

## 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 19<sup>th</sup> 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

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**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

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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

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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**

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### 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)

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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

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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

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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



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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.

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- 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

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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

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(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.

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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.

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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.

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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

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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.



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### 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](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto: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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	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.

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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

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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.

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

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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)