 P3

9969-PL-01A, 9969-PL-02C, 9969-PL-03AA, 9969-PL-04B, 9969-PL-05M,

9969-PL-07F, 9969-PL-10G, 9969-PL-11G, 9969-PL-12H, 9969-PL-13B,

9969-PL-15J, 9969-PL-16F, 9969-PL-17C, 9969-PL-18B, 9969-PL-30H,

9969-PL-31K, 9969-PL-34, 9969-PL-35I, 9969-PL-36G, 9969-PL-37E,

9969-PL-38F, 9969-PL-39E, 9969-PL-41D, 9969-PL-42D, 9969-PL-43,

9969-PL-50G

TR19-3109-RSW-V1 and WLC523-1300-001 P4

Tree Protection Plans - NO.1 and NO.3

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:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

3. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings

PLANNING

23 MARCH 2022

hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. Prior to the commencement of development, a further assessment in respect of the noise and visual impacts from the Concrete Batching Plant, comprising any potential constraints on its operation and its impact upon residential amenities of the dwellings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste and Minerals Authority (East Sussex County Council). The Assessment should provide full mitigation measures where necessary. The Concrete Batching Plant Mitigation Strategy shall thereafter be implemented and maintained as approved in perpetuity.

5. No development shall take place until the measures outlined in the submitted ecological statements and reports have been fully implemented unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted reports are:

- Ecology Statement (Derek Finnie Associates, November 2021)
- Air Quality Letter (RPS, February 2022)
- Arboricultural Survey (Treetec Consultancy Ltd, November 2021)

6. No development shall take place above ground until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall identify of all existing trees and hedgerows on the land and include details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details

PLANNING

23 MARCH 2022

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. Details shall also include any earthworks proposed, their form, associated land levels and relationship to the wider landscape.

Specifically, the soft landscaping scheme must also include details of softening boundary treatments where blank walls face towards roads (Plots 1, 64, 70 and 132) and increase the density of planting along the main access into the site from Harrow Lane as well as the areas of open space.

7. All planting seeding or turfing comprised in the approved Soft Landscaping Scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

8. 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

PLANNING

23 MARCH 2022

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.

9. All works shall be carried out in accordance with advice contained within the Geo-Environmental Report (RSK GeoSciences, October 2021) and shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. Any further contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Planning Authority for written approval prior to continuation of those works.

10. No part of the development shall be occupied until the car parking spaces [and turning areas] have been constructed and provided in accordance with approved plan 9969 PL11 Rev G. The area[s] shall thereafter be retained for that use and shall not be used for any purpose other than the parking and turning of vehicles.

11. Car parking spaces shall measure 2.5m by 5m (with an extra 50cm on either dimension when adjacent to a wall or fence).

12. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

13. Prior to the commencement of development of the dwellings above ground,

PLANNING

23 MARCH 2022

the new estate roads that service that dwelling shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Local Planning Authority in consultation with the Highway Authority. Evidence of this must be submitted to and approved in writing by the Local Planning Authority.

14. Internal Roads - No part of the development shall be occupied until the road(s), footways and parking areas serving that part of the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority

15. All works shall be carried out in accordance with advice contained within the Lighting Impact Assessment (RPS, February 2022) and shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.

16. The development shall not be occupied until cycle parking area[s] have been provided in accordance with plan 9969 PL11 rev G and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles

17. The development shall not commence until details of the layout of the new access and the specification for the construction of the access which shall include details of right turn lane and cycle facility have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority (s278) and the

PLANNING

23 MARCH 2022

development shall not be occupied until the construction of the access has been completed in accordance with the agreed specification.

18. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with the Highway Authority as part of a s38 agreement.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of adjoining residents.
3. To ensure a satisfactory standard of development.
4. To safeguard existing Waste and Minerals sites, and to protect residential amenity of future residents.
5. To protect features of recognised nature conservation importance.
6. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.

PLANNING

23 MARCH 2022

7. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
8. 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.
9. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
10. To ensure the safety of persons and vehicles within the site, entering and leaving the access and proceeding along the highway.
11. To ensure a well-planned development that functions well.
12. In the interests of highway safety and for the benefit and convenience of the public at large.
13. In the interests of highway safety and for the benefit and convenience of the public at large.
14. In the interests of highway safety and for the benefit and convenience of the public at large.
15. To safeguard the amenity of adjoining and future residents.

PLANNING

23 MARCH 2022

16. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
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.

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 Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

PLANNING

23 MARCH 2022

4. Consideration should be given to the provision of domestic sprinkler systems.

5. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard.

The applicant is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken.

Southern Gas Networks Plc

SGN Plant Location Team

95 Kilbirnie Street

Glasgow

G5 8JD

Tel: 01414 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk

SGN personnel will contact you accordingly.

Please also be advised that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site

PLANNING

23 MARCH 2022

before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

6. In line with National Policy, namely paragraph 187 of the National Planning Policy Framework, should the applicant/developer discover any potential sensitivity of proposed non-mineral development to the operation of the CBP or any impact of the non-mineral development on the CBP, suitable mitigation must be provided, in consultation with the Local Planning Authority and the Minerals Planning Authority.

7. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com.

8. The applicant is reminded that this approval is linked to Outline Consent HS/OA/17/00901 and its associated Section 106 Legal Agreement, which must be adhered to.

PLANNING

23 MARCH 2022

Councillor Foster returned to the chamber

334. **FORMER PUBLIC CONVENIENCES, HAROLD PLACE (HS/FA/21/00905)**

Proposal	Development of site of former public convenience to provide a two storey pavilion for use as cafe bar & restaurant (Class E(b)), including external landscape works
Application No	HS/FA/21/00824
Conservation Area	Yes - Hastings Town Centre
Listed Building	No
Public Consultation	Yes – 28 objections, Council application on Council owned land

The Assistant Planning Manager gave updates. There are 3 additional objections raising concerns regarding the quality of the report and pre-determination as this is a Council application, being determined by the Council. Council applications are allowed, and it is the Planning Committee that determines the application not the Council itself. An objection was also raised regarding the lack of public consultation prior to the application being submitted. The Assistant Planning Manager confirmed that there is no statutory requirement for anyone to undertake pre application consultation. There were concerns raised regarding the location of the application. The Councillors were reminded that they must determine planning applications on their own merits. Concerns regarding the financing of the project and how these projects are financed are not material planning considerations and is not something we can take account of in determining this application.

Slides were shown of the location of the application site and an aerial shot. Drawings and floor plans of the ground and first floor were shown. The Assistant Planning Manager stated that the proposal is for established Town Centre use and there are no objections from Sussex Police. Condition 21 restricts the use of the premises to ensure it does not operate as a separate drinking establishment. This application should be considered on its own merits and pre application consultation is not a material consideration.

Councillor Carr as the Ward councillor addressed the Planning Committee. She stated that residents raised issues of noise, increased traffic, more take away drivers in an

PLANNING

23 MARCH 2022

area already impacted, the impact on local businesses, whether building a chain restaurant using public money on a fifty year mortgage is a good use of the public money. Concerns around footfall, antisocial behaviour, the eco credentials of this building, as well as how this project works in relation to the Town Deal. The building would remove the last connection between the Town Centre and the Seafront. It is a missed opportunity to build with environmental considerations.

The National Planning Policy Framework states in paragraph 8 that a building should be well designed, beautiful and safe spaces with accessible services. This building is not fit for purpose. There is no staff rest room, no staff toilets, which is a recommendation for all food businesses in the workplace. There is no cupboard for cleaning supplies, no access to bin store and no delivery door which is a security risk. There is no way for staff to move up stairs without using the stairs. The lift does not meet the standards expected of a new building and with the expectation of staff having to carry food upstairs this means that the employer is unlikely to offer employment opportunities to anyone with any sort of mobility issue. It is not acceptable that a disabled person may have to ask for assistance to use the lift.

The Assistant Planning Manager replied. The developers have demonstrated there is a 7.5% improvement on the levels of energy efficiency required by the Building Regulations. There have been conversations with Environmental Health Officers regarding the use of the building as a restaurant and the layout. The Environmental Health Officers are satisfied with the layout. The internal layout is not a material planning consideration but down to the operator, and it is covered by alternative food and health and safety law. Environmental Heath raised no objection to the application. Regarding disabled access, this is dealt through the Building Regulations outside of the planning process. If the lift is not fit for purpose, then the building will not get Building Regulations approval.

The Councillors debated.

The Assistant Planning Manager reminded Councillors that detailed matters about the internal layout and the operation of the restaurant are covered by other sources of legislation that cannot be a reason for refusal of planning permission. For consideration is the principal of development, the use and the appearance of the building.

Councillor Bishop proposed to refuse the application, Seconded by Councillor Beaver.

RESOLVED (7 for, 1 against, 2 abstentions) Refuse planning permission due to the following

PLANNING

23 MARCH 2022

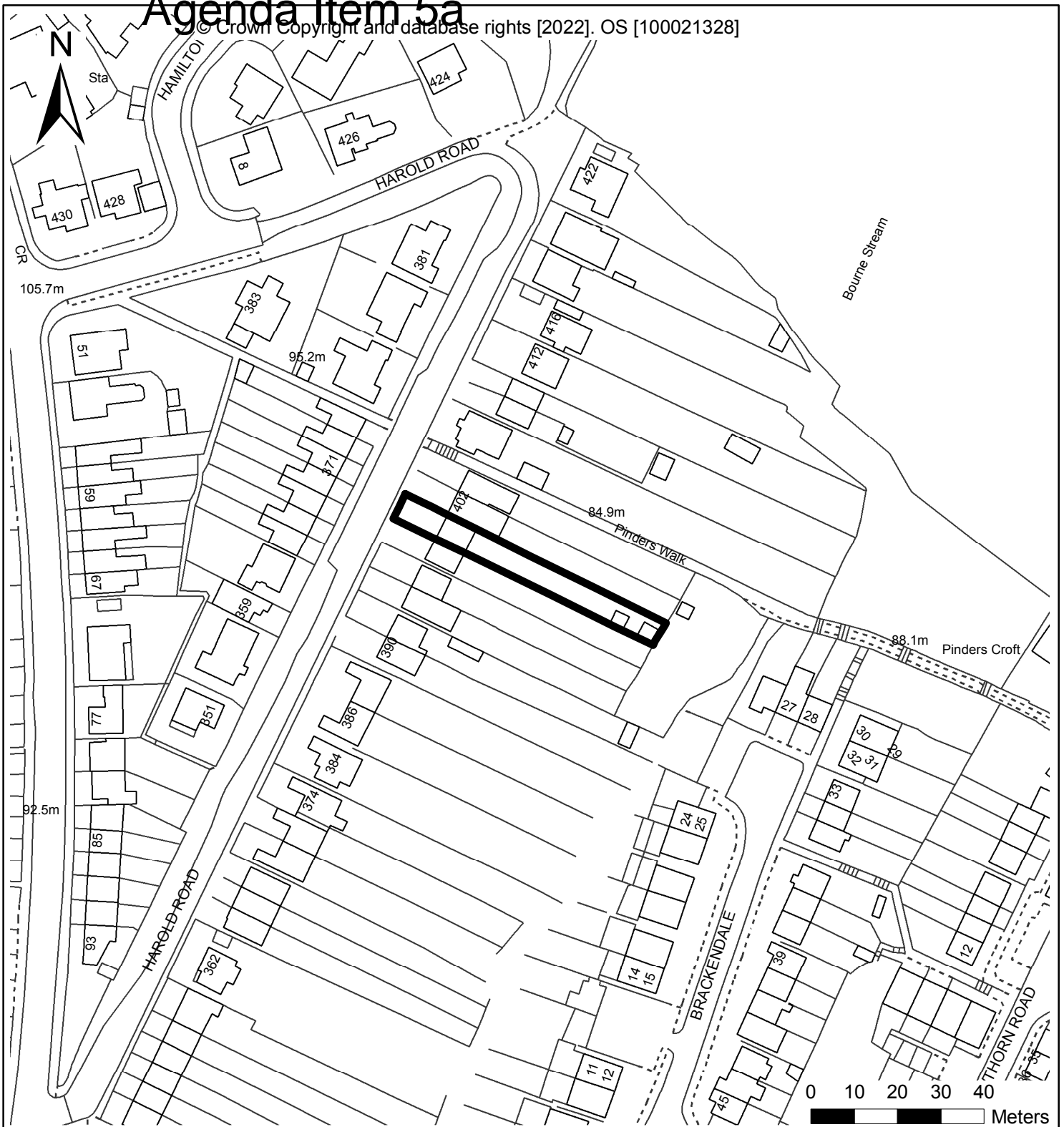
the proposed development is not considered fit for purpose in respect of its internal layout resulting in poor people and staff movement between floors and an unsuitable lift. The development is therefore contrary to paragraphs 8, 130 and 134 of the National Planning Policy Framework.

335. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at. 7.03 pm)

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**400 Harold Road
Hastings
TN35 5HG**

Proposed part two storey part three storey rear extension and internal improvements (amended description).



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

Date: April 2022

Scale: 1:1,250

Application No. HS/FA/21/00997

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Report to:	PLANNING COMMITTEE
Date of Meeting:	20 April 2022
Report from:	Assistant Director of Housing and Built Environment
Application address:	400 Harold Road, Hastings, TN35 5HG
Proposal:	Proposed part two storey part three storey rear extension and internal improvements (amended description).
Application No:	HS/FA/21/00997
Recommendation:	Grant permission
Ward:	ORE 2018
Conservation Area:	Yes - NO
Listed Building:	No
Applicant:	Richard Davis per S C Design Associates LTD 32 Marlow Avenue Eastbourne East Sussex BN28 8SJ
Public Consultation	
Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	5
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 application site relates to No. 400 Harold Road, a two-bedroom semi-detached dwelling house situated on the south-east side of Harold Road. Due to the topography of the area whereby the land levels drop from the north-west to south-west, these dwellings have basements, as a result the dwelling is two storeys from the front and three storeys from the rear. It is noted No. 398 the other property of the pair on the south-west side sits level with the application site whilst No. 402 on the north-east side is set up slightly higher. The

property is brick built with pebble dash render and tile hanging to the bay window with white UPVC windows with a plain tiled hipped roof. The dwelling is set back from Harold Road, an unmade track, with a hardstanding area at road level providing parking for the household and a set of steps providing access towards the dwelling and rear garden. Parking is possible along this road, but it is limited. To the rear, the site features a good-sized garden which is close to 48m in length, there is an area of hardstanding to the rear of the dwelling set mainly over two tiers with a set of steps into the dwelling and another down into the lower garden which is mainly laid to lawn. The site features good boundary treatments with high timber fencing with a number of dense and mature trees and other vegetation towards the rear of the site and surrounding sites which offer a good level of screening. The dwelling is unlisted and is not located within a conservation area designation.

Constraints

Sites of Special Scientific Interest (SSSI) Impact Risk Zone (threshold is not exceeded)

Flood Zone 2 Strategic Flood Risk Assessment (SFRA)

Flood Zone 3a Strategic Flood Risk Assessment (SFRA)

Flood Zone 3b Strategic Flood Risk Assessment (SFRA)

Flood Zone 2 Environment Agency

Flood Zone 3 Environment Agency

Groundwater Flooding (High)

Great Crested Newts District Licensing Scheme Impact Risk Zone - White

2. Proposed development

This application is seeking planning permission for the erection of an extension to the rear of the dwelling. As noted above, due to the topography of the area, the application should be described as a part two storey part three storey extension, with the lower ground level extension being almost two storey and the upper-level extension above this creating the three-storey appearance from the rear.

The lower ground level element will occupy a footprint of 5m in depth by 4.7m in length, set in 0.2m from No. 398 Harold Road and 0.9m from No. 402. This element will feature a mono pitch roof which will measure approx. 2.85m to the eaves and approx. 5.4m to the ridge with this space to serve as an open plan kitchen area with the existing kitchen to become a dining room with a set of steps from the kitchen area into the dining room due to the ground level change. The extension will feature a set of French doors with fanlight over with a window either side within the rear elevation, a partially obscure glazed window within the side (north-east) elevation with no openings proposed within the side (south-west) elevation. This addition will be built of brick with a tiled roof and white UPVC units to match the host dwelling.

The upper-level element will be set within the roof of the lower-level element. It will measure 3.25m in depth by 2.9m in length and will overhang the lower-level addition by approx. 0.3m. This addition will feature a bonnet roof set down 0.3m from the existing soffit level, measuring approx. 2.1m to the eaves and approx. 3.2m to the highest point above the lower-level element, the extension in its entirety will measure approx. 5.7m to the eaves and approx. 6.9m to the highest point above the ground level. The proposed upper floor (bathroom) will cut into the roof of the lower floor (kitchen). The existing bathroom will then become a bedroom. A first floor rear elevation window, relating to bedroom 1 will be reduced in size from a three-pane window to a two pane to accommodate the upper floor extension. On the

upper floor there will be one window within the rear elevation which will serve the new bathroom, no other openings are proposed. This addition will have tile hung walls with a tiled roof and white UPVC unit to match the existing dwelling house.

No other form of development is proposed under this application.

The application is supported by the following documents:

- Photographs of site.
- Land stability statement by Stephen Johnson Consulting Engineers Ltd (dated: 8th March 2022).
- Sustainable drainage systems (SUDs) report.

Relevant planning history

HS/FA/21/00541 Proposed two storey rear extension and internal improvements.

Withdrawn on 29/09/21

HS/FA/07/00969 Two storey extension at rear.

Permission with conditions on 09/01/08

(This development was not built out).

HS/FA/07/00698 Two storey extension with roof terrace and conservatory at rear.

Refused on 05/10/07

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 SC7 - Flood Risk

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Revised Draft Local Plan (Regulation 18)

Other policies/guidance

National Design Guide

Supplementary Planning Document - Householder Development: Sustainable Design

East Sussex County Council Highways Minor Applications Guidance (2017)

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our

natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community

cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

None consulted.

4. Representations

In respect of this application a site notice was displayed to the front of the site along Harold Road. Following submission of amended description/plans and additional information an amended site notice was put up.

5 no letters of objection have been received from 5 different properties raising the following concerns:

- Description inaccurately describes proposal as two storey, due to topography it is in fact three storey.
- The proposed development is overbearing and out of keeping with the surrounding area.
- Harm to the amenity of the neighbouring properties in terms of light, privacy and outlook.
- Concerns to ground conditions/land instability and possible structural damage to neighbouring properties.
- Other alternatives should be considered.
- Loss of idyllic views.

The description of the application has been amended to more accurately describe the proposals.

In regard to concerns to possible damage to neighbouring properties, this would be a legal/civil matter between the applicant and neighbour(s). The applicant should ideally serve a party wall agreement with the neighbours(s) due to the position of the extension in relation to the neighbouring sites, this has been attached as Informative note 4. This is not however something that can be required through the planning process as it is dealt with under separate legislation.

Whilst any possible loss of view of the surrounding area is unfortunate, this is not a material planning consideration.

The other concerns noted above will be discussed below within the main body of the report.

5. Determining issues

The main issues relevant to the determination of this application are the principle of the development, the impact of the proposed extension on the character and appearance of the area, residential amenity of neighbours, future residential amenities, highway safety and parking, land stability and flooding.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

b) Impact on character and appearance of area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) states, all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- protecting and enhancing local character;
- showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The proposed extension is to be situated to the rear of the dwellinghouse and will not project past the side elevation of the dwelling with narrow spacing established between the application site and No. 402 Harold Road. The site benefits from good boundary treatments with high timber fencing with a number of dense and mature trees and other vegetation towards the rear of the site and surrounding sites which offer a good level of screening.

The Supplementary Planning Document - Householder Development: Sustainable Design states that materials should generally either match or complement those of the existing dwelling. The chosen materials of the development will be in keeping with the host dwelling, providing a consistent and complimentary finish between the existing and proposed elements. Furthermore, the chosen windows are of a design which reflects the main dwelling.

The roof of the lower-level addition will follow the same pitch as the main roof, it is considered the addition will be read as a subservient addition to the dwelling house. The proposed upper level is not of any particular high standard of design in that the proposed roof fails to relate well to the host dwelling. However, given the limited visibility as viewed from Harold Road, it is not considered this feature would harmfully affect the character or appearance of the public realm and as such the application is considered acceptable in this respect. The development is therefore considered to be in line with the Supplementary Planning Document - Householder Development: Sustainable Design and the aims of 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:

- 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.

The proposed works will be located closest to Nos. 398 and 402 Harold Road, as such the impact of the proposed development on these occupants in terms of privacy, outlook, daylight and sunlight levels and overshadowing will need to be assessed.

Privacy

The proposed lower-level addition will feature a set of French doors with fanlight over with a window either side within the rear elevation. Given the position of these windows views will be directed towards the boundary fencing which surrounds the site, as such there are no concerns in this regard. It is also acknowledged that there are already openings within this elevation, albeit set further back which offer similar views. It is also proposed for a window within the side elevation facing onto No. 402 Harold Road. From the plans it would appear this will serve the stairs from newly created kitchen into the dining room. To reduce any overlooking or the sense of being overlooked the window will be partially obscured glazed and fixed shut below 1.7m from the floor level (Condition 5). It is noted there are no openings proposed on the side elevation facing onto No. 398 Harold Road. The proposed upper-level addition will include a window within the rear elevation which will serve the bathroom. Given the existing views already achieved from the upper windows of the application site and neighbouring sites there is already a degree of mutual overlooking between the sites, as such it is not considered the new bathroom window will cause any additional overlooking. No other openings are proposed. Subject to condition 5 being applied in respect of the proposed side kitchen window, no concerns are raised in respect of privacy.

Outlook

Whilst it is noted the lower-level addition will sit closest to No. 398 Harold Road, a section of 3m high timber fencing with trellis above sits along this boundary in line with the raised decking area of No. 398 Harold Road with approx. 2m high timber fencing thereafter. As a result, when stood on the raised decking area of No. 398 the majority of the proposed extension will be screened thereby reducing any impact. Given the position and elevation of

the doors and the raised decking of No. 398 and the boundary treatment it is not considered the outlook of these occupants will be significantly impacted as a result of these works. The proposed upper-level addition will be positioned approx. 3.2m from the rear openings of No. 398 Harold Road so any impact in terms of outlook from this element will be limited. The extensions will also be positioned close by to No. 402 Harold Road. There is 1.7m-2m high timber fencing in place along this boundary. It is considered given the moderate depth of the upper-level addition (3.25m) and the spacing between this and the rear windows of No. 402, outlook will not be significantly altered with views past the extension and out towards the rear achieved. The window and door within the side elevation of single storey addition at No. 402 Harold Road is already affected to a degree by the existing arrangement with a set of openings within the rear elevation of this addition to remain unaffected in terms of outlook, with the proposed extension to sit in line with the rear elevation of this neighbouring addition.

Daylight and sunlight levels

The proposed extension will be positioned 0.2m from the boundary of No. 398 Harold Road and the dwelling and 0.9m from the boundary with No. 402 Harold Road and approx. 2m from the dwelling. As such, a BRE daylight and sunlight test has been carried out to determine the impact of the proposal on the daylight and sunlight levels into the nearest openings of Nos. 398 and 402 Harold Road. To carry out the test, a 45-degree line was taken from the proposed extension on the block plan and on the proposed rear elevation plan, should both lines significantly cross any of the openings of the neighbouring properties then this would result in a significant loss of daylight and sunlight levels. The test has revealed that the proposed extension will not cause a significant harmful impact upon the existing daylight and sunlight levels into the rear elevations of either of these properties. This has also been demonstrated by the agent on the proposed rear elevation plan. It is noted the window and door within the side elevation of single storey addition at No. 402 Harold Road is already affected to a degree by the existing arrangement with a set of openings within the rear elevation of this addition to remain unaffected, with the proposed extension to sit in line with the rear elevation of this neighbouring addition.

Overshadowing

The BRE 'Sun Layout Planning for Daylight and Sunlight' states at paragraph 3.3.7 that at least half of the rear garden should receive at least 2 hours of sunlight on 21st March. Having carried out the test using the method as detailed within BRE 'Sun Layout Planning for Daylight and Sunlight' the proposed extension will not impinge upon this requirement, given the orientation of the neighbouring properties in relation to the proposed extension and the considerable size of the rear gardens of these sites. As such it is not considered that overshadowing would harmfully affect the neighbouring residential amenity of Nos. 398 and 402 Harold Road.

Taking the above into account, it is not considered that the proposal will cause significant harm to the amenity of the neighbouring properties of Nos. 398 and 402 Harold Road in terms of privacy, outlook, daylight and sunlight levels and overshadowing. As such, the proposed development is in agreement within the aims of Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) and the Supplementary Planning Document - Householder Development: Sustainable Design.

d) Future residential amenities

Policy DM3 (g) of the Hastings Local Plan - Development Management Plan (2015) states that appropriate levels of private external space should be included within developments, especially for larger homes designed for family use (dwellings with two or more bedrooms). In

respect of proposed family dwellings, the Council expects to see the provision of private garden space (normally at the rear), of at least 10m in length.

This property is a two-bedroom property and will increase to a three-bedroom following the proposed works, as such the above noted policy is relevant to this case. Having reviewed the application, it is noted that the rear garden measures in excess of 40m in length from the proposed rear addition to the rear boundary, which meets the 10m requirement, the majority of the garden will remain as existing and will be in excess of this requirement. As such, it is considered sufficient garden space is to remain in place for present and future occupants to enjoy, thereby the aims of Policy DM3 (g) of the Hastings Local Plan - Development Management Plan (2015) are met.

e) Highway safety/parking

Policy DM4 of the Hastings Local Plan - Development Management Plan (2015) requires safe access on to and within a site, and adequate provision for parking, taking into account guidance as set by East Sussex County Council.

East Sussex County Council Highways Minor Applications Guidance (2017), paragraph 3.8.1, states, for individual dwellings car parking should generally be provided as follows:

1. 1 or 2 bedroom dwelling: 1 space
2. 3 or 4 bedroom dwelling: 2 spaces

The existing dwelling is a 2-bedroom property, with the proposed extension resulting in a net increase of 1 bedroom. As per East Sussex County Council guidance, 3- or 4-bedroom properties require a total of 2 parking spaces. As such the proposed will require an increase in parking. It is acknowledged the site benefits from a parking area to the front of the site with further parking also available along Harold Road if required. As such it is considered this arrangement is acceptable in respect to Policy DM4 of the Hastings Local Plan - Development Management Plan (2015) and the guidance provided by East Sussex County Council.

f) Land Stability

During determination of this application concerns to the instability of the ground were raised in comments from neighbouring residents. No signs of instability such as cracks were evident on site when the site visit was undertaken. However, given the concerns noted by neighbouring residents the Local Planning Authority requested the applicant provide written correspondence from a relevant and suitably qualified professional to conclude that there is no issue on site. Subsequently the applicant employed Stephen Johnson a structural engineer of Consulting Engineers Ltd, who visited the site and provided a statement on the 8th of March 2022 for which he states there is no reason for concern about the stability of the slope, in that there are no tell-tale tension cracks or other indications of instability. The statement concludes that the impact of the proposed extension will no doubt have the same impact as those of the neighbouring properties, completed some years ago with no effect. This has satisfied any concerns which have been raised to the possibility of instability of the ground. It should also be noted that the responsibility for securing a safe development, without impact on other properties and people rests with the developer and/or landowner as stated in 184 of the National Planning Policy Framework.

g) Impact on Great Crested Newts

The development falls within the white impact risk zone for Great Crested Newts and as the application is a Household one, there is no requirement to consult NatureSpace in respect of Great Crested Newts. Informative note 5 is added should Great Crested Newts be found on site at any stage of the development works.

h) Site Constraints

SSSI Impact Risk Zone:

The site is within a SSSI IRZ. The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

Flooding:

It is acknowledged that the site is affected by a number of flooding constraints, although these only affect the lower garden which is mainly laid to lawn and significantly distanced from the proposed development. It is also important to note there is an area of hardstanding to the rear of the dwelling set mainly over two tiers. The proposed extension is proposed to replace part of this area. As such there will be no increase in the impermeable area on site with this noted within the SUDs report with no on site storage required. Given the existing arrangement on site, the siting and position of the proposed development with the existing level of soft landscaping to remain it is not considered the proposal will harmfully impact upon flood risk on and off site, no further consideration is thereby required.

6. Conclusion

In light of the above assessment, it is considered that the proposed extension is acceptable and will not cause harm to the character and appearance of the area or cause significant harm upon the amenity of the neighbouring properties. The proposed development is in line with the aims of Policies DM1, DM3, DM4 and DM5 of the Hastings Local Plan - Development Management Plan (2015), the Supplementary Planning Document - Householder Development: Sustainable Design and the relevant sections of the National Planning Policy Framework. Therefore, it is recommended that permission is granted subject to the attached conditions.

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:

Site plan, block plan (400/01C), SC/RSD.2021.71.01C, SC/RSD.2021.71.02E and SC/RSD.2021.71.07B
3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
4. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
5. The side kitchen window within the lower level extension 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. The development hereby approved shall not be occupied until the obscure glass is installed, and once installed, the window shall be permanently maintained in that condition.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. In the interests of the visual amenity of the area.
5. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

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

2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that this notice of decision does not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land, to either construct or subsequently to maintain the proposed development.
4. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

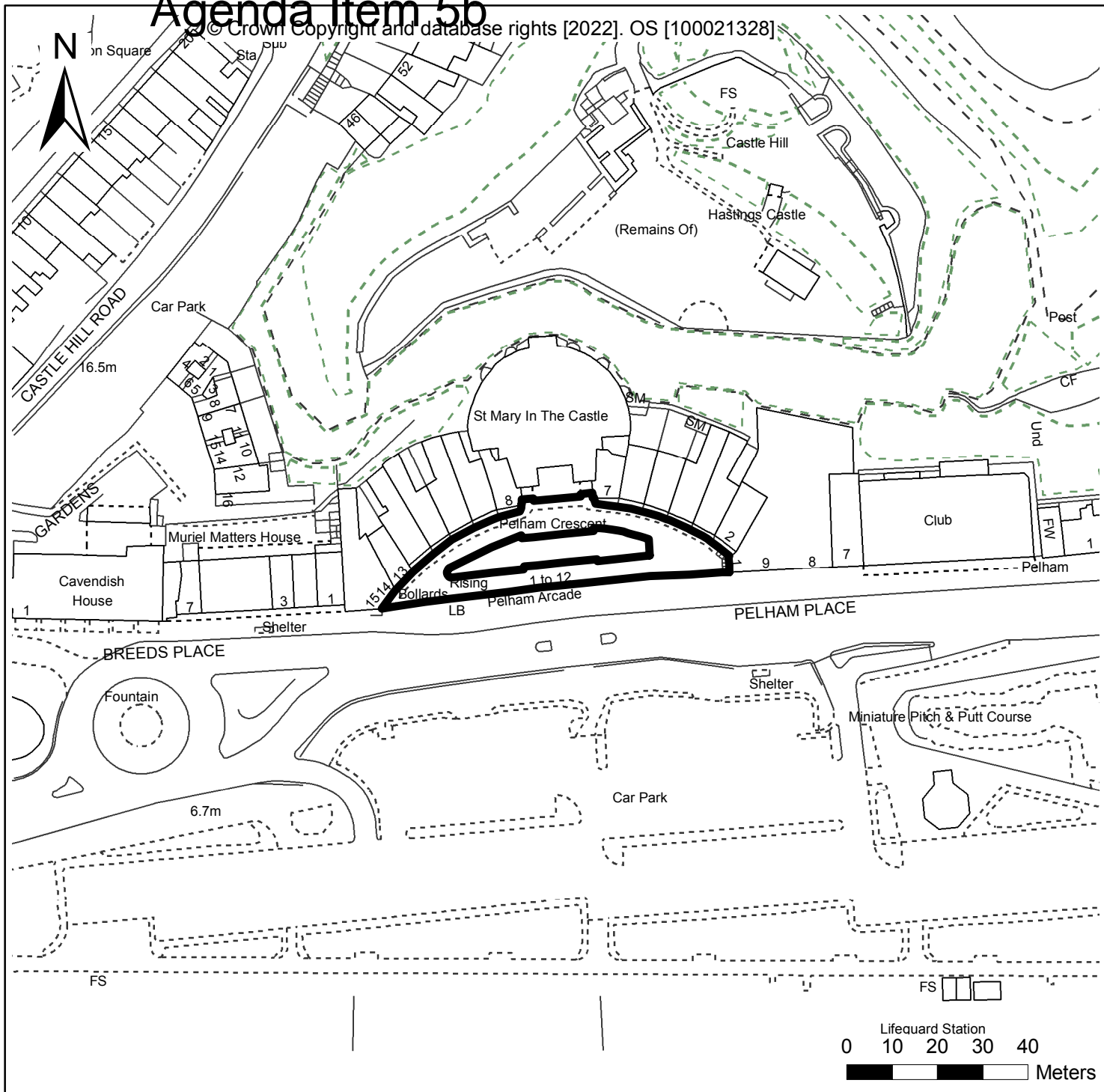
Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/21/00997 including all letters and documents

Agenda Item 5b



Roadways and footpaths at Pelham Crescent Hastings

Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities.



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

Date: April 2022

Scale: 1:1,250

Application No. HS/FA/21/00994

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 April 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Roadways and footpaths at Pelham Crescent, Hastings

Proposal: Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description).

Application No: HS/FA/21/00994

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018
Conservation Area: Yes - Old Town
Listed Building: Grade II*

Applicant: Hastings Borough Council per Saville Jones
Consultants 74 Victoria Road Worthing BN11 1UN

Public Consultation

Site notice: Yes
Press advertisement: Yes - Affects a Listed Building Amended Plans
Neighbour Letters: No
People objecting: 2
Petitions of objection received: 0
People in support: 1
Petitions of support received: 0
Neutral comments received: 0

Application status:

Not delegated -
Council application on land part owned by the
Council.

1. Site and surrounding area

The application site relates to Pelham Crescent, Hastings. This is an access road from Breeds Place or Pelham Place which sits above the roof of properties on Pelham Arcade, which are Grade II* listed buildings within a subterranean shopping arcade that fronts onto Pelham Place. The Arcade itself is also Grade II* listed as a group of buildings with architectural significance including townhouses and the Church of St Mary in the Castle. Pelham Crescent provides access to the Pelham Crescent houses and the former church of St Mary in the Castle.

Pelham Arcade is a highly significant designated heritage asset and because of its derelict condition it is on the Historic England's 'Heritage At Risk' Register. The Crescent was designed as an architectural centre piece in the original development of Hastings hence the Grade II* listing. The site falls within the Old Town Conservation Area and the group makes a positive contribution to its character and appearance.

Constraints

Archaeological Notification Area
Old Town Conservation Area
Grade II* Listed Building (part of a group of Grade II* Listed Buildings)
Heritage At Risk Register
Business Improvement District
GCN District Licensing Scheme IRZ Amber
Estate Agent Board Control Zone

Listing Details

Pelham Crescent comprises several designated heritage assets: the centrepiece of the Church of St Mary in the Castle; 9 Pelham Place, 9 Pelham Crescent, 1-8 Pelham Crescent, 14a and 15 Pelham Crescent, 10-14 Pelham Crescent; 1-12, 12A and 12B Pelham Arcade; 7 and 8 Pelham Place (all listed at Grade II*) and; 9A Pelham Place (listed Grade II). There is a lengthy listing for this group of properties and short paragraphs of the listings have been extracted as detailed below:

Church of St Mary in the Castle; 1353209; Grade II*

**757/13/193 PELHAM CRESCENT 757/14/193 CHURCH OF ST MARY IN THE CASTLE
19-JAN-51 Amended 25-NOV-2010.**

GV II* Former parish church. St Mary in the Castle, 1825-8 forms the centrepiece of Pelham Crescent which was designed by Joseph Kay (1775-1847) for Thomas Pelham, 2nd Earl of Chichester between 1823 and 1828. The church was subject of an Act Parliament which received royal assent on 2 May 1825, and was consecrated on 28 January 1828. The roof substantially rebuilt 1829; the church reworked in the later C19, probably after 1884 when the

parishioners took responsibility; it was declared redundant in 1970 and refurbished in the early 1990s.

MATERIALS: Stone and brick, cement-rendered, and lined as ashlar, stone dressings.

9 Pelham Place, 9 Pelham Crescent, 1-8 Pelham Crescent, 14a and 15 Pelham Crescent, 10-14 Pelham Crescent; 1191926; Grade II*.

757/13/192 PELHAM CRESCENT 757/14/192 1-8 19-JAN-51 PELHAM CRESCENT 9 PELHAM CRESCENT 10-14 PELHAM CRESCENT 14A AND 15 PELHAM PLACE 9 GV II*.

Includes No 9 Pelham Place, 1824-8 Architect Joseph Kay. A long crescent of houses with St Mary's in the Castle at the centre divides the crescent in two. Each house 4 storeys and basement which is above the ground floor level, one window wide. Stuccoed, painted. Parapet. The end houses have scrolled pediment features with acroteria. Slate roofs. 1st and 2nd floors have large segmental bowed windows of sashes all with glazing bars intact. 2nd and 3rd floors have hooded balconies on slight curve. 3rd floor semi-circular window. Ground floor door and sash window. All lattice, railings and other ironwork contemporary. Built for the Earl of Chichester Sir Thomas Pelham.

Nos 1 to 15 (consec) and No 14A, St Mary's in the Castle and Nos 7, 8, and 9A Pelham Place form a group.

1-12, 12A AND 12B Pelham Arcade; 1043389; Grade II*

This list entry was subject to a Minor Amendment on 22/05/2014

HASTINGS, PELHAM PLACE, PELHAM ARCADE, 1-12, 12A AND 12B (Formerly listed as 1-12 AND 12A, PELHAM ARCADE. Previously listed as: PELHAM PLACE, 1-12 PELHAM ARCADE)

03-MAY-88.

GV II* Semi-subterranean arcade of shops, developed by Joseph Kay (1775-1847) for Thomas Pelham, 2nd Earl of Chichester in 1823-5, the first phase of the Pelham scheme, also providing a revetment for the carriage drive to Pelham Crescent and the church of St Mary in the Castle.

Modified in the 1860s to open up the southern range of stalls to the street, first at the eastern end of the arcade, and then by 1863 into the south wall of the ramp. The main basement to the western end was excavated as early as 1860/61 by wine merchant Joseph Arnold. By 1881 Gothic fronts had been added to two bays of the façade. C20 and early C21 individual shops disguise the façade and internal plan of the southern arcade.

2. Proposed development

The application seeks planning permission for the reconstruction of the surface on Pelham Crescent, various road improvements, renovations, alteration works and upgrades to the road, including the installation of heritage style bollards, signs in Pelham Crescent, the installation of dropped kerbs and the provision of new service duct utilities. This application seeks to carry out works on Pelham Crescent given that due to water ingress the fabric and structure of the historic building is deteriorating, the existing road and the arcade below are in a derelict state such that urgent repairs and reinstatement of the waterproofing layer are required to protect this Heritage Asset and to ensure its long-term survival. This is compromising the ability of the Arcade to function as retail units.

The proposed works include the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6 x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities.

The various works proposed by this planning application are detailed as follows:-

- Removal of the existing road surface and substrate to repair the surface of the sandstone structural vaults. A screed is proposed to be applied to the uneven surface of the sandstone to provide a smooth and even base for the water-proofing layer.
- The wearing coarse and visible top surface of the road will be finished in a resin bound gravel which is used extensively in historic and environmentally sensitive areas and provides a more natural and more authentic and pleasing appearance than black tarmac. The proposed drainage channels will be the same as the materials used at present, and where possible, the existing material will be re-used.
- The application proposes to reinstate the whole pavement access to the Pelham Crescent in York stone, retaining the existing York stone and repairing with new where necessary on a like for like basis. The existing kerbs are to be re-used.
- To the east of the site are original pedestrian stairs leading down to the seafront. The existing treads covered with bitumen are proposed to be removed and replaced with York stone to match existing.
- To the east of the site the balustrade guarding the stairwell is partially missing and this application proposes to replace this with new cast iron to exactly match the existing.
- To the southern parapet wall a new balustrade along the front of the parapet is proposed to be installed. This has been carefully designed such that its design reflects the existing Pelham Crescent balcony designs and is a minimal intervention to allow safer, usable public space.
- At the original entrance to the arcade to the west York stone flags are to be set flush with the existing re-laid flag surface adjacent so as to reinstate the prominence to the entrance.
- A 0.915m high stone pillar is proposed to be installed at the entrance to the arcade and is proposed to be constructed of new cast aluminium signs to announce Pelham Crescent and Pelham Arcade.
- At the entrance to Pelham Crescent the application proposes the installation of six new bollards. These will be polyurethane in a "East Sussex" design which imitates tradition cast iron in its appearance. Three of the bollards will be fixed and the other three will be screwed into the sockets in the ground and can be removed to provide vehicular access when required, and to allow occasional access when vehicles are authorised or required to access the Crescent in an emergency. Future access to Pelham Crescent will be controlled, managed and enforced by the owners of the road via a management team.

- A new service duct to route utilities in one accessible area is proposed under the pavement, which will minimise future disruption to the waterproofing layer and greatly reduce future damage to the Pelham Arcade structure.
- The application proposes to incorporate two dropped kerbs, between the pavement and the road surface, so that it is possible to move more easily around Pelham Crescent. One directly in front of St Mary in the Castle and the other to the east, close to the public stairs.

Lengthy negotiations and full consultations with all relevant parties which include Historic England, landowners, residents' groups and St Mary in the Castle Arts Centre took place prior to the submission of this planning application.

Amended drawings were received in January 2022 showing the incorporation of two dropped kerbs to the scheme and shown on Existing and Proposed Plan drawing 1610_AL(0-)07F. Following this, the application was re-advertised, and new site notices posted.

The agent also submitted further justification in February 2022 addressing concerns raised by neighbours.

The application is supported by the following documents:

- Design and Access Statement
- Heritage Statement
- Additional Supporting Statement

Relevant planning history

HS/LB/21/00995 - Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description) - Pending consideration.

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA3 - Strategy for Hastings Town Centre

Policy FA6 - Strategic Policy for The Seafront

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy EN1 - Built and Historic Environment

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
Policy HN2 - Changing Doors, Windows and Roofs in Conservation Area
Policy HN3 - Demolition involving heritage assets
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
Policy CQ1 - Cultural Quarter

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40 - C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

Paragraph 42 - Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- a) the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;
- b) patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale – see Built form;
- c) the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.

Paragraph 50 - Well-designed places, buildings and spaces:

- a) have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- b) have a character that suits the context, its history, how we live today and how we are likely to live in the future; and

c) are visually attractive, to delight their occupants and other users.

Paragraph 52 - Well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form – see Built form;
- the elements of a place or local places that make it distinctive; and
- the features of the context that are particular to the area – see Context

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;
- the scale and proportions of streets and spaces;
- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

Paragraph 53 - Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.

Paragraph 54 - Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 55 - Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

National Planning Policy Framework (NPPF)

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):-

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with

accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;

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 130 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to:

- Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings.

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 195 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states: "In determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 199 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- Grade II listed buildings, or grade II registered parks or gardens, should be exceptional
- Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing

applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 206 states: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

3. Consultation comments

Conservation Officer – **No objection** subject to imposition of conditions relating to materials, and full details of the proposed York stone pillar and proposed signage (Conditions 4, 5 and 6).

Historic England – **No objection** to the proposed development as the proposed works reflect advice given to the applicant at pre-application stage and will result in a fully repaired Crescent with a secured future.

Nature Space – **No objection**.

Estates Manager – **No objection** to the application but raise a question as to how future access to Pelham Crescent will be managed and controlled so as to protect the improvements made. (There will be a Maintenance and Management Agreement between the external grant funders and the owners of the site to ensure effective management of Pelham Crescent. This will be secured via a S106 Legal Agreement if planning permission is given for the development).

ESCC Highways – **No objection** subject to an informative regarding a s171 Legal Agreement that is required in order to implement the works (Informative 3 and 4.)

Natural England – **No objection**.

4. Representations

In respect of this application 3 x site notices were displayed in front of the site along Pelham Crescent and Pelham Arcade and an advert placed in the local paper. 2 letters of objection and 1 letter of support were received.

The letters of objection raise the following concerns:-

- object to the proposed balustrade.
- they will have a harmful impact on views of the Grade II* Listed Building from all perspectives.
- this will cause visual clutter and it unnecessary and will be severely detrimental to the setting of the Listed buildings.
- there is no strong case for the balustrade in the submitted Design and Access Statement.
- why is a balustrade necessary now yet it has not been necessary throughout the life of this structure (over 200years).
- no further controls are needed.
- The balustrade will be easily climbed by anyone wishing to gain access to the parapet.
- A low-level post and chain fence would be more suitable.
- The proposed removable bollards at the entrance do not address the substantial risk

present when the width of utility vehicles parked everyday at the eastern end of the crescent certainly breaching the 3 tonne safe limit for the sandstone arches below. This needs a permanent solution.

- The submitted Design and Access Statement makes no mention of access.
- How will the pavements be accessible to wheelchair users?
- The eastern stairs are frequently used as a toilet, waste bin and drug den and as such deterrents such as CCTV camera should be used.
- The surface treatment should deter graffiti.
- The existing bins currently have a negative visual impact.
- Cars should not be parked in the Crescent for safety reasons and visual amenity reasons.
- Access to the Crescent should be made clear and well managed.
- The submission makes no mention of environmental sustainability.
- There is an opportunity to provide secure cycle parking for residents of the Crescent.

The application is supported for the following reasons:-

- This is a better management of Pelham Crescent.
- The road and pavement will be resurfaced.
- The design is welcome and the commitment to protect the Arcade and roof structure is appreciated.

5. Determining issues

The main considerations are the principle of development, the impact of the proposed works on the character of the Old Town Conservation Area and the Grade II* Listed Building, impact on neighbour amenity, Highway matters, impact on Great Crested Newts and Archaeological matters.

The Planning (Listed Building and Conservation Areas) Act 1990 (as amended) states with respect to any buildings or other land in a Conservation Area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

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 Old Town Conservation Area and setting of nearby Listed Buildings

Policy HN1 of the Development Management Plan 2015 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas) states that:

‘Applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the

heritage asset:

- The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets.
- Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness.

Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas)'.

The National Planning Policy Framework (NPPF) seeks to protect designated heritage assets and the impacts proposed developments have on them. The NPPF states that the significance of the heritage asset can be harmed through development within its setting and great weight should be given to the asset's conservation, and also advises that when less than substantial harm is made to the heritage asset, this harm should be weighed up against the public benefits of the proposal.

The application site lies within the Old Town Conservation Area. Pelham Crescent forms the access to the Pelham Crescent houses and the former church of St Mary in the Castle which are all listed as a group. The Pelham group of buildings are all Grade II* Listed and as a group are a highly significant designated heritage asset. Pelham Arcade is in a derelict condition and as such it is on the Historic England's 'Heritage At Risk' Register. The 9th Century shopping Arcade which includes nos. 1-12, 12A and 12b Pelham Arcade are included within the Historic England's 'Heritage At Risk' Register.

Continual water ingress from Pelham Crescent has caused significant condition issues which alongside the degradation of the historic fabric has prevented use of the commercial spaces within the shops below hereby severely having a negative impact on the economic viability of the designated heritage asset. The stonework of the vaults is continually damp and there is green algae, mould and plant growth covering exposed stonework. There is evidence of extensive areas of mildew and algae growth as well as signs of visible leaks. Externally the carriageway, paths, kerbs and historic street furniture within Pelham Crescent are all in poor condition. Successive interventions and alterations in the past have resulted in a compromised street scene which functions poorly as a piece of public realm as well as detracting from the setting of the designated heritage assets of the Grade II* Listed Buildings and Old Town Conservation Area.

The proposed road works to Pelham Crescent will ensure the arcade is sufficiently waterproofed and will provide improved drainage to ensure surface water is removed efficiently from the area. The scheme also future proofs the Crescent through the provision of a new service channel to ensure the carriageway is not disturbed in the manner that created the existing condition. This would resolve the long term structural and condition issues caused by water ingress. As such, the works are considered to be highly beneficial to the significance of the designated heritage assets through physical repair, but more importantly, ensuring a sustainable future for the building by providing economically viable commercial spaces.

The proposed works to the public realm are considered to be largely restorative. The scheme seeks to reinstate the existing features, such as the York stone paving, the existing kerbs

and the brick and York stone gullies. It is also proposed to restore the railings and the steps at the eastern end of Pelham Crescent, as well as existing bollards. It is also proposed to reinstate the York stone pillar positioned at the entrance to Pelham Crescent and supply traditional cast iron signage. It is considered that these works will have a beneficial impact on the significance of the designated heritage asset and the character and appearance of the Old Town Conservation Area.

The introduction of a resin bound gravel carriageway is considered to preserve the character of the streetscene, whilst creating a subtle difference with the existing adjacent highway, which aids in the traffic management of the Crescent. To reduce the vehicular loading onto the Arcade, it is proposed to erect six bollards, with the central three bollards being demountable across the carriageway of Pelham Crescent adjacent to the entrance. The proposed demountable bollards are polyurethane and will be fixed at the base. The new bollards will need to be removed by hand when necessary to allow vehicular access to the Crescent. It is considered that the proposed modern materials for the carriageway and the vehicular bollards will have a neutral impact on the significance and character of the designated heritage asset, as the materials will be visually cohesive with the traditional materials therefore preserving the character of the asset.

In addition, the scheme has also been amended to include two York stone dropped kerbs, one positioned outside the entrance to the church and one to the east of the Crescent to improve accessibility within the public realm. It is considered that the inclusion is a positive step to ensure ease of use for all, and due to the sympathetic nature of the siting, and the use of traditional materials, it is considered that there will be a neutral impact on the setting of the listed buildings and the character of the Conservation Area.

The existing parapet to the south side of Pelham Crescent, facing onto the seafront is low. The proposed waterproofing build-up, wearing coarse and falls will increase the height of the road surface by approximately 180mm at the parapet, thereby raising the road and subsequently lowering the relative height of the existing parapet to a dangerous level. The reduced parapet height represents a significantly increased risk of serious falls and given this, new railings or a balustrade is proposed to be attached to the existing parapet wall of the arcade for health and safety purposes. The new guarding and parapet height combined will be approximately 1000mm high.

The proposed railings have been carefully designed and exhibit a simplified railing design that takes design cues from the existing balcony railings on the houses in Pelham Crescent. The proposed railings have been designed to replicate the circular motifs which are demonstrated within the railings of the townhouses. Whilst the railings will have some visual impact on the views of St Mary in the Castle and the townhouses from the south, it is considered that the visual impact that would be caused is minimal and that aesthetically the railings will sit comfortably within the context, whilst maintaining a sense of legibility that the railings are a modern insertion that would have a low level of harm to the Grade II* Listed Building, its setting and the Old Town Conservation Area.

Given the above it is considered that the principle of development is acceptable. A development as proposed will cause no harm to the designated heritage asset. The proposed development will repair the carriageway of Pelham Crescent and remediate the condition issues identified herein within the Arcade, whilst preserving the significance of the designated heritage assets and preserving the historic fabric in an appropriate manner, and will bring into full use the redundant commercial spaces and will also have a positive impact on the street furniture. The Council's Conservation Team and English Heritage have both been consulted and they have no objection to the proposed development, and concur with this view and advise that the principle of the proposed scheme to remediate the water

ingress through the provision of new waterproofing membranes, a new road surface with improved drainage and the repair and restoration to the historic street furniture and finishes is considered both desirable, and necessary to ensure the long-term conservation of the designated heritage assets. They further advise that the scheme has been sensitively designed and that it will have a highly beneficial impact on the significance of the designated heritage assets of Pelham Crescent and Pelham Arcade as Grade II* Listed Buildings and will provide significant improvements to the character and appearance of the Old Town Conservation Area. As such it is considered that a development as proposed complies with the National Planning Policy Framework, in particular Paragraphs 197, 199 and 202, and Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan 2015 states that 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. This includes 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.

The proposed works which include the reconstruction of the surface on Pelham Crescent, various road improvements, renovations and alteration works and upgrades to the road, including the installation of and heritage style bollards, signs and dropped kerbs in Pelham Crescent would not have a harmful impact on the amenity of any residential properties due to the nature of the proposals and the available separation distances from residential properties. Given this, it is considered that the proposed development would be in compliance with NPPF policies and Policy DM3 of the Hastings Development Management Plan 2015.

d) Highway matters

Pelham Crescent is only accessible by foot and as a result only generates limited vehicle movements. Most of the proposed works are situated off the highway and only a section of the application site is located on the adopted highway. Given this, and given the nature of the works proposed, ESCC Highways advise that they do not consider that a development as proposed would prejudice the safety of users of the highway. However, they advise that the applicant will be required to enter into a s171 Legal Agreement (to excavate the highway under the Highways Act 1980) with East Sussex County Council if planning permission is given for this development and that such informatives should be attached to the decision if planning permission is given for the development (Informative 3 and 4).

e) Impact on Great Crested Newts

The development falls within the amber impact risk zone for Great Crested Newts. In the amber zone there is suitable habitat and a high likelihood of Great Crested Newts presence. Whilst there is a pond within 100m (the pond is a water feature located in the middle of a roundabout) of the application site, there is very limited connectivity between the site and the water feature. The application is not accompanied by an Ecological Report. The habitat that is due to be affected by the proposed development appears to currently be hardstanding and as such is not considered to be suitable habitat for Great Crested Newts. Given this, and the limited connectivity to the nearby water body it is not considered that Great Crested Newts will be affected by the proposed development. As such there is no objection to the proposed development on this ground.

f) Archaeology Matters

The application site is located within an Archaeological Notification Area where Policy HN4 of the Development Management Plan 2015 requires development proposals to demonstrate that the particular archaeological interest of the site will be satisfactorily preserved either in situ or on record. Given that the application site is an access road from Breeds Place or Pelham Place which forms the roof of properties on Pelham Arcade, it is considered that the proposed works will not involve ground digging and as such no important archaeological remains are likely to be disturbed as a result of the proposed development.

g) Other matters

Neighbours have raised concerns regarding the application on various grounds. Following this the applicant submitted a supporting statement addressing neighbour concerns. The concern on the location of waste bins is noted, however, these waste bins are outside the application site and a development as proposed will not generate a need for waste bins. In regards to disabled access, the applicant advises that the new pavement will improve the quality and evenness of the surface and the road will be one level material in contrast to the existing poorly maintained uneven surface. As such there will be an improvement in accessibility within the application site. Turning to anti-social behaviour, the applicant advises that the application does not seek to close off the entrance to the stairwell to the east of the site as a measure to deter antisocial behaviour. However, the improvement and renovation of the area including repairs to the steps and railings, the proposed lighting, decoration and new finishes is a regeneration of the area which will increase public realm, pedestrian traffic and overall surveillance of the area and deter anti-social behaviour. In regard to environmental sustainability, the applicant advises that securing a viable future for these historic buildings is in its own right is sustainable development and in addition the scheme proposes use of sustainable materials.

In regard to future management of Pelham Crescent, the road at Pelham is in multiple ownership with the owners of Pelham Arcade sharing the ownership of the road. This road forms the roof to their shop units. Hastings Borough Council is one of the owners of the Arcade and are making this application on behalf of all the Pelham Arcade owners. All property owners were consulted on the project prior to the submission of this planning application. Pelham Crescent will be managed by the various owners via a Maintenance and Management Agreement between external grant funders and various owners of the site thereby addressing the points raised by the Estates Manager in the consultation comments paragraph (3) of the report. This should be secured via a S106 Legal Agreement if planning permission is given for this development.

In addition, it should be noted that this is a Grade II* Listed Building and in accordance with Section 13 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990, prior to the determination of the application the Secretary of State is required to be notified of such applications once there is a recommended decision.

6. Conclusion

It is considered that a development as proposed will not cause harm to the designated heritage asset, will repair the carriageway of Pelham Crescent, and remediate the condition issues identified herein within the Arcade, whilst preserving the significance of the designated heritage assets and preserving the historic fabric in an appropriate manner.

Most of the proposed works are situated off the highway and only a section of the application site is located on the adopted highway. Given this, and given the nature of the works proposed, the proposed development is not considered to have a harmful impact on highway

safety.

The development falls within the amber impact risk zone for Great Crested Newts. Whilst there is a pond within 100m (the pond is a water feature located in the middle of a roundabout) of the application site, there is very limited connectivity between the site and the water feature. Given this there is no objection to the development on this ground.

The concerns raised by neighbours are noted, in particular the concerns about the impact of the development on the appearance and character of the Conservation Area and the group of Grade II* Listed Buildings, disabled access issues, and concerns raised regarding anti-social behaviour, and the visual impact of existing storage bins. These matters have been carefully assessed within this report and Planning Officers are of the opinion that the proposed development will not cause harm to any of these matters.

As such 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

A) That the Planning Services Manager be authorised to issue planning permission after the notification process to the Secretary of State is completed and upon completion of a Legal Agreement under s106 of the Town and Country Planning Act for the entire redevelopment site covered under HS/FA/21/00994 to secure:

- **The communal management of access to Pelham Crescent by the various owners.**

In the event that the Agreement is not completed by 31 July 2022 that permission be refused on the grounds that the application does not comply with the NPPF policies, Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015, and, unless an extension of time has been agreed in writing by the Planning Services Manager.

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

H5602-03J

1610AL(0-)03C

1610AL(0-)04C

1610AL(0-)05D

1610AL(0-)06A

1610AL(0-)07E

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. Prior to the commencement of any surfacing of the development hereby approved, samples of the proposed surface materials to match the existing, should be submitted to and approved in writing by the Local Planning Authority. Such samples/details should include:

- York stone slabs
- York stone gullies
- Bricks
- Details of mortar mixes for pointing and agree colour

Thereafter, all works shall be completed in accordance with the approved samples.

5. Prior to the commencement of the surfacing works hereby approved, a sample of the proposed resin bonded gravel should be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works shall be completed in accordance with the approved samples / details.

6. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.

3. To safeguard the amenity of adjoining and future residents.
4. In the interests of the visual amenity of the area.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual amenity of the area.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. This Authority's requirements associated with this development proposal will need to be secured through a s171 Legal Agreement between the applicant and East Sussex County Council. 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.
4. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

6. This permission is the subject of a planning obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

Officer to Contact

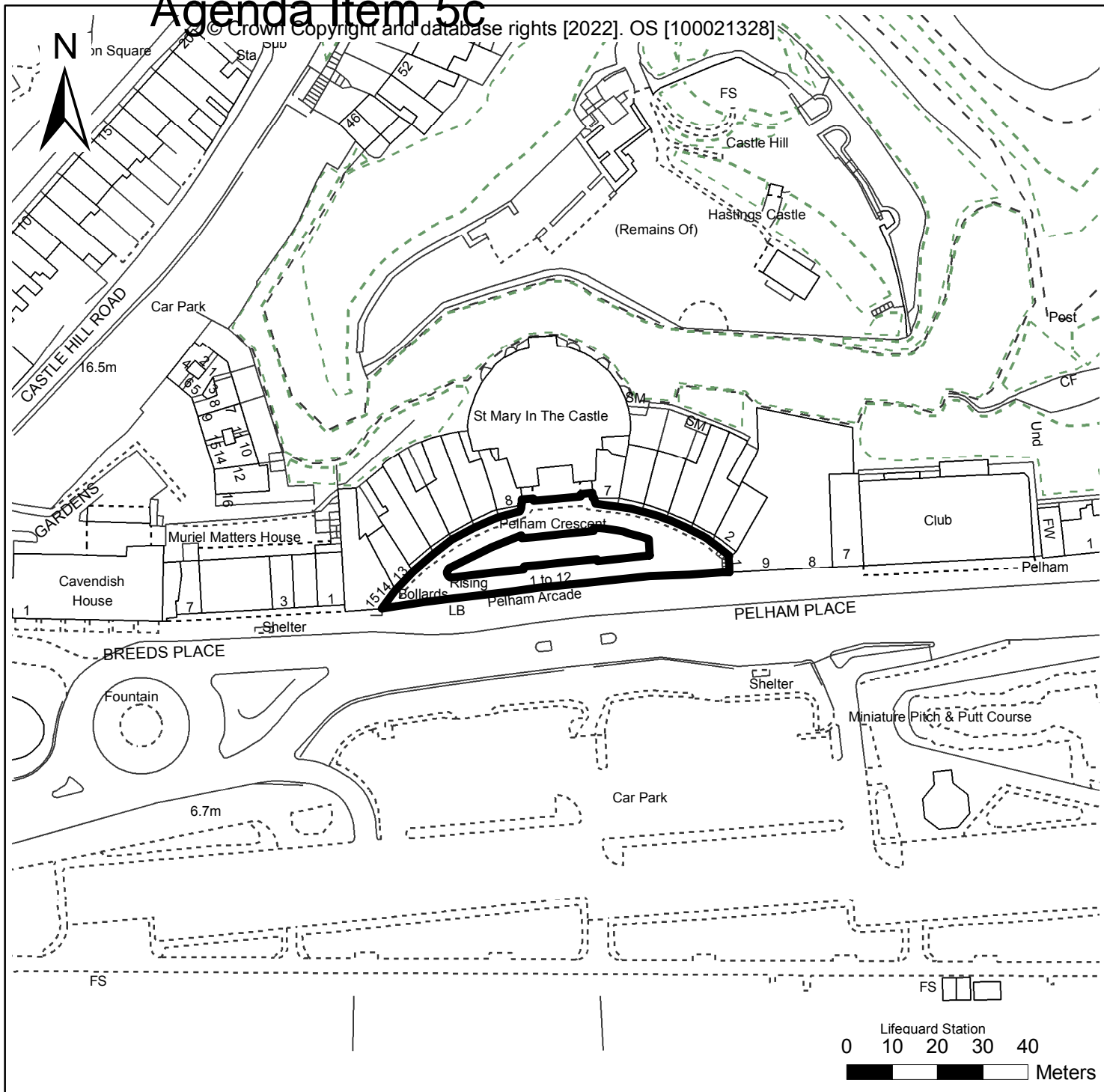
T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/FA/21/00994 including all letters and documents

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Agenda Item 5c



Roadways and footpaths at Pelham Crescent Hastings

Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities.



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

Date: April 2022

Scale: 1:1,250

Application No. HS/LB/21/00995

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Report to:	PLANNING COMMITTEE
Date of Meeting:	20 April 2022
Report from:	Assistant Director of Housing and Built Environment
Application address:	Roadways and footpaths at Pelham Crescent, Hastings
Proposal:	Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description).
Application No:	HS/LB/21/00995
Recommendation:	Grant Listed Building Consent
Ward:	CASTLE 2018
Conservation Area:	Yes - Old Town
Listed Building:	Grade II*
Applicant:	Hastings Borough Council per Saville Jones Consultants 74 Victoria Road Worthing BN11 1UN
Public Consultation	
Site notice:	Yes
Press advertisement:	Yes - Affects a Listed Building Amended Plans
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	1
Petitions of support received:	0
Neutral comments received:	0

Application status:

Not delegated -
Council application on land part owned by the
Council

1. Site and surrounding area

The application site relates to Pelham Crescent, Hastings. This is an access road from Breeds Place or Pelham Place which sits above the roof of properties on Pelham Arcade, which are Grade II* listed buildings within a subterranean shopping arcade that fronts onto Pelham Place. The Arcade itself is also Grade II* listed as a group of buildings with architectural significance including townhouses and the Church of St Mary in the Castle. Pelham Crescent provides access to the Pelham Crescent houses and the former church of St Mary in the Castle.

Pelham Arcade is a highly significant designated heritage asset and because of its derelict condition it is on the Historic England's 'Heritage At Risk' Register. The Crescent was designed as an architectural centre piece in the original development of Hastings hence the Grade II* listing. The site falls within the Old Town Conservation Area and the group makes a positive contribution to its character and appearance.

Constraints

Archaeological Notification Area
Old Town Conservation Area
Grade II* Listed Building (part of a group of Grade II* Listed Buildings)
Heritage At Risk Register
Business Improvement District
GCN District Licensing Scheme IRZ Amber
Estate Agent Board Control Zone

Listing Details

Pelham Crescent comprises several designated heritage assets: the centrepiece of the Church of St Mary in the Castle; 9 Pelham Place, 9 Pelham Crescent, 1-8 Pelham Crescent, 14a and 15 Pelham Crescent, 10-14 Pelham Crescent; 1-12, 12A and 12B Pelham Arcade; 7 and 8 Pelham Place (all listed at Grade II*) and; 9A Pelham Place (listed Grade II). There is a lengthy listing for this group of properties and short paragraphs of the listings have been extracted as detailed below:

Church of St Mary in the Castle; 1353209; Grade II*

**757/13/193 PELHAM CRESCENT 757/14/193 CHURCH OF ST MARY IN THE CASTLE
19-JAN-51 Amended 25-NOV-2010.**

GV II* Former parish church. St Mary in the Castle, 1825-8 forms the centrepiece of Pelham Crescent which was designed by Joseph Kay (1775-1847) for Thomas Pelham, 2nd Earl of Chichester between 1823 and 1828. The church was subject of an Act Parliament which received royal assent on 2 May 1825, and was consecrated on 28 January 1828. The roof

substantially rebuilt 1829; the church reworked in the later C19, probably after 1884 when the parishioners took responsibility; it was declared redundant in 1970 and refurbished in the early 1990s.

MATERIALS: Stone and brick, cement-rendered, and lined as ashlar, stone dressings.

9 Pelham Place, 9 Pelham Crescent, 1-8 Pelham Crescent, 14a and 15 Pelham Crescent, 10-14 Pelham Crescent; 1191926; Grade II*.

757/13/192 PELHAM CRESCENT 757/14/192 1-8 19-JAN-51 PELHAM CRESCENT 9 PELHAM CRESCENT 10-14 PELHAM CRESCENT 14A AND 15 PELHAM PLACE 9 GV II*.

Includes No 9 Pelham Place, 1824-8 Architect Joseph Kay. A long crescent of houses with St Mary's in the Castle at the centre divides the crescent in two. Each house 4 storeys and basement which is above the ground floor level, one window wide. Stuccoed, painted. Parapet. The end houses have scrolled pediment features with acroteria. Slate roofs. 1st and 2nd floors have large segmental bowed windows of sashes all with glazing bars intact. 2nd and 3rd floors have hooded balconies on slight curve. 3rd floor semi-circular window. Ground floor door and sash window. All lattice, railings and other ironwork contemporary. Built for the Earl of Chichester Sir Thomas Pelham.

Nos 1 to 15 (consec) and No 14A, St Mary's in the Castle and Nos 7, 8, and 9A Pelham Place form a group.

1-12, 12A AND 12B Pelham Arcade; 1043389; Grade II*

This list entry was subject to a Minor Amendment on 22/05/2014

HASTINGS, PELHAM PLACE, PELHAM ARCADE, 1-12, 12A AND 12B (Formerly listed as 1-12 AND 12A, PELHAM ARCADE. Previously listed as: PELHAM PLACE, 1-12 PELHAM ARCADE) 03-MAY-88.

GV II* Semi-subterranean arcade of shops, developed by Joseph Kay (1775-1847) for Thomas Pelham, 2nd Earl of Chichester in 1823-5, the first phase of the Pelham scheme, also providing a revetment for the carriage drive to Pelham Crescent and the church of St Mary in the Castle.

Modified in the 1860s to open up the southern range of stalls to the street, first at the eastern end of the arcade, and then by 1863 into the south wall of the ramp. The main basement to the western end was excavated as early as 1860/61 by wine merchant Joseph Arnold. By 1881 Gothic fronts had been added to two bays of the façade. C20 and early C21 individual shops disguise the façade and internal plan of the southern arcade.

2. Proposed development

The application seeks Listed Building Consent for the reconstruction of the surface on Pelham Crescent, various road improvements, renovations, alteration works and upgrades to the road, including the installation of heritage style bollards, signs in Pelham Crescent, the installation of dropped kerbs and the provision of new service duct utilities. This application seeks to carry out works on Pelham Crescent given that due to water ingress the fabric and structure of the historic building is deteriorating, the existing road and the arcade below are in a derelict state such that urgent repairs and reinstatement of the waterproofing layer are required to protect this Heritage Asset and to ensure its long-term survival. This is compromising the ability of the Arcade to function as retail units.

The proposed works include the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6 x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities.

The various works proposed by this planning application are detailed as follows:-

- Removal of the existing road surface and substrate to repair the surface of the sandstone structural vaults. A screed is proposed to be applied to the uneven surface of the sandstone to provide a smooth and even base for the water-proofing layer.
- The wearing coarse and visible top surface of the road will be finished in a resin bound gravel which is used extensively in historic and environmentally sensitive areas and provides a more natural and more authentic and pleasing appearance than black tarmac. The proposed drainage channels will be the same as the materials used at present, and where possible, the existing material will be re-used.
- The application proposes to reinstate the whole pavement access to the Pelham Crescent in York stone, retaining the existing York stone and repairing with new where necessary on a like for like basis. The existing kerbs are to be re-used.
- To the east of the site are original pedestrian stairs leading down to the seafront. The existing treads covered with bitumen are proposed to be removed and replaced with York stone to match existing.
- To the east of the site the balustrade guarding the stairwell is partially missing and this application proposes to replace this with new cast iron to exactly match the existing.
- To the southern parapet wall a new balustrade along the front of the parapet is proposed to be installed. This has been carefully designed such that its design reflects the existing Pelham Crescent balcony designs and is a minimal intervention to allow safer, usable public space.
- At the original entrance to the arcade to the west York stone flags are to be set flush with the existing re-laid flag surface adjacent so as to reinstate the prominence to the entrance.
- A 0.915m high stone pillar is proposed to be installed at the entrance to the Arcade and is proposed to be constructed of new cast aluminium signs to announce Pelham Crescent and Pelham Arcade.
- At the entrance to Pelham Crescent the application proposes the installation of six new bollards. These will be polyurethane in a "East Sussex" design which imitates tradition cast iron in its appearance. Three of the bollard's will be fixed and the other three will be screwed into the sockets in the ground and can be removed to provide vehicular access when required, and to allow occasional access when vehicles are authorised or required to access the Crescent in an emergency. Future access to Pelham Crescent will be controlled, managed and enforced by the owners of the road via a management team.
- A new service duct to route utilities in one accessible area is proposed under the pavement, which will minimise future disruption to the waterproofing layer and greatly reduce future damage to the Pelham Arcade structure.
- The application proposes to incorporate two dropped kerbs, between the pavement and the road surface, so that it is possible to move more easily around Pelham Crescent. One directly in front of St Mary in the Castle and the other to the east close to the public stairs.

Lengthy negotiations and full consultations with all relevant parties which include Historic England, landowners, residents' groups and St Mary in the Castle Arts Centre took place prior to the submission of this planning application.

Amended drawings were received in January 2022 showing the incorporation of two dropped kerbs to the scheme and shown on Existing and Proposed Plan drawing 1610_AL(0-)07F. Following this, the application was re-advertised, and new site notices posted.

The agent also submitted further justification in February 2022 addressing concerns raised by neighbours.

The application is supported by the following documents:

- Design and Access Statement
- Heritage statement

Relevant planning history

HS/FA/21/00994 - Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description) - Pending consideration.

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area
Policy FA3 - Strategy for Hastings Town Centre
Policy FA6 - Strategic Policy for The Seafront
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy EN1 - Built and Historic Environment
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
Policy HN2 - Changing Doors, Windows and Roofs in Conservation Area
Policy HN3 - Demolition involving heritage assets
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
Policy CQ1 - Cultural Quarter

National Planning Policy Guidance (NPPG)

Design: process and tools

Other policies/guidance

National Design Guide

Historic England Advice Note 2: Making Changes to Heritage Assets

National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40 - C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

Paragraph 42 - Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;
- patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale – see Built form;
- the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.

Paragraph 50 - Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

Paragraph 52 - Well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form – see Built form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area – see Context

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;
- the scale and proportions of streets and spaces;
- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

Paragraph 53 - Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.

Paragraph 54 - Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 55 - Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

National Planning Policy Framework (NPPF)

Paragraph 8 states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):-

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with

accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

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 130 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 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to:

- Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings.

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 195 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states: "In determining applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 199 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- Grade II listed buildings, or grade II registered parks or gardens, should be exceptional
- Assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 201 states: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing

applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 206 states: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

3. Consultation comments

Conservation Officer – **No objection** subject to the imposition of conditions relating to materials, and full details of the proposed York stone pillar and proposed signage (Conditions 3, 4 and 5).

Historic England – **No objection** to the proposed development as the proposed works reflect advice given to the applicant at pre-application stage and will result in a fully repaired Crescent with a secured future.

4. Representations

In respect of this application 3 x site notices were displayed in front of the site along Pelham Crescent and Pelham Arcade and an advert placed in the local paper. 1 letter of support was received. The reasons for supporting the proposed works are that:-

- it will result in better management to Pelham Crescent.
- the simplicity of the design approach to resurfacing the road is welcome.
- The scheme seeks to reinstate the original appearance.

5. Determining issues

In determining Listed Building Consents consideration needs to be given to matters of heritage. Consent will be granted for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected.

In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) the main consideration in determining a listed building consent is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Whilst not directly applicable by law the NPPF and the Local Plan are material in this determination and the relevant policies are listed above.

Policies advise that consent will be given for those schemes that show a full understanding of the significance of the heritage asset and convincingly demonstrate how the chosen design sustains and enhances the significance of any heritage assets affected.

In this case the main issues for consideration are the impact of the proposed works on the historic integrity of the group of Grade II* Listed Buildings and on the character and appearance of the Old Town Conservation Area.

Heritage matters

The application site lies within the Old Town Conservation Area. Pelham Crescent forms the access to the Pelham Crescent houses and the former church of St Mary in the Castle which are all listed as a group. The Pelham group of buildings are all Grade II* Listed and as a group are a highly significant designated heritage asset. Pelham Arcade is in a derelict condition and as such it is on the Historic England's 'Heritage At Risk' Register. The 9th Century shopping Arcade which includes nos. 1-12, 12A and 12b Pelham Arcade are included within the Historic England's 'Heritage At Risk' Register.

Policy HN1 of the Hastings Local Plan - Development Management Plan (2015), states, applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset: (a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets; (b) Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).

Policy EN1 of the Hastings Local Plan – Planning Strategy (2014), states, importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas. Particular care will be given to protecting the significance and setting of the following heritage assets: (a) Listed buildings; (b) Conservation areas; (c) locally listed heritage assets (d) historic parks and gardens; (e) scheduled monument sites; and (f) areas of archaeological potential and known archaeological find sites. There is a presumption in favour of the conservation of heritage assets and their settings. The more important the asset, the greater the weight that will be given to the need to conserve it.

The Planning (Listed Building and Conservation Areas) Act 1990 (as amended) states that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

As heritage assets are irreplaceable, any harm or loss will require clear and convincing justification. Development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. The Council will look for opportunities to enhance or better reveal the significance of the designated heritage assets, such as listed buildings and Conservation Areas in the town. Investment in the appropriate repair and restoration of heritage assets, where works will enhance their significance, will be encouraged and supported by the Council.

This application is submitted in association with planning application ref HS/FA/21/00994. Both applications seek the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the

installation of 6 x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities.

Assessment

Continual water ingress from Pelham Crescent has caused significant condition issues which alongside the degradation of the historic fabric has prevented use of the commercial spaces within the shops below thereby severely having a negative impact on the economic viability of the designated heritage asset. The stonework of the vaults is continually damp and there is green algae, mould and plant growth covering exposed stonework. There is evidence of extensive areas of mildew and algae growth as well as signs of visible leaks. Externally the carriageway, paths, kerbs and historic street furniture within Pelham Crescent are all in poor condition. Successive interventions and alterations in the past have resulted in a compromised street scene which functions poorly as a piece of public realm as well as detracting from the setting of the designated heritage assets of the Grade II* Listed Buildings and Old Town Conservation Area.

The proposed road works to Pelham Crescent will ensure the arcade is sufficiently waterproofed and will provide improved drainage to ensure surface water is removed efficiently from the area. The scheme also future proofs the Crescent through the provision of a new service channel to ensure the carriageway is not disturbed in the manner that created the existing condition. This would resolve the long term structural and condition issues caused by water ingress. As such, the works are considered to be highly beneficial to the significance of the designated heritage assets through physical repair, but more importantly, ensuring a sustainable future for the building by providing economically viable commercial spaces.

The proposed works to the public realm are considered to be largely restorative. The scheme seeks to reinstate the existing features, such as the York stone paving, the existing kerbs and the brick and York stone gullies. It is also proposed to restore the railings and the steps at the eastern end of Pelham Crescent, as well as existing bollards. It is also proposed to reinstate the York stone pillar positioned at the entrance to Pelham Crescent and supply traditional cast iron signage. It is considered that these works will have a beneficial impact on the significance of the designated heritage asset and the character and appearance of the Old Town Conservation Area.

The introduction of a resin bound gravel carriageway is considered to preserve the character of the streetscene, whilst creating a subtle difference with the existing adjacent highway, which aids in the traffic management of the Crescent. To reduce the vehicular loading onto the Arcade, it is proposed to erect six bollards, with the central three bollards being demountable across the carriageway of Pelham Crescent adjacent to the entrance. The proposed demountable bollards are polyurethane and will be fixed at the base. The new bollards will need to be removed by hand when necessary to allow vehicular access to the crescent. It is considered that the proposed modern materials for the carriageway and the vehicular bollards will have a neutral impact on the significance and character of the designated heritage asset, as the materials will be visually cohesive with the traditional materials therefore preserving the character of the asset.

In addition, the scheme has also been amended to include two York stone dropped kerbs, one positioned outside the entrance to the church and one to the east of the Crescent to improve accessibility within the public realm. It is considered that the inclusion is a positive step to ensure ease of use for all, and due to the sympathetic nature of the siting, and the use of traditional materials, it is considered that there will be a neutral impact on the setting

of the listed buildings and the character of the Conservation Area.

The existing parapet to the south side of Pelham Crescent, facing onto the seafront is low. The proposed waterproofing build-up, wearing coarse and falls will increase the height of the road surface by approximately 180mm at the parapet, thereby raising the road and subsequently lowering the relative height of the existing parapet to a dangerous level. The reduced parapet height represents a significantly increased risk of serious falls and given this, new railings or a balustrade is proposed to be attached to the existing parapet wall of the arcade for health and safety purposes. The new guarding and parapet height combined will be approximately 1000mm high.

The proposed railings have been carefully designed and exhibit a simplified railing design that takes design cues from the existing balcony railings on the houses in Pelham Crescent. The proposed railings have been designed to replicate the circular motifs which are demonstrated within the railings of the townhouses. Whilst the railings will have some visual impact on the views of St Mary in the Castle and the townhouses from the south, it is considered that the visual impact that would be caused is minimal and that aesthetically the railings will sit comfortably within the context, whilst maintaining a sense of legibility that the railings are a modern insertion that would have a low level of harm to the Grade II* Listed Building, its setting and the Old Town Conservation Area.

Given the above it is considered that the principle of development is acceptable. A development as proposed will cause no harm to the designated heritage asset. The proposed development will repair the carriageway of Pelham Crescent and remediate the condition issues identified herein within the Arcade, whilst preserving the significance of the designated heritage assets and preserving the historic fabric in an appropriate manner, and will bring into full use the redundant commercial spaces and will also have a positive impact on the street furniture. The Council's Conservation Team and English Heritage have both been consulted and they have no objection to the proposed works, and concur with this view and advise that the principle of the proposed scheme to remediate the water ingress through the provision of new waterproofing membranes, a new road surface with improved drainage and the repair and restoration to the historic street furniture and finishes is considered both desirable, and necessary to ensure the long-term conservation of the designated heritage assets. They further advise that the scheme has been sensitively designed and that it will have a highly beneficial impact on the significance of the designated heritage assets of Pelham Crescent and Pelham Arcade as Grade II* Listed Buildings and will provide significant improvements to the character and appearance of the Old Town Conservation Area. As such it is considered that works as proposed comply with the National Planning Policy Framework, in particular Paragraphs 197, 199 and 202, and Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015.

Other matters

Pelham Crescent and the Arcade shops are a group of Grade II* Listed Buildings and in accordance with Section 13 of the Planning (Listed Buildings and Conservation Areas) Regulation 1990, prior to the determination of the application the Secretary of State is required to be notified of such applications once there is a recommended decision.

6. Conclusion

It is considered that the principle of the proposed scheme to remediate the water ingress through the provision of new waterproofing membranes, a new road surface with improved

drainage and the repair and restoration to the historic street furniture and finishes is considered both desirable, and necessary to ensure the long-term conservation of the designated heritage assets is acceptable. The proposed development will not cause harm to the designated heritage asset, will repair the carriageway of Pelham Crescent, and remediate the condition issues identified herein within the Arcade, whilst preserving the significance of the designated heritage assets and preserving the historic fabric in an appropriate manner.

The scheme has been sensitively designed and will have a highly beneficial impact on the significance of the designated heritage assets of Pelham Crescent and Pelham Arcade as Grade II* Listed Buildings and will provide significant improvements to the character and appearance of the Old Town Conservation Area.

Given the above, it is considered that the proposed works would enhance the historic significance of the heritage assets and any harm to the Grade II* Listed Buildings and the Old Town Conservation Area is considered to be negligible and is mitigated by public benefits that will come with the new development which are the enhancement of the street scene, that the proposed works would bring into use the Arcade shops that are currently underused heritage assets, and that the proposed works bring the heritage assets into viable use consistent with their conservation, and will save them from further deterioration. As such a scheme as proposed complies with the National Planning Policy Framework, in particular Paragraphs 197, 199 and 202, and Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015. The proposed works are supported by the Council's Conservation Team and English Heritage.

Therefore, the proposal is therefore considered to be in accordance with the relevant policies of the NPFF and Local Plan as detailed herein. 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

A) That the Planning Services Manager be authorised to issue listed building consent after the notification process to the Secretary of State is completed.

B) Subject to the above

Grant Listed Building Consent subject to the following conditions:

1. 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.

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

H5602-03J
1610AL(0-)03C
1610AL(0-)04C
1610AL(0-)05D
1610AL(0-)06A
1610AL(0-)07E
3. Prior to the commencement of any surfacing of the development hereby approved, samples of the proposed surface materials to match the existing, should be submitted to and approved in writing by the Local Planning Authority. Such samples/details should include:
 - York stone slabs
 - York stone gullies
 - Bricks
 - Details of mortar mixes for pointing and agree colour

Thereafter, all works shall be completed in accordance with the approved samples.
4. Prior to the commencement of the surfacing works hereby approved, a sample of the proposed resin bonded gravel should be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works shall be completed in accordance with the approved samples / details.
5. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.
4. To safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.
5. To safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.

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 (or alternatively, "will positively enhance") the designated heritage asset.

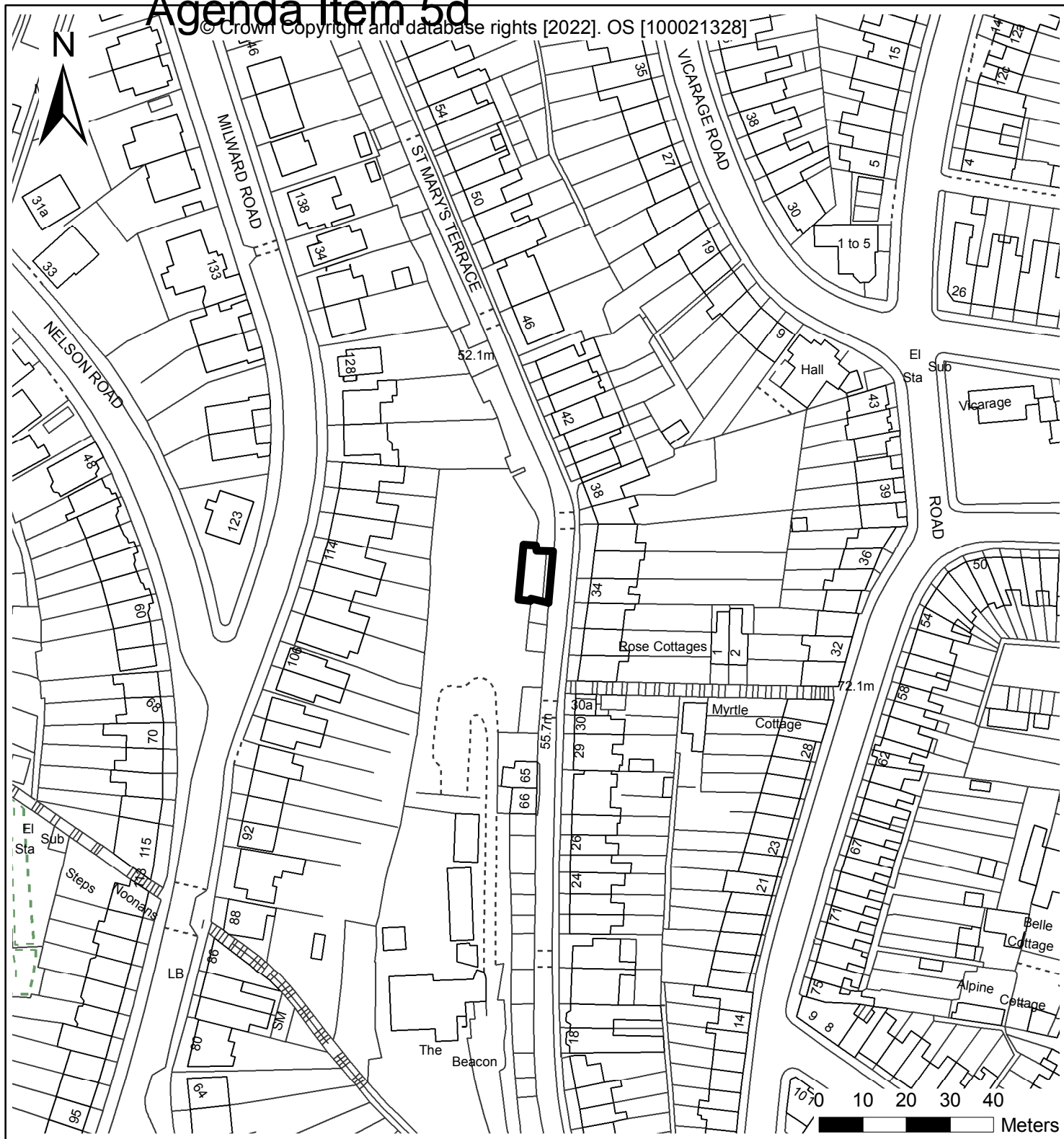
Officer to Contact

T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/LB/21/00995 including all letters and documents

Agenda Item 5d



**Land opposite
34-35 St Marys Terrace
Hastings
TN34 3LS**

Construction of a raised deck for 4 parking spaces opposite 34 and 35 St Mary's Terrace (amended description).



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

Date: April 2022

Scale: 1:1,250

Application No. HS/FA/21/01132

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Report to:	PLANNING COMMITTEE
Date of Meeting:	20 April 2022
Report from:	Assistant Director of Housing and Built Environment
Application address:	Land opposite 34-35 St Marys Terrace, Hastings, TN34 3LS
Proposal:	Construction of a raised deck for 4 parking spaces opposite 34 and 35 St Mary's Terrace (amended description).
Application No:	HS/FA/21/01132
Recommendation:	Grant Full Planning Permission
Ward:	CASTLE 2018
Conservation Area:	Yes - Old Town
Listed Building:	No
Applicant:	Datta per Casper Cummins Architects Rock House 2nd Floor 49-51 Cambridge Road,, Hastings. TN34 1DT
Public Consultation	
Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
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 by serving employee in restricted post

1. Site and surrounding area

The application site is located on the western side of St Marys Terrace. The falling topography affords little in the way of existing development and is largely given over to raised car parking decks. The exceptions being The Beacon, a substantial brick constructed detached Victorian property and No.s 64 & 65 St Marys Terrace, a pair of semi- detached

properties with hipped slate roof which replicate the appearance and proportions of the properties opposite.

On the eastern side of the road are stuccoed, terraced properties generally of three storeys plus attics with a combination of tiled and slate roofs and small garden frontages provide a rising, urbanized backdrop.

The site is part of the Old Town Conservation Area.

Constraints

SSSI Impact Risk Zone, thresholds of which are not exceeded

Great Crested Newts Impact Risk Zone - Green

Old Town Conservation Area

2. Proposed development

It is proposed to construct a reinforced concrete parking deck to serve no. 34 and no. 35 St Marys Terrace. The deck is similar in size and position of a previously approved deck, which was part of a larger scheme to provide a new dwelling with access steps down from the parking bay under application HS/FA/17/00849. The new dwelling is not proposed as part of this application.

The proposed deck will provide four car parking spaces and has been designed to avoid cutting into the slope and as such protects against disturbance of the land by way of a supporting steel frame and piled foundations.

The proposed walls to the deck are generally painted rendered reinforced concrete with coping stone and on the north elevation there would be galvanized steel guarding, painted in black.

The application is supported by the following documents:

- Preliminary Ecological Assessment by Martin Newcombe Wildlife Management Consultancy dated 31st March 2021 (revised 19.12.21)
- Waste Minimisation Statement
- Structural Engineers Email from E.A.R Sheppard dated 8th November 2021
- Heritage Statement
- Supporting Statement by Casper Cummins Architects

Relevant planning history

Application No.	HS/FA/17/00849
Description	Proposed new dwelling on undeveloped site North of The Beacon and construction of 4 parking spaces on St Mary's Terrace, Hastings
Decision	Permission with conditions on 08/03/18
Application No.	HS/FA/20/00983
Description	Construction of a raised deck for 4 parking spaces opposite 34 and 35 St Mary's Terrace and an access stair down to the garden of The Beacon. One parking space and the access stair will be assigned to The Beacon; one parking space will be assigned to 34 St Mary's Terrace; and two parking spaces will be assigned to 35 St Mary's Terrace.

National and local policiesHastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy EN1 - Built and Historic Environment

Policy SC3 - Promoting Sustainable and Green Design

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Asset (including Conservation Areas)

Other policies/guidance

National Design Guide

ESCC Minor Planning Application Guidance 2017

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan,

permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 130 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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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 199 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 202 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

National Design Guide (October 2019) - Ministry of Housing, Communities & Local Government

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context, states that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. It should also enhance positive qualities and improve negative ones.

3. Consultation comments

Environment and Natural Resource Manager - No objection, with conditions.

ESCC Highways - No comments to make and referred officer to the minor planning application guidance.

Building Control - No objection.

Conservation Officer - Objection, less than substantial harm (this has been overcome through the submission of further information).

4. Representations

In respect of this application site notices were displayed at the front of the application site and on Milward Road and an advert placed in the local paper. No responses were received.

5. Determining issues

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

b) Impact on character and appearance of the conservation area

Policy DM1 of the Hastings Development Management Plan requires that all proposals must reach a good standard of design, which include efficient use of resources, and takes into account, amongst other things, protecting and enhancing local character and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The application site is part of the Old Town Conservation Area and therefore Policy EN1 of the Hastings Planning Strategy 2014 is relevant, which states that there is a presumption in

favour of the conservation of heritage assets and their settings. It goes on further to say that, any harm or loss will require clear and convincing justification.

The proposed development would see the creation of a parking deck on the western side of St Marys Terrace to provide four parking spaces serving no. 34 and no. 35 St Marys Terrace, which are immediately opposite. The proposed walls of the decking are generally rendered reinforced concrete with coping stone, the agent has confirmed the coping stone will be twice-weathered and precast in light grey. The north elevation shows a galvanized steep guarding, painted black.

The Conservation Officer has provided comments stating that much of this side of the road has been developed to provide car parking decks and the proposed form has been structurally designed not to cause disruption to the existing topography, in conjunction with the fact the proposed works formed part of a previous (albeit lapsed) permission, it is considered that the works are considered supportable in principle. The Conservation Officer asked for further justification for the use of the galvanized steel on the north elevation.

In response to this, the parking deck as proposed includes space of 0.5 metres width either side and to the rear to allow bikes to be parked rear of the cars and the agent has advised that a boundary wall would be wider and thereby restrict access along the northern side.

Furthermore the intention is that an existing parking deck adjacent to the application site and opposite no. St Marys is likely to be redeveloped at some point in the future and will likely form an extension to this parking deck. This design future proofs the scheme, because in the event that the neighbours parking deck is rebuilt, it could abut the parking deck proposed as part of this application; and the use of the metal guarding can then be relatively easily unbolted and adapted to suit.

Based on the above, it is considered that the parking deck for four cars would be acceptable in this location and would not harm the character and appearance of the Old Town Conservation Area in accordance with Policy DM1 of the Development Management Plan and Policy EN1 of the Planning Strategy.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that 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. This includes the use of the scale, form, height, mass, and density of any building or buildings, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The proposed car park deck is well detached from the surrounding residential properties and due to the nature of the development it would not result in loss of light, overshadowing, impact outlook or loss of privacy. As such, the development is in accordance with Policy DM3 of the Development Management Plan.

d) Ecology

The application is supported by a Preliminary Ecological Assessment (PEA) by Martin Newcombe Wildlife Management Consultancy dated 31st March 2021 (revised 19.12.21). It concludes that there was no evidence of, or habitat suitable for protected or notable species within the survey area, so there is no impact and no requirements for mitigation. There will, though, be a requirement to avoid damaging or disturbing nesting birds in the scrub during the nesting season. Informative 4 advised that no site clearance should be carried out between the 1st March and 31st July inclusive in any year.

The Environment and Natural Resources Manager has raised no objection to the proposed development and has advised that all ecological measures and/or works shall be carried out

in accordance with the details contained within the PEA (condition 4).

Impact on Great Crested Newts

The development falls within the green impact risk zone for great crested newts. This is a minor application and is more than 250m from a pond. As such there is no requirement to consult NatureSpace in respect of Great Crested Newts. Informative 5 is added should Great Crested Newts be found on site at any stage of the development works.

e) Land Stability

In order to protect human health and water quality, planning permission will not be granted unless assessments of existing ground conditions are undertaken, and details submitted to the Local Planning Authority under the following circumstances:

On land potentially subject to instability (such as steeply sloping sites or in areas with a history of land instability), convincing supporting evidence (from a relevant and suitably qualified professional) must be supplied before planning permission is granted. This evidence is to show that any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures. At the application stage, for those sites with a history of instability, information about the extent of remediation and/or mitigation measures will be required. Any further detail that may be required will be conditioned.

The west side of St Marys Terrace, where there are numerous raised parking decks, has a history of local land instability. According to the supporting statement submitted with the application, many of these have experienced partial collapse. This application is supported by drawing H5896/01 Rev B by E.A.R Sheppard who are qualified consulting civil and structural engineers. The drawing is a cross-section of the deck and demonstrates how the construction of the deck would work. In addition to the plan, an email from Roger Bunney of E.A.R Sheppard confirms that 'whilst the drawing is intended only for planning purposes at this stage, I can confirm that it has been subject to initial structural design, taking account of the required British Standard vehicular loadings and the parameters indicated within the geological investigation report undertaken in the relevant area'. Furthermore, 'the scheme has been devised to avoid the need for cutting into the slope protecting against disturbance of the land'. Condition 5 secures the structural design of the deck.

Based on the information that has been submitted, I am satisfied that the proposed deck could be constructed without being affected or affecting local land stability.

f) Highway Safety/Parking

St Marys Terrace is a narrow road which is congested with parked cars along one side. Many properties do have parking decks opposite their respective dwellings, however some of these are not deep enough and many cars protrude into the road. The proposed parking deck in this application would provide four parking spaces, two for no. 34 St Marys Terrace and two for no. 35 St Marys Terrace. Each space measures 2.5 metres by 5 metres and where the spaces are adjacent to a wall, a further 0.5 metres is added which is required by the ESCC Minor planning application guidance. Overall the decking is 5.5m deep and 11.5 m wide. The proposed parking for four vehicles would help to alleviate the parking demand along St Marys Terrace and therefore the proposal is likely to improve highway safety.

g) Sustainable Design

The proposed development will include space for cycle parking and vehicle charging points both of which promote sustainable development in accordance with policy SC3 of the Hastings Planning Strategy.

6. Conclusion

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 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:

SMT048-03A, SMT048-02A, SMT048-01B and H5896/01 Rev B
3. The materials to be used must match [as closely as possible, in type, colour and texture] those listed in Section [7] of the application form.
4. All ecological measures and/or works shall be carried out in accordance with the details contained in Land opposite 34 and 35 St. Mary's terrace Hastings East Sussex: preliminary ecological assessment by Martin Newcombe, 31st March 2021 (Revised 19/12/21) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
5. The car deck hereby approved shall be constructed in accordance with the 'outline structural arrangement for parking deck' drawing no. H5896/01 Rev B by E.A.R Sheppard.

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 ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.

4. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
5. To ensure that the car park deck does not affect and is not affected by matters of local land stability.

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 retaining walls in excess of 1.5m in height, taken from the lowest ground level adjacent to the retaining wall, will require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988 - Retaining Walls. The application should include detailed structural calculations. Works should not commence until the approval of any such application. The applicant is advised to contact the East Sussex Building Control Partnership at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk for further advice and to ascertain whether a separate Retaining Wall Act application is required.
4. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

6. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk

7. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
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Officer to Contact

Mrs E Evans, Telephone 01424 453251

Background Papers

Application No: HS/FA/21/01132 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	20 April 2022
Report from:	Planning Services Manager
Title of report:	PLANNING APPEALS & DELEGATED DECISIONS
Purpose of report:	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 10/03/2022 to 04/04/2022
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Land at and south of Holmhurst St Mary (Rear of 1 Kingsdale Close), The Ridge, St Leonards-on-sea HS/TP/21/00303	Holly Trees- Fell	Refuse Planning Permission	DELEGATED	Planning
Land Adjacent, 77 The Ridge, (East of Harrow Lane), St Leonards-on-sea HS/FA/20/00970	Erection of 67 dwellings together with access, open space, parking and landscaping	Refuse Planning Permission	Planning Committee	Planning
Land adjacent 1 Westfield Lane, St Leonards-on-sea, TN37 7NE (HS/FA/21/00507)	Proposed construction of 3 dwellings (one detached dwelling with garage and a pair of semi-detached dwellings)	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
144 Elphinstone Road, Hastings, TN34 2BN (HS/FA/21/00981)	Proposed formation of dormer window to front elevation & associated internal alterations	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
45 Gleneagles Drive, St Leonards-on-sea, TN38 0HU (HS/FA/21/00978)	Single storey rear extension and first floor extension over garage	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been withdrawn:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
374 Battle Road, St Leonards-on- sea, TN37 7bj (HS/FA/21/00914)	Change of use from dwelling-house (class c3) to a house of multiple occupation (class c4)	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	34
Part Grant	1
Part Granted – Part Refused	1
Prior Approval Refused	1
Refused	7
Withdrawn by Applicant	2
Total	46

Report written by
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