

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)

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

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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)

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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

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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

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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

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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,

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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

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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.

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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.

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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.

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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

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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.

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Councillor Foster returned to the chamber

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

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|---------------------|---|
| 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

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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 Health 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

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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)