

Planning Agenda

Wednesday, 28 September 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

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1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of previous meeting 01/06/22 and 20/07/22	1 - 62
4.	Notification of any additional urgent items	
5.	Planning applications attracting a petition	
(a)	6 Queens Arcade, Queens Avenue (HS/FA/22/00106) (<i>P Howson, Principal Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_119313	63 - 78
6.	Other Planning Applications	
(a)	Mission Church (St Annes), 11 Chambers Road (HS/FA/22/00028) (<i>E Meppem, Senior Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_119235	79 - 96

(b) Car Park, Cornwallis Street, Hastings (HS/FA/22/00476)
(T Zulu, Principal Planning Officer)

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https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=_H_STBC_DCAPR_119688

7. Planning Appeals and Delegated Decisions

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Present: Councillors O'Callaghan (Chair), Collins (Vice-Chair), Bacon, Beaney, Beaver, Cannan, Patmore, Roark, Roberts and Williams

346. APOLOGIES FOR ABSENCE

Apologies received from Councillor Edwards (substituted by Councillor Patmore)

347. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Beaver	5(a)(b)(c)(d)	Personal – East Sussex County Councillor
Cllr Bacon	5(a)(b)	Prejudicial – Lives nearby and has spoken about the application previously
Cllr Colins	5(c)	Personal – Acquainted with a contributor to the petition
Cllr Roark	5(c)	Prejudicial – Trustee of Foreshore Trust

348. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meetings held on 20th April 2022 be approved as a true record

349. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

350. PLANNING APPLICATIONS

351. TILEKILN PLAYING FIELDS, INGLESIDE, ST LEONARDS-ON-SEA (HS/FA/20/00669)

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Proposal	Proposed Development of a 1,950 Capacity Football Stadium, Sports Hall and Gymnasium, 2no. 3G Artificial Pitches with Changing Facilities and Spectator Stand, Multi-Use Games Area with Associated Car and Coach Parking (amended description).
Application No	HS/FA/20/00669
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 26 objections received

-

Councillor Bacon left the chamber and did not take part in this item

The Planning Services Manager presented this application for Proposed Development of a 1,950 Capacity Football Stadium, Sports Hall and Gymnasium, 2no. 3G Artificial Pitches with Changing Facilities and Spectator Stand, Multi-Use Games Area with Associated Car and Coach Parking. The Planning Services Manager gave updates – an additional letter of support from East Sussex College and a petition objecting to the application. The petition did not raise any new issues that are not already covered in the report. Comments have been received from the Parks and Open Space Officer who raises concerns about the loss of open space but have not formally objected to the application.

An additional condition is added to their recommendation. Condition no.35 which states prior to the occupation of any part of the development of building management manual to cover sustainability, renewable energy and accessibility shall be submitted and approved in writing by the Local Planning Authority. The measures therein shall be implemented in full and maintained as such at all times. The reason for this is to ensure the sustainability objectives are realised.

A location plan, aerial view and photographs of the site were shown. It was explained how trees are around the perimeter. The surrounding area is a mix of industrial, residential, commercial, retail and leisure use. The site is a flood risk zone 1. A slide showing the proposed site plan was shown. This included the 1950 capacity football stadium with the floodlit grass pitch and four spectator stands. The principal stand is located on the southwest of the pitch and it will be 2 stories high. It will include a reception area, a ticket office, club and secretary offices, home and away changing rooms, sports bar and kitchen. The upper floor will contain a function room with bar and kitchen, the boardroom, spectator boxes and a training area and lounge. In addition, the proposal includes a sports hall and gymnasium. Two 3 G artificial pitches and multi use games area, changing facilities, spectator stands and associated car and coach parking, non match day and ancillary facilities would include integrated

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conference, hospitality, community, leisure and sports spaces. This is planned to be a phased development in two phases. The existing pedestrian and vehicular access off Ingleside is retained and an additional pedestrian link is created to Napier Rd. The planned opening times for the sports hall are 9:00 AM to 10:00 PM. The three 3G pitches are available for use from 10:00 AM to 10:00 PM. In terms of employment, it is anticipated to provide employment for 19 full time and 36 part time staff. A noise report is submitted, which concludes no harm. Some images were shown of what the site will look like. Sports England were satisfied with the proposal and did not make an objection. The benefits to the proposed development outweighed the harm from the loss of the open space.

In terms of ecology, the site is identified as having a low conservation value with no evidence of protected species. The report concludes that there would be no harm from the proposed development or associated floodlighting.

100 of the 421 trees on site are proposed to be removed none of which are covered by a Tree Preservation Order. East Sussex highways are satisfied that the development would not exacerbate peak time conditions on the Queensway Napier Rd junction and raised no objections in this respect. The land is owned by Hastings Borough Council.

The petitioner Mr Peter Bailey addressed the committee. He explained the pitch will be the minimum size allowed by the FA and the capacity of 1950 is smaller than some attendances at Pilot Field. There is no time scale for the proposed phase 2 expansion to 4000 capacity. The site has poor access and the proposed special buses have never been needed before. The 3G pitches are not suitable for matches beyond the Conference League and bad for players to practice on. Local residents have been canvassed and do not want to lose the green space or the trees. There are also concerns regarding supporters walking through the housing areas, noise, light pollution and parking. The proposed all-in-one stadium venue mixing facilities for meetings, parties and functions with footballers and supporters does not work, as has been proved by the local rugby club facilities. The petitioner highlighted the amount of litter that has been left after matches in local residents' gardens. No plans have been disclosed for the financing arrangements and time scales and therefore no due diligence scrutiny possible. No details provided about the stated economic benefits to the town. This development relies on gifting or selling at below market price the publicly owned Pilot Field to the developers. The petitioner proposed that funds should be used to improve the Pilot Field site which is now in a state of disrepair due to long term neglect.

Councillors had no questions for the petitioner

Mr Billy Wood, Chief Executive of Hastings United Football Club addressed the committee and highlighted their community programs and what they do in the community. Mr Wood explained he has responded positively to requests from the

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Planning officers and consultees which has resulted in changes to the application. The social benefits of the application are significant with employment opportunities and construction jobs. The new facilities will help deliver wider aspirations for Community involvement. Mr Wood explained how the capacity will be able to be increased at a later stage if funding is in place. The average attendance for this season is in the range of 1200. The proposed pitch size is adequate for all senior football. Hastings United believes the club is the central pillar in the community and being connected to various organizations could ensure the whole community can get involved in activities. There are not enough current facilities in Hastings for the 29 teams within the community program. The club does not want to relocate to another borough.

Councillors asked questions of the Applicant.

Councillors Evans as the Ward Councillor for Hollington addressed the committee. Councillor Evans set out four key points. Community consultation, based on talking to residents in Hollington they feel they have not been consulted by Hastings United. Most local grass roots clubs are keen for the town to have a stadium, but they say talks with Hastings United were not productive and they feel unlikely to benefit from the new stadium. The second point, health. The Tilekiln helipad is a key green space for Hollington, which is one of the most deprived areas in the country. It is very well used by dog walkers, kids having a kickabout, picnics in the summer, and grassroots football clubs. Some local football clubs claim the Tilekiln fields are the best grass pitches in town. Hollington has some of the worst health issues in the South East. Free recreational spaces encourage good mental and physical health. The Third Point, climate change, as a Council going forward, we are looking to move away from building on green spaces. Tilekiln helipad connects to the Marline Valley, which is a SSSI. It is surrounded by woods. If the development took place, the woodland would be fenced off and become inaccessible for walkers. Fourthly, the travel plan is now out of date as it is based on the capacity for 1950 attending. There were 50 allocated car parking spaces, and residents are worried that people will park on the estate and during matches the area will become very congested. For those intending to travel by public transport, not using the shuttle bus starting in town, there will be reliance on the current bus service which is unreliable. The majority of Hollington residents want to keep the Tilekiln helipad as a free green open space for recreation. It is a free asset for mental and physical health.

Councillors asked questions to the Planning Service Manager. The Planning Services Manager confirmed that the site is designated as a sports pitch and playing field. It is also designated as open space. The Community use agreement that's mentioned would have to be agreed.

Councillors debated.

Councillor Patmore proposed approval of the recommendation with the addition of condition 35, seconded by Councillor Beaver.

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RESOLVED (Unanimously)

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:

Section 278 Agreement to provide:

- **A new access into the site from Ingleside**
- **A footway with a minimum width of 2m alongside the site access, which will continue into the site**
- **New footways on both sides of Ingleside to link the site access to the existing pedestrian facilities in Coneyburrow Gardens and through to Tesco Extra on Churchwood Drive**
- **Pedestrian crossing points with dropped kerbs and tactile paving on Ingleside and Coneyburrow Gardens as required**
- **Pedestrian link from the north of the site to be tied into the existing pedestrian facilities on the south side of Napier Road**
- **Improvements to bus stops**
- **Minimum of four real time bus information displays positioned at high pedestrian traffic areas of the development**

Section 106 Agreement to provide:

- **Site Travel Plan and audit fee (£6,000); including completion of monitoring reports; provision of shuttle bus service and match day bus tickets**
- **Surveys as required by the highways authority and any mitigation identified**
- **Financial contribution to fund the Traffic Regulation Order (TRO) to implement any necessary parking restrictions (£5,000)**
- **Financial contributions of £5,000 per annum for a 30 year period (£150,000) for management and upkeep of Churchwood and Marline Valley Woods Local Nature Reserves to enhance biodiversity and mitigate pressure on these sites**
- **Community Use Agreement for use of 3G pitches and MUGA**
- **S106 Agreement Monitoring fee of £500**

In the event that the Agreement is not completed by 30th September 2022 that the application be refused on the grounds that it does not comply with the provisions of the National Planning Policy Framework, the relevant policies (policies EN2, EN8 and CI2) of the Hastings Local Plan, The Hastings Planning

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Strategy, or the Hastings Local Plan, Development Management Plan 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:

6237-L001 B, 6237-L002, 6237-L003 A, 6237-L004 I, 6237-L005 D, 6237-L006, 6237-L007 A, 6237-L008 A, 6237-L009 A, 6237-L010, 6237_ L011B, 6237-L012 A, 6237_ L0126237-SK(00)01, 6237-SK(00)02, 6237-SK(00)03, AS/TPP/14-9-2020 3 and T3143-001
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.

These hours of operation also apply to deliveries to and from the premises during construction.
4. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
5. No part of the development shall be occupied until the vehicular access serving the development has been constructed in accordance with the drawings approved as part of this consent and as amended as part of the s278 Agreement and detailed design.
6. Prior to the first use of the access, visibility splays of 2.4 metres by 70 metres shall be provided in both directions. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm on Ingleside.
7. The completed access shall have maximum gradients of 4% (1 in 25) from the

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channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

8. The development shall not be occupied until parking areas have been provided in accordance with plans/details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
9. Car parking spaces shall measure 2.5m by 5m (with an extra 50cm on either dimension when adjacent to a wall or fence).
10. The development shall not be occupied until covered and secure cycle parking areas have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
11. The new roads shall be designed and constructed to the Highway Authority's standards with a view to their subsequent adoption as publicly maintained highway. Details and evidence of this must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, prior to first use of the development hereby approved.
12. No development shall commence on site until the detailed drawings, including levels, sections and constructional details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:

Proposed road(s):
 - Surface water drainage
 - Outfall disposal
 - Street lighting

The development shall be carried out in accordance with the details approved and no use of any building approved shall occur until those works have been completed.
13. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan to take account of highway and environmental protection issues, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate, but not be restricted to, the following matters:

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- a programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space,
- location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction,
- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routeing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works,
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s),
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination,
- measures to control the emission of dust and dirt during construction,
- a scheme for recycling/disposing of waste resulting from demolition and construction works,
- protection of pedestrian routes during construction,
- restoration of any damage to the highway [including vehicle crossovers and grass verges].

An indicative programme for carrying out the works should be included within the Construction Management Plan.

14. (i) Prior to the commencement of development, a detailed Foul and Surface Water Drainage Strategy/System shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage 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 18.2 l/s for all rainfall events,

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including those with a 1 in 100 (plus climate change) annual probability of occurrence.

- b) The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- c) A survey of the watercourse shall be undertaken to ensure that it is in suitable condition to receive runoff from the proposed development. Any remedial works shall be carried out where necessary prior to construction.
- d) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- e) 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.

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

15. Prior to the commencement of development, a Maintenance and Management Plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The Maintenance and Management Plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved Maintenance and Management Plan shall thereafter remain in place for the lifetime of the development.

16. Prior to the commencement of development, measures to manage flood risk, both on and off the site, during the construction phase should be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction

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Management Plan for the development.

17. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
18. No development shall take place until the measures outlined in the submitted statements and reports listed below have been fully implemented, unless the programme for such measures is otherwise specified within that document in which case the works shall be carried out in accordance with the timescales contained therein. The submitted statements and reports are:
 - Arboricultural Report (Arborsense, September 2020)
 - Preliminary Ecological Assessment (bEk Enviro Ltd, November 2019)
 - Ecological Technical Note - Dormice (Avian Ecology, July 2020)
 - Ecological Technical Note - Screening (Avian Ecology, April 2020)
 - Ecological Technical Note - Reptiles & Lighting Impacts (Avian Ecology, March 2022)
19. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features;
 - e) The times during construction when specialist ecologists need to be present on site to oversee works;
 - f) Responsible persons and lines of communication;
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.
20. Prior to the first use of the facilities hereby permitted, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
 - a) identify those areas/features on site that are particularly sensitive for bat

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species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

c) indicate hours of illumination restrictions.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

21. In the event that contamination is found to be present upon completion of the works, before any part of the development is first occupied or brought into use a verification report demonstrating the effectiveness of the remediation works carried out 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 verification report and completion certificate shall be submitted 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'.
22. All construction 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 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
 - 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

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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 a verification report demonstrating the effectiveness of the remediation works carried out 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'.

23. No development shall commence above ground until a Community Use Agreement in consultation with Sport England has been entered into, and a copy of the completed approved Community Use Agreement has been provided to the Local Planning Authority. The Agreement shall apply to the 2 x 3G pitches, the MUGA and to the ancillary facilities on the site and include details of pricing policy, hours of use, access by users (including non members), management responsibilities and a mechanism for review including triggers to provide the Phase 2 facilities. The development shall not be used otherwise than in strict compliance with the completed Community Use Agreement.
24. The development hereby permitted shall not be brought into use until:
- a) certification is received, submitted to and approved in writing by the Local Planning Authority that demonstrates the Artificial Grass Pitches have met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS); and, confirmation is received, submitted to and approved in writing by the Local Planning Authority that demonstrates the pitches have been registered on the Football Association's Register of Football Turf Pitches.
25. The grass pitch and stadium facilities shall not be brought into use until the 2x 3G pitches and MUGA as shown on Drawing no. 6237_L004 Rev I have been constructed and made available for community use.
26. When the football stadium hereby permitted is in use the following restrictions shall be adhered to at all times:
- The maximum population of the East stand shall be 500.
 - The maximum population of the eastern side of the pitch shall be 200 (in

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addition to those in the East Stand).
The maximum population of the MUGA shall be 50.

27. No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a Scheme of Soft Landscaping, which shall include indications of all existing trees and hedgerows on the site including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. All soft landscaping shall be carried out in accordance with the approved Scheme of Soft Landscaping.
28. No works or development shall take place above ground until full details of all proposed tree planting, and the proposed times of planting, have been submitted to and approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details thereafter.
29. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same.
30. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards as set out in the submitted Arboricultural Report (Arborsense 17.09.20) and Tree Protection Plan (AS/TPP/14-09-2020). All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
31. No development shall be brought into use until the measures outlined in the submitted statements and reports listed below have been fully implemented, unless the scheme(s), or programme(s) of measures contained within the statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted statements and reports are:
 - Air Quality Assessment (Miller Goodall, April 2020)
 - Flood Risk Assessment (bEk Enviro Ltd, November 2020)
 - Lighting Design and Assessment (Martin Environmental Solutions, March

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2020)

- Noise Assessment (Accoustic Associates Sussex Ltd, March 2020)
Preliminary Risk Assessment (bEk Enviro Ltd, November 2019)

32. No development shall take place above ground until details of the materials to be used in the construction of all buildings/stands 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.
33. The premises shall not be used except between the following hours:-

07.00 - Midnight Monday - Saturday
09.00 - 19.00 Sunday and Bank Holidays
34. The stadium facilities shall not be used until a bin store has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained for that purpose.
35. Prior to the occupation of any part of the development of building management manual to cover sustainability, renewable energy and accessibility shall be submitted and approved in writing by the local Planning authority. The measures therein shall be implemented in full and maintained as such at all times.

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 residents.
4. To encourage and promote sustainable transport.
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
6. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
8. To ensure the safety of persons and vehicles entering and leaving the access

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and proceeding along the highway.

9. 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.
10. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
11. In the interest of highway safety and for this benefit and convenience of the public at large.
12. In the interests of highway safety and for the benefit of the public at large.
13. In the interests of highway safety and the amenities of the area and to minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
14. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
15. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
16. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
17. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
18. To ensure that any adverse environmental impacts of development activities are mitigated.
19. To ensure that any adverse environmental impacts of development activities are mitigated.
20. To ensure that any adverse environmental impacts of development activities are mitigated.
21. 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.
22. 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

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offsite receptors.

23. To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.
24. To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy CI2 of the Hastings Planning Strategy 2014.
25. To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy CI2 of the Hastings Planning Strategy 2014.
26. To maintain the safety of the public at large.
27. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.
28. To mitigate loss of trees on the site.
29. To mitigate loss of trees on the site.
30. The retained trees make an important contribution to visual amenity and biodiversity.
31. To ensure a satisfactory standard of development.
32. In the interests of the visual amenity of the area.
33. To protect the amenity of the area
34. To protect the amenity of the area
35. To ensure the sustainability objectives are realised.

Notes to the Applicant

1. Failure to comply with any condition imposed on this decision 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 permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
4. This Authority's requirements associated with this development proposal will

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need to be secured through a Section (106/184/171/278) 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.

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 approval 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.
6. 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>
7. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate. The FA has also indicated that it wishes to be involved in the CUA review group with partner clubs to monitor community football development outcomes.
8. The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

352. THE PILOT FIELD, HASTINGS UNITED FOOTBALL CLUB & SPORTS & SOCIAL CLUB, ELPHINSTONE ROAD, HASTINGS (HS/OA/20/00673)

Proposal	Outline planning permission (seeking approval for access), for the comprehensive redevelopment of the existing site to form 86 residential dwelling units, with associated access works, car parking and landscaping
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Application No	HS/OA/20/00673
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 97 objections, 1 in Support. Petition of objection received

-

Councillor Bacon left the chamber and did not take part in this item

The Planning Services Manager presented the application for outline planning permission and seeking approval for access for the comprehensive redevelopment of the site to form 86 residential dwellings with associated access works, car parking and landscaping.

A location plan, aerial view and photographs of the site were shown. The application site is 3.15 hectares. The site is owned by Hastings Borough Council. The surrounding area is predominantly residential with suburban character with mainly detached and semi detached bungalows and two story dwellings. There were no special architectural or historic designations on the site within the immediate area or within the immediate area surrounding the site. The area is affected by surface water flooding with a frequency of 1 in 30.

Only access is being considered here, so any queries about appearance, landscaping, layouts and scale they wouldn't be relevant in this assessment because this is an outline application.

Slides of drawings of the indicative layout were shown. The two vehicular access points off, Elphinstone Rd will remain and be used to serve the site. With pedestrian and cycle accesses via the existing footway that runs along Elphinstone Road and connects the south western and north western sections of the site. The indicative layout links the two sections of the site via a pedestrian ramp and step at the north east and north west points of the site.

The application proposes to provide a minimum of 25% affordable housing secured through a Section 106 agreement should permission be granted. The football stadium is proposed to be relocated to Tilekiln Playing Fields. Condition 8 of this application prevents commencement of development until the development permitted by HS/FA/20/00669 is completed in accordance with the approved plans. This application is very positive, one in that it will contribute to the five-year housing land supply as of January 2020, the Council has only met 42% of its housing delivery test requirement and this is a critical requirement for the Council. Although the site results in the loss of the playing field, this is re-provided at Tilekiln and there is no objection of Sports England, and the application meets the requirements of Policy CI 2 of the Hastings Planning Strategy.

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The petitioner Mr Peter Bailey addressed the committee. Local residents are not convinced Pilot Field is suitable for development and should be classed as a community asset. Mr Bailey explained how the area is prone to flooding and there are already major problems immediately downstream from the site. Other issues will be the additional traffic flowing into Elphinstone Road and onto the Ridge. The removal of a good, accessible sporting facility which is well served by public transport. Degradation of the wildlife corridor. The removal of the Sports and Social Club and the Pilot Bar with no provisions to replace them. The majority of local residents do not want houses on the Pilot Field site. The club's owner has stated that they would take on affordable debt to help fund the Tilekiln development. Why not use those funds to improve the present Pilot Field facilities. No financial figures and business plans have been published to show how the finances would work and therefore any independent scrutiny is not possible at the moment. The proposals rely on the Council selling the land well below its market value.

The councillors had no questions for the petitioner.

The Planning Agent Chris Sampson addressed the committee. He explained how they have worked closely with case officers throughout the lifetime of the application to address all technical matters and to reach a positive recommendation. Concerns from local residents regarding the loss of the social club are noted however Tilekiln proposals will provide a more up-to-date facility, including substantial function room and bar with kitchen facilities that will be available for hire. The proposed use of the site for housing will be consistent with the surrounding area and will relieve pressure on the local roads around the Pilot Field, especially on match days. The junction designs for the two access points have been carefully fine-tuned and agreed with the Highway Authority, including dropped tactile paving at the crossovers, antiskid surfacing, and a right turned marked area for cyclists entering the site. Over one third of the site is to be retained as landscape buffers, which will ensure that the more sensitive areas are left undeveloped and subject to appropriate management and enhancement measures. The Council's Environment Manager and the Arboriculturist are both satisfied that the proposals are acceptable. Surface water flows can be managed as part of the development with the final details to be secured by condition. The site has a residential allocation within the Regulation 18 draft Local Plan for an indicative total of 120 dwellings. The proposals have demonstrated that the site can accommodate the number of homes proposed whilst retaining significant landscape and ecological buffers around the perimeter. The proposals will provide important benefits in their own rights, including significant contributions towards housing delivery, with the full 25% of affordable housing.

Councillors asked questions of the Planning Agent.

Councillor Turner as Ward Councillor addressed the committee for half of the allocated Ward Councillor time. Baird Ward is the most deprived ward in the Borough. This application poses serious environmental issues. There are serious drainage

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issues in the area. Drain covers lift in heavy rainfall with the contents of the drains cascading across the road into people's gardens. East Sussex County Council flood risk management have said that before even brick is even laid, there needs to be a comprehensive reconstruction of the drainage system. The Pilot Field site has greater potential than the proposed Tilekiln site. The club has allowed the Pilot Field site to get run down and need to clean it up.

Councillor Cooke also as a ward councillor addressed the committee for the other half of the allocated Ward Councillor time. Traffic in the area will have an extra 86 or more cars every day using the local roads including the Ridge which already has cars idling during peak times. The drainage and flooding are an issue with damage to local properties and damage to the roads. The area is of high deprivation. A facility is being taken away that provides free access to children under the age of 18 on match days, which is something that is very value. Chris Whitty pointed out the loss of green space areas. It's one of the few things that Hastings has is access to green spaces and this is going to be taking away yet another green area.

The Planning Services Manager gave points of clarification to the committee. With regards to concerns raised about Highways and Ecology in the report there is a list of consultees with the majority having raised no concern. With regards to flooding the matters of surface water and foul water and disposal have been considered by East Sussex County Council and Southern Water. Southern Water have no objection subject to Condition 30.

Councillors debated.

Councillor Patmore proposed approval of the recommendation, seconded by Councillor Williams.

RESOLVED (8 votes for, 1 against)

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 contribution of £263 per dwelling, towards library provision in the locality (£22,618)**
- **A minimum of 25% affordable housing units (22 dwellings)**
- **Travel Plan and audit fee of £4,500 securing the delivery and monitoring of the travel plan over a five-year period, based on surveys at years 1, 3 and 5, commencing from after occupation of 25% of dwellings (when baseline surveys are carried out)**
- **TRO contribution of £5,000 to secure the Traffic Regulation Order for Double Yellow Lines at the access points**

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- **Unallocated parking spaces to remain as such**
- **Provision to confirm that estate roads not to be offered for adoption at a later date (if that is the case), and also to ensure that carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate, lit. Works will need to be appropriately certified from a suitably qualified professional confirming the construction standard**
- **S278 for a scheme of off site highways works at accesses (construction, anti-skid surfacing, dropped kerbs and markings), crossing point**
- **S106 Agreement Monitoring fee of £500**

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 31 September 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 Outline Planning Permission subject to the following conditions:

1. No development shall start until details of the:
 - a) Appearance
 - b) Landscaping
 - c) Layout
 - d) Scale

[hereafter called "the Reserved Matters"] have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the reserved matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.
3. The details referred to in the Reserved Matters to be submitted pursuant to

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the requirements of Condition 1 above shall be based on the following indicative drawing numbers:

0100 P1, 0101 P1, 0200 P3, 0201 P1, 0202 P1, 0203 P1, 0204 P2, 2000 P1, 2001 P1, 2010 P1 2011 P1, 10065/1170 P8, 10065/1190 P8, SJG1794 SHEET 3, SJG1794 SHEET 4, SJG1794 SHEET 5, SJG1794 SHEET 6 and SJG1794 SHEET 7

4. The details submitted pursuant to Condition 1 above, shall include full details of the materials to be used in the construction of the external surfaces of the development and all hard standing areas. Thereafter development shall be carried out in accordance with the approved details and the works shall be carried out prior to first occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
5. The landscape details submitted pursuant to Condition 1 above, shall include full details of the hard landscape works including proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g refuse areas, lighting etc); proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc). All hard-landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
6. The soft landscaping details submitted pursuant to Condition 1 above, shall include full details of soft landscaping which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
7. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the occupation of the houses which they serve.
8. The development hereby permitted shall not be commenced until the grass pitch and stadium facilities permitted by planning permission HS/FA/20/00669 have been constructed in accordance with the approved plans and made available for use.

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9. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

The detailed drainage design referred to above shall include details of:

- The outfall of the proposed attenuation tank and how it connects into the sewer, to include cross sections and invert levels
- How surface water flows exceeding the capacity of the surface water drainage features will be managed safely
- 2-dimensional hydraulic modelling and calculations
- Responsibilities of each party for the implementation of the SUDs scheme
- A timetable for implementation
- A Management and Maintenance Plan for the entire drainage system for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Surface water discharge rates for the development should not exceed 5.3 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations as listed above) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and the modelling shall support the proposed diversion of the existing surface water overland flow route through the development. This shall clearly demonstrate that the expected surface water depths upstream and downstream of the development will not be increased. The diverted surface water flow shall have safe flood depths and hazard within the application site.

Development shall then be carried out in accordance with the details approved under and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed;

and,

no occupation of any of the dwellings or flats 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.

10. Prior to the occupation of any part of the development, evidence (including photographs) should be submitted and approved in writing by the Local Planning Authority, showing that the drainage system has been constructed

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as per the agreed detailed drainage designs.

11. The development shall not commence until technical details of the layout of the reconstructed site accesses and the specification for the construction of the access which shall include details of the parking restrictions, surface treatment, road markings and street lighting have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority; and any part of the development shall not be occupied until the construction of the accesses have been completed in accordance with those technical details.
12. No part of the development shall be first occupied until visibility splays of 2.4 metres by 56 metres have been provided at the proposed site vehicular access onto Elphinstone Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
13. Car parking spaces shall measure 2.5m by 5m (with an extra 50cm on either dimension when adjacent to a wall or fence).
14. The proposed garages shall measure at least 3m by 6m (measured internally).
15. The details required by Condition 1 shall include details of safe, covered and secure cycle parking areas to serve the development. The areas shall thereafter be retained for that use and shall not be used other than for the parking of bicycles.
16. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan to take account of highway and environmental protection issues, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate, but not be restricted to, the following matters:
 - a programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
 - location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
 - the anticipated number, frequency and types of vehicles used during construction;
 - the method of access and egress and routing of vehicles during construction;
 - the parking of vehicles by site operatives and visitors;

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- the loading and unloading of plant, materials and waste;
- the storage of plant and materials used in construction of the development;
- the erection and maintenance of security hoarding;
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
- details of public engagement both prior to and during construction works;
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s);
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- protection of pedestrian routes during construction;
- restoration of any damage to the highway [including vehicle crossovers and grass verges].

An indicative programme for carrying out the works should be included within the Construction Management Plan.

17. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
18. Prior to the commencement of development, a detailed Remediation Scheme 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 must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
19. The approved Remediation Scheme must be carried out in accordance with

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its terms prior to commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks prior written notification of commencement of the Remediation Scheme works. Following completion of measures identified in the approved Remediation Scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

20. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority.
21. Prior to occupation of any part of the development, details of any lighting such as security lighting, together with acoustic specifications of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings) installed within the site which has the potential to cause noise disturbance to any noise and light sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to occupation of any part of the development.
22. Work which is audible at the site boundary and deliveries to and from the premises shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
23. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - Measures to manage flood risk both on and off the site during the construction phase.

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

24. Prior to the commencement of development, details of measures to protect the public water supply main shall be submitted to and approved in writing by the Local Planning Authority.
25. No development shall take place until the measures outlined in the submitted statements and reports listed below have been fully implemented, unless the scheme(s), or programme(s) of measures contained within the statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted statements and reports are:
 - Arboricultural Report and AIA (Mayhew Consultancy Ltd, September 2020)

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- Archaeological Desk Based Assessment (RPS, July 2020)
- Desk Study and Ground Investigation Report (GEA, September 2020)
- Preliminary Ecological Appraisal (Corylus Ecology, August 2020)
- Bat Survey and Mitigation Report (Corylus Ecology, September 2020)
- Ecological Impact Assessment (corylus Ecology, January 2022)
- Air Quality Assessment (RF Environmental, September 2020)

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements, which should include measures to protect badgers from being trapped in open excavations and/or pipes and culverts);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved CEMP: Biodiversity. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

27. No development shall take place (including any demolition, ground works, site clearance) until a Method Statement for works close to badger sets has been submitted to and approved in writing by the Local Planning Authority. The content of the Method Statement shall include the:

- a) purpose and objectives for the proposed works;

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- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

- 28. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan (Biodiversity) required by Condition 26. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
- 29. The details required by Condition 1 shall include details of Electric Vehicle Charging Points in the development hereby approved. Each individual dwelling shall thereafter not be occupied until a minimum of one electric vehicle charging point has been installed on each of the houses with dedicated 'on plot' parking, and shall thereafter be retained for that purpose.
- 30. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre-based broadband.
- 31. The details required by Condition 1 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy. The development shall be carried out in accordance with the approved details.
- 32. The details required by Condition 1 above shall include a minimum of 2% of all of the residential units constructed within the application site being designed in such a way to be fully wheelchair assessable.
- 33. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
 - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into

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them at the end of each working day; and

- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
34. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person, for example, an Ecological Clerk of Works or an on-site Ecologist, have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
35. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Preparation of a work schedule (including an Annual Work Plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the Annual Work Plan will be secured by the developer with the management body(ies) responsible for its delivery. The Annual Work Plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved Annual Work Plan will be implemented in accordance with the approved details.

36. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out in accordance with the approved scheme.

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37. Prior to the commencement of development, the developer must agree with Southern Water the measures to be taken to protect the public sewers. Such detail must be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.
38. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reasons:

1. The application is in outline only and to comply with Section 92 of the Town and Country Planning Act 1990.
2. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
3. In order to ensure a satisfactory access, site layout, scale, appearance to the development in the interests of the visual amenities, character and appearance of the locality and the amenities of the neighbouring occupiers.
4. To ensure a satisfactory form of development in the interests of the character and 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.
7. In order to secure a well planned development and protect visual and residential amenities of the area.
8. To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Policy C12 of the Local Development Plan.
9. To prevent increased risk of flooding in compliance with Policy.
10. To prevent increased risk of flooding.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and

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proceeding along the highway.

14. 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.
15. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
16. In the interests of highway safety and the amenities of the area and to minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
17. In the interests of highway safety and the amenities of the area.
18. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
19. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
20. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
21. To safeguard the amenity of adjoining and future residents.
22. To safeguard the amenity of adjoining and future residents.
23. To ensure a satisfactory standard of development.
24. To prevent increased risk of flooding.
25. To protect features of recognised nature conservation importance.
26. To ensure that any adverse environmental impacts of development activities are mitigated.
27. To protect habitats and species identified in the ecological surveys from adverse impacts during construction.
28. Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved

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scheme.

29. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the objectives of the NPPF.
30. To ensure the development complies with Policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy 2014.
31. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014
32. In the interests of a balanced and inclusive communities.
33. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
34. To ensure adequate professional ecological expertise is available on site during construction to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.
35. Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.
36. It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.
37. To prevent increased risk of flooding.
38. To prevent increased risk of flooding.

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.

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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.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. This permission which covers part of a wider development is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
6. Formal applications for connection to the public foul sewerage system and connection to the water supply are required in order to service this development. Please read the New Connections Services Charging Arrangements documents at <https://beta.southernwater.co.uk/infrastructure-charges>
7. Should any sewer be found on site during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW.
8. East Sussex County Council's requirements associated with this development proposal will need to be secured through a Section 106 and a Section 278 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.
9. 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.
10. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
11. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.
Address is:
Southern Gas Networks Plc

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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.

12. Reference should be made to Southern Water publication "A Guidance to Tree Planting near Water Mains and Sewers" with regard to any landscaping proposals.
13. Underground and above ground badger fencing must be installed as per mitigation measures set out in the submitted ecology reports.
14. The watercourse that passes through the Pilot Field site is characteristic of a High Weald deeply incised ghyll or stream which at times flows rapidly. The East Sussex County Council SUDS team advises there are opportunities for this flow to be slowed by the careful introduction of engineered obstructions. The Local Planning Authority would therefore request inclusion of such techniques within the detailed drainage design as part of the Reserved Matters consent, which would incorporate small scale measures such as willow weave constructions, mirroring what happens in a natural ghyll.
15. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**353. MINIATURE GOLF & CRAZY GOLF COURSE, THE STADE, HASTINGS
(HS/FA/22/00005)**

Proposal	The enclosure of the existing pirate golf course with a part 1 part 2 storey building
Application No	HS/FA/22/00005
Conservation Area	Yes – Old Town

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Listed Building	No
Public Consultation	Yes – 63 in Objection and 54 in Support

-

Councillor Roark left the Chamber and did not take part in this item

-

Councillor Bacon returned to the Chamber

The Principal Planning Officer gave updates with additional comments being received. There are now 54 support comments, 63 objections and 4 late comments. There was a question if the Foreshore Trust had been consulted on the application. The Principal Planning Officer confirmed they had consulted in the normal way and the Foreshore Trust chose not to make any comments either for or against.

Slides were shown showing the location, aerial view, and images of the proposal. Existing site photos were shown. These put into context some of the existing structures in the vicinity.

Councillors' attention was drawn to principles of sustainable development and paragraph 11 of the National Planning Policy Framework says that there is a presumption in favour of sustainable development, which means that planning permission is granted unless there are material considerations that deem otherwise. Looking at the principles of sustainable development, you have to look at the economic perspectives, the social perspectives and the environmental perspectives.

This application has divided public view. Putting anything on this site which is currently open is going to cause some harm to the setting of the conservation area. It's the Old Town Conservation Area but is detached from the historic core of the Old Town. Historic England and the Council's Conservation Officer have determined that the harm is less than substantial, which means that there is no loss of a heritage asset. Which thereby means that paragraph 202 of the National Planning Policy Framework is engaged. Paragraph 202 states that you have to consider whether that harm is outweighed by the public benefits of the proposal. The officers report covers the pros and cons of the application.

Councillor Hilton as the Old Town Ward Councillor addressed the committee. She originally thought this application was a good idea although now realising the scale of the building has serious concerns. If allowed against the advice of both Historic England and the Conservation Officer, this sets a serious and dangerous precedent for the remainder of the seafront in terms of more proposals for buildings in the future. This proposal would have a harmful impact on the open nature of the foreshore. It seems that the only public benefits that have been assessed is the visitor economy

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and the 18 new jobs. This will completely shut off the views of the Old Town and castle cliffs as people walk along the footpath along the edge of the site, which now offers open views across the landscape. The committee reported acknowledges that this would become the largest building on this part of the seafront and the impact is even greater because of the size of the cafe on the 1st floor. It also mentions that allowing this building would help improve landowner and investor confidence in this part of Town, so she was more alarmed about the precedent that that would be set by allowing this building to go ahead.

The Principal Planning Officer responded. The building will cover the existing golf course. Historic England have acknowledged that it was less than substantial harm, but they did specifically say that it was up to the Planning Officers and the committee to apply the planning balance to determine whether the public benefits and securing the optimum viable use of the site outweighed that harm. Regarding setting a precedent for development, the Hastings Act does restrict development in this location and the committee were reminded that the application is considered on its own merits.

Councillors asked questions of the Officer.

Councillors debated.

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

RESOLVED (8 votes for, 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:

480_001A, 480_002A, 480_003B, 480_010A, 480_011, 480_012A, 480_013A, 480_102C, 480_103C, 480_104C, 480_105A, 480_110B, 480_111B, 480_112B, 480_113B, 480_114, 480_210A, 480_211, 480_212A, 480_310C, 480_410A and 480_411

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.

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

8.30am - 10.30pm

Monday to Sunday (including Bank Holidays)
5. Prior to occupation of development hereby approved, details, including acoustic specifications of all fixed plant machinery and equipment associated with air moving equipment (including fans, ducting and external openings) compressors, generators or plant of a like kind, installed within the site, which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to BS4142:2014, at any adjoining or nearby noise sensitive premises.

The development shall be carried out in accordance with the approved works.
6. Prior to the first operation of the building hereby approved, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Extraction Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.
7. No development shall take place until the applicant has secured 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.
8. The archaeological work shall be carried out in accordance with the approved Written Scheme of Investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.
9. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

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The detailed drainage design referred to above shall include details of:

(i)

- Findings of infiltration testing in accordance with the BRE365 to ensure that the soakaway has sufficient capacity to take flows from the development.
- The outfall of the proposed detention basin and how it connects into the soakaway . This should include cross sections and invert levels
- How surface water flows exceeding the capacity of the surface water drainage features will be managed safely
- The proposed brown roof, including cross sections
- A Management and Maintenance plan for the entire drainage system to ensure that the designed system takes into account design standards of those responsible for maintenance. The Management and Maintenance Plan should set out who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The design of the detention basin should allow for a 300mm freeboard within the basin to allow additional capacity in exceedance events.

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

And

(iii) No occupation of any of the building 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.

10. No development should take place, including any ground works, until measures to manage flood risk, both on and off the site during the construction phase have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. This may take the form of a standalone document, or be incorporated into the Construction Management Plan for the development, as required by Condition 13 of this consent.
11. Prior to first use of the building hereby approved, 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.

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12. Prior to occupation of the development hereby approved, details of covered and secure cycle storage must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
13. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan to take account of highway and environmental protection issues, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate, but not be restricted to, the following matters:
 - a programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space,
 - location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routeing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works
 - measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
 - details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
 - measures to control the emission of dust and dirt during construction
 - a scheme for recycling/disposing of waste resulting from demolition and construction works
 - protection of pedestrian routes during construction;
 - restoration of any damage to the highway [including vehicle crossovers and grass verges].

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An indicative programme for carrying out the works should be included within the Construction Management Plan.

14. Notwithstanding the approved plans, no development shall take place above ground until samples of the following materials have been submitted to and approved in writing by the Local Planning Authority:

- Glazed tile.
- U channel glazing.
- Concrete coping.
- Decking boards.
- Timber cladding boards

These samples shall be submitted together on a materials sample board, which shall also detail the manufacturer, product name/number, unit size, materials, and finish details of each material.

The glazed tile shall be presented as several colour and glaze options, to include some warmer earth colours.

The development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

15. Notwithstanding the approved plans, no development shall take place above ground until finish details (paint type and colour), for the following elements of the development have been submitted to and approved in writing by the Local Planning Authority:

- Aluminium door and window frames

Development shall be carried out in accordance with the approved details.

16. Notwithstanding the approved plans, prior to the commencement of the individual elements of the works detailed below, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Detailed joinery of the proposed windows and doors, to include 1:10 elevations of each window and door type and example horizontal and vertical sections at 1:2 scale or full size of each detailed joinery section.
- Details of the siting, size, manufacturer, product reference and profiles of the proposed aluminium rainwater goods.
- Details of the proposed external staircases, to include elevations of all visible sides and sections through the stair structural supports, string,

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treads, risers, gates, and handrails.

Development shall be carried out in accordance with the approved details.

17. Notwithstanding the approved plans, prior to the commencement of the hard and soft landscaping works, full details of any proposed new paving materials and planters shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the manufacturer, product name, materials/finishes and unit size.

The development shall be undertaken in accordance with the approved details.

18. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved 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 residents.
4. To safeguard the amenity of adjoining residents.
5. To ensure that the amenity of the area is not detrimentally affected by the use of the site.
6. To ensure that the amenity of the area is not detrimentally affected by the use of the site.
7. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
8. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
9. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
10. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.

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11. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
12. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
13. In the interests of highway safety and the amenities of the area and to minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
14. In order to protect the visual amenities of the area and to secure a well-planned development.
15. In order to protect the visual amenities of the area and to secure a well-planned development.
16. In order to protect the visual amenities of the area and to secure a well-planned development.
17. In order to protect the visual amenities of the area and to secure a well-planned development.
18. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.

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

4. 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>.

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[charges](#)

5. The Food Business Operator will be required to register the food establishment with the Local 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.
6. The Health and Safety at Work Etc. Act 1974 will apply. The applicant is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law.

354. DEBENHAMS, (PART OF 1ST FLOOR) 1-3 ROBERTSON STREET, HASTINGS (HS/FA/21/01060)

Proposal	Change of use of designated area from Class E to Sui Generis for amusements, including retro and modern video games, pinball games, virtual reality games, interactive games such as air Hockey and dance games.
Application No	HS/FA/21/01060
Conservation Area	Yes – Hastings Town Centre
Listed Building	No
Public Consultation	Yes. 15 in Objection 1 in Support Petition of objection received

-

Councillor Roark returned to the Chamber

The Senior Planning Officer gave updates. Since the reports had been issued there has been one further letter of objection received. Concerns raised reflect those already received. No new matters raised. Slide showing a location plan, Aerial photos and photographs of the outside of the building were shown. A slide showing the different uses of nearby building was shown.

The representative for the petitioner Mr Peter Bailey addressed the committee. When the Debenhams restaurant was open residents of Albany Court could hear the clunk of cups and this was considered acceptable. The Restaurant closed at 5pm. Regarding the closing time of the seafront entrance to the premises in Robertson Terrace, Albany Court held its AGM in March and the leaseholders were happy for the seafront entrance to remain open until 8:00 PM in the summer months. We would like the

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agreed closing times and noise levels to be clarified through a written agreement. We have no information yet on a separate topic as yet regarding if flashing lights and illuminated signs are to be installed at the Robertson Terrace entrance. The conservation aspect needs to be maintained and respected by this development

The Applicant Mr Manning addressed the committee. With the help of Councillor Rogers Mr Manning has been able to meet with local residents. A sound survey has been ordered and with the help of the residents of Albany Court the survey has been completed. The report has been received and soundproofing has been carried out though out the building to make sure residents are not disturbed in any way. The seafront entrance has been agreed locally to stop being used from 8pm in the summer and that time would be earlier in winter months. Security will be at the site and has been budgeted for seven days a week and starting before the recommended time of 6pm. This is a family centre.

Councillors asked questions of the developer.

Councillor Rogers as the Ward Councillor addressed the committee. It was explained how this was a good example of developers working with local residents. There was lots of residents' concerns, but the developers have listened and allayed these. The entrance at Robertson Terrace was a big concern and has again been taken care of.

The Senior Planning Officer replied that any future advertisements would require consideration as part of an advertisement consent application, particularly as the site is in a conservation area. A condition has been imposed in respect of the noise insulation testing that's been carried out on site. The Senior Planning Officer explained that this application is for a small section of the building and is purely considering the change of use of that section of the building to a Sui Generis use to allow the installation of arcade games. Any alterations to the entrance or the use of the entrance can't be considered as part of this application

Councillors debated.

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

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.

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

4185-PL 521, 4185-PL 511, 4185-PL 502, 4185-PL 501, Sound Insulation Testing & Advice (J3377).
3. The Amusement area hereby approved is to be contained within the first floor area outlined in red on plan number PL521. Any increase to the size of the Amusement Area will require the submission of a further planning application for change of use.
4. All recommendations within the Sound Insulation Testing Report (J3377) dated 15/03/2022 are to be implemented on site prior to commencement of use. Evidence that the recommendations of the Sound Insulation Test Report have been implemented shall be submitted to and approved in writing by the Local Planning Authority prior to the use, hereby approved, commencing.

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.

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 proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. A separate application, to be submitted in accordance with the Advertisement Regulations, will be required for the display of any external advertisements.
5. The developer is advised to contact the Designing Out Crime Officer to discuss any recommendations or additional measures to mitigate against any identified local crime trends and site specific requirements.

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Sussex Police Headquarters, Malling House, Malling, Lewes, East Sussex, BN7 2DZ.

354.1 Entrance to Laser Lane at Kings Road and adjoining Hanguard House, St Leonards-on-sea (HS/FA/21/00298)

Proposal	Installation of a secure metal arch shaped double entrance gate to prevent antisocial behaviour (amended description).
Application No	HS/FA/21/00298
Conservation Area	Yes – Kings Road
Listed Building	No
Public Consultation	Yes. 1 in Objection Council application on Council owned land

-

The Planning Services Manager showed slides of a location plan, block plan and aerial picture of the application site. Pictures from the road of the application site were shown. Pictures of the proposed gates were shown. The proposed gates are required to deter antisocial behaviour and improve security. The arched design of the gates fronting onto Kings Road draw from the surrounding architecture. The land is Council owned and maintained by the Council.

Councillors debated.

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

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:

BG/A2/1/1 A, BG/A2/1/1-1A, BG/A2/1/2 A, BG/A2/1/2-1A, BG/A2/1/3 , BG/A2/1/4, BG/A2/1/5, BG/A2/1/6 and BG/A2/1/7.
3. The entrance gates hereby approved shall be constructed of metal as shown on the amended drawings submitted with the planning application.

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4. The Planning Permission hereby approved is contingent on the Public Space Protection Order issued by Hastings Borough Council on 1 May 2021 remaining in force. In the event that the Public Space Protection Order is rescinded by Hastings Borough Council then the gates hereby approved shall be removed within 2 months from the date the Public Space Protection Order is rescinded.

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 an acceptable form of development in line with allowing public access to Laser Lane.

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 should the construction requirements of the gates require works to be done on highway land then the applicant will be required to obtain a permit 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.

355. PLANNING APPEALS AND DELEGATED DECISIONS

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The Committee noted the report.

(The Chair declared the meeting closed at. 8.52 pm)

Public Document Pack

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Present: Councillors O'Callaghan (Chair), Collins (Vice-Chair), Bacon, Beaney, Beaver, Roark, Roberts, Sinden and Williams.

356. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillors Cannan and Edwards. Councillor Sinden was present as a substitute for Councillor Cannan.

357. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Beaver	All items relating to highways	Personal – East Sussex County Councillor
Williams	359.3 – Land adjoining 5 Essenden Road, St Leonards-on-sea	Personal – Used to live close to the site and knows some of the local residents with whom there has been no discussion of the application
Bacon	359.1 – Rocklands Private Caravan Park, Rocklands Lane, Hastings	Personal – Knows some of the residents who have submitted comments

358. MINUTES OF PREVIOUS MEETING

Previous minutes not yet circulated.

359. PLANNING APPLICATIONS

359.1 Rocklands Private Caravan Park, Rocklands Lane, Hastings (HS/FA/22/00339)

Proposal	Proposed asphalt surface to existing hardcore access ramp
Application No	HS/FA/22/00339
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 12 letters of objection received

Mr Howson, Principal Planning Officer, presented the application for a proposed asphalt surface to an existing hardcore access ramp.

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Since publication four additional representations have been received objecting to the application. No new issues are raised, but they do expand on previous objections which are addressed in the report.

The proposal would not alter the dimensions of the access ramp but would provide a permeable and permanent asphalt surface contained by concrete edging. The current ramp surface is a mix of stones, soil and grass. The approved planting area would not be affected by the proposal.

The existing access ramp is lawful and has been in situ in its current form for over four years. As such only the asphalt surface requires planning permission. Archaeology would be unaffected as there are no ground works required.

In conclusion the proposal is only for minor works and no harm has been identified. Therefore, the application is recommended for approval.

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

Councillor Beaver proposed approval of the recommendations, seconded by Councillor Roark.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: 21.408/01A

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.

Notes to the applicant:

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

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3. The applicant is reminded that should any changes to the originally approved scheme be made in light of any subsequent revisions to drainage or relevant ground works that may occur, then the drainage and soft landscaping details approved under HS/CD/16/00655 may not be deemed to be discharged, and a further application may be required.
4. The applicant is advised to also apply to Historic England for Scheduled Monument Consent to undertake any changes to the ramp including resurfacing.

359.2 Land adjacent 14 Cornwallis Street, Hastings (HS/FA/22/00343)

Proposal	Replacement of decayed timber shoring to gable wall with new steel equivalent
Application No	HS/FA/22/00343
Conservation Area	No
Listed Building	No
Public Consultation	Yes - Council application on Council owned land

At the request of the Senior Planning Officer the Chair moved this item up the agenda.

The Planning Services Manager presented the application for the replacement of decayed timber shoring to a gable wall with new steel equivalent

The application has been brought to the Planning Committee as it is a Council application on Council owned land. The area comprises a small parcel of grass land, bin storage and vegetation. There has been a resolution to grant permission for a five-storey hotel to be built on the adjacent car park and there is another application for the site to consider a substation for the hotel.

The application has been submitted as the existing shorings are subject to decay and the replacements will provide extra stability. Steel shorings will be fixed to concrete foundation pads and the appearance of the structure will change minimally.

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

Councillor Beaver proposed approval of the recommendations, seconded by Councillor Roark.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

Site location plan (H6185/Site Plan) and Existing and proposed plans (H6185/01)

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. In the event that the shoring is removed, the surface of the wall where the shoring was attached to shall be made good by finishing the wall to match that of the remainder of the side elevation.

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 ensure a satisfactory form of development in the interests of the character and amenity of the area.

Notes to 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. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.

4. 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

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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 immediately, 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

5. 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

359.3 Land adjoining 5 Essenden Road, St Leonards-on-sea (HS/FA/22/00226)

Proposal	Removal of prefabricated concrete garages, creation of one dwelling with parking.
Application No	HS/FA/22/00226
Conservation Area	Yes - Grosvenor Gardens
Listed Building	No
Public Consultation	Yes – 9 letters of objection received

Mrs Meppem, Senior Planning Officer, presented the application for the removal of prefabricated concrete garages and the creation of one dwelling with parking.

Condition 17 has been amended to also remove permitted development for the addition of further storeys to the property as allowed by Class AA of Part 1 of Schedule 2 and Class AD of Part 20 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

This has been done to ensure no harmful impact on the neighbouring properties in future.

Comments have been received from the Conservation Officer who has no overall objection however requests specific information which have been included in an additional Condition 19. This condition requests details of the proposed windows, doors, and external balcony to be approved by the Local Planning Authority.

The site is accessed from Essenden Road and is well hidden from the main road. The existing garages are too small to meet current requirements and therefore cannot be used for modern cars. There have been previous refusals for large developments on the site and the current proposal has been designed to meet climate change requirements, including sustainable drainage.

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A preliminary ecology report was submitted and concluded that the site is of low ecological value.

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

Councillor Beaver proposed approval of the recommendations, subject to the amendment of Condition 17 and addition of Condition 19, seconded by Councillor Sinden.

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

4904.1B, 4904.2A, 4904.3A, 4904.LP.

3. Prior to the commencement of works or demolition on site, a pre-demolition asbestos survey of all buildings to be demolished shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.

4. No works of demolition shall be undertaken until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The sequence of demolition phases
- Protection measure for existing retaining structures on site
- Measures to control the emission of dust and dirt during each phase of demolition and construction
- Measures to limit noise disturbance during demolition and construction
- Method of removing rubble and spoil from the site
- The arrangements for deliveries associated with all demolition and construction works, loading/ unloading of plant & materials
- Storage of plant and materials used in demolition and construction
- Wheel washing facilities
- A scheme for recycling/disposing of waste resulting from demolition works
- Details of public engagement both prior to and during construction works to ensure minimal disruption to adjoining residents.

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Details of how any restoration of damage caused to the highway [including vehicle crossovers and grass verges] is to be carried out.

5. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management are to be submitted to and approved in writing by the Local Planning Authority. The designed system must take into account design standards of those responsible for maintenance, including details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains and evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

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

(iii) No occupation of the dwelling 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.

6. Prior to commencement of development above ground, full details of the soft and hard landscape works are to be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation of the dwelling hereby approved or within the time scales agreed by the Local Planning Authority. These details shall include, but not be restricted to the following;

- A proposed soft landscaping and planting plan, paying particular attention to the boundary of the site with 58 West Hill Road;
- A schedule of plants, noting species, plant sizes, proposed numbers and densities (where appropriate) together with an implementation programme;
- Finished levels or contours;
- Means of enclosure/boundary treatment;
- Details of the proposed materials for the new parking area along with method for dealing with water run-off;
- Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same location.

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All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

7. (i) 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.

(ii) All soft and hard landscape works shall be carried out in accordance with the approved details.

8. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Assessment (EA/108721) January 2022, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

9. No development shall take place above damp proof course level until full details of the materials to be used in the construction of the external surfaces of the dwelling 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.

10. The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plan (4904.1A) unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. These spaces shall be a minimum of 2.5m by 5m with an extra 0.5m where a space abuts a wall. The parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

11. Prior to occupation of the dwellings hereby approved areas for the storage of bins and cycles are to be provided on site, with evidence being submitted to and approved in writing by the Local Planning Authority. These areas are to then be retained on site for the perpetuity of the development.

12. Any external bathroom windows in the dwelling hereby approved 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 dwelling hereby approved shall not be occupied until the obscure glass is installed, and once installed, the

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windows shall be permanently maintained in that condition.

13. 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.

14. Prior to occupation of the dwellings hereby approved provision shall be made for the ability to connect to fibre-based broadband.

15. The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed with dedicated 'on plot' parking and shall thereafter be retained for that purpose.

16. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

17. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the building or the roof of the premises, permitted by Classes AA, B & C of Part 1 of Schedule 2 or AD of Part 20 of Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

18. The internal layout of the dwelling hereby approved shall not be altered so as to create additional residential accommodation within the roofspace without the prior written approval of the Local Planning Authority.

19. Prior to commencement of development above ground details of the proposed windows, doors and external balcony are to be submitted to, and approved in writing by the Local Planning Authority. The details should include elevation and section drawings at a scale of 1:10 or 1:20, and show the proposed material, finish colour and glazing type. Works shall then be carried out in accordance with the proposed details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

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2. For the avoidance of doubt and in the interests of proper planning.
3. To protect those redeveloping the site, local residents and any future occupants.
4. To limit the impact the development has on the amenity of the locality.
5. To ensure a satisfactory standard of development.
6. To ensure a satisfactory standard of development.
7. To ensure a satisfactory standard of development.
8. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
9. To ensure a satisfactory standard of development.
10. To provide adequate space for the parking and turning of vehicles and to ensure the safety of persons and vehicles entering and leaving the access onto Essenden Road.
11. To ensure a satisfactory standard of development.
12. To safeguard the amenity of adjoining and future residents.
13. To safeguard the amenity of adjoining residents.
14. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
15. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
16. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
17. To safeguard the amenity of adjoining and future residents.
18. To safeguard the amenity of adjoining and future residents
19. To ensure a satisfactory form of development in the interests of the character and amenity of the area.

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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. Consideration should be given to the provision of a domestic sprinkler system.
4. 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.
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. 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.
8. The applicant is reminded that demolition should not take place until any asbestos

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within the garages is removed. The applicant should comply with the requirements of managing asbestos as set out in Regulation 4 of the Control of Asbestos Regulations 2012.

359.4 12-13 York Buildings, Wellington Place, Hastings (HS/LB/22/000143)

Proposal	Retention of Alteration works to existing timber staircase. Replacement newel post. Replacement of existing UPVC hopper and downpipe for new Aluminium Pipe located down the front facade. Works completed 03/05/2021.
Application No	HS/LB/22/00143
Conservation Area	Yes – Hastings Town Centre
Listed Building	Grade II
Public Consultation	Yes – Council application on Council owned land

The Planning Services Manager introduced the application for retention of alteration works to existing timber staircase. Replacement newel post. Replacement of existing UPVC hopper and downpipe for new Aluminium Pipe located down the front facade. Works completed 03/05/2021.

The works have already been completed. Condition 1 has been amended to read:

The retrospective development hereby permitted shall be retained in accordance with the following approved plans: 8933/155C; 8933/156D; 8933/157C; 8933/159B; 8933/160B; 8933/201 REV3; 8933/550B and 8933/P.1.

The application is a Council application on Council owned land. The building is Grade II listed and consists of a shop on the ground floor, with a further three floors under refurbishment for residential use. The site is in the Hastings Town Centre Conservation Area.

The works are to a design that is more in keeping with a listed building and are considered acceptable and the application is recommended for approval.

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

Councillor Sinden proposed approval of the recommendations, subject to the amendment to Condition 1, seconded by Councillor Bacon.

RESOLVED (unanimously) that Listed Building Consent be granted subject to the following conditions:

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

8933/155C; 8933/156D; 8933/157C; 8933/159B; 8933/160B; 8933/201 REV3;
8933/550B and 8933/P.1.

Reasons:

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

Notes to the applicant:

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

2. 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:

National Planning Policy Framework Section 16 applies. The works proposed will not harm (or alternatively, "will positively enhance") the designated heritage asset.

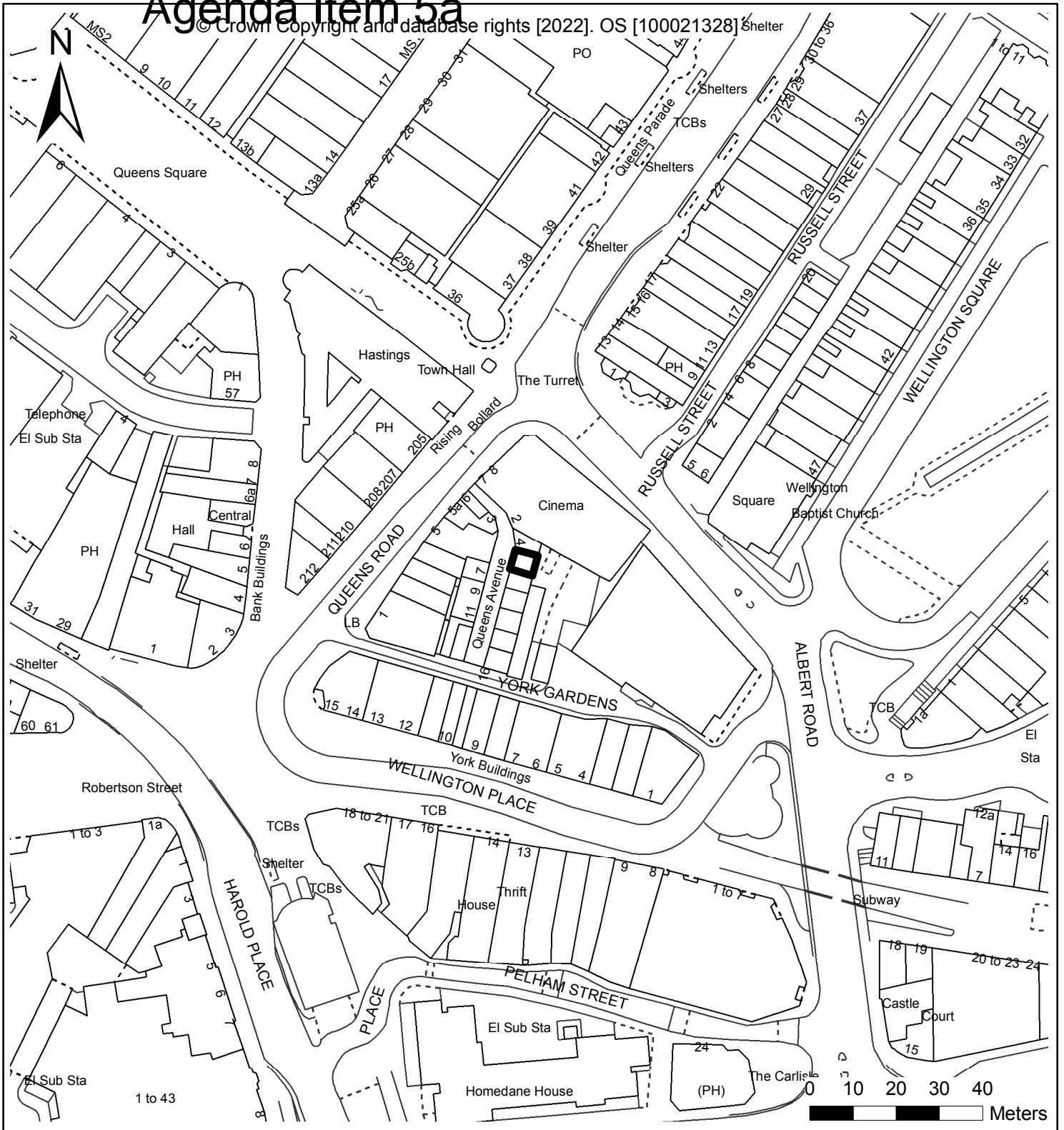
360. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at 6.37pm)

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Agenda Item 5a



**6 Queens Arcade
Queens Avenue
Hastings
TN34 1PA**

Change of use of Unit 6 from shop (Class E) to hot food takeaway (Sui Generis). Install small kitchen (two woks) on ground floor with ordering counter adjoining. Extraction and fresh air make-up ductwork connected to the top of the canopy and exit the building via the first floor and flat roof. Repainting shop front.



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: Sept 2022

Scale: 1:1,250

Application No. HS/FA/22/00106

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Report to: PLANNING COMMITTEE

Date of Meeting: 28 September 2022

Report from: Assistant Director of Housing and Built Environment

Application address: 6 Queens Arcade, Queens Avenue, Hastings, TN34 1PA

Proposal: Change of use of Unit 6 from shop (Class E) to hot food takeaway (Sui Generis). Install small kitchen (two woks) on ground floor with ordering counter adjoining. Extraction and fresh air make-up ductwork connected to the top of the canopy and exit the building via the first floor and flat roof. Repainting shop front.

Application No: HS/FA/22/00106

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018

Conservation Area: Yes - Hastings Town Centre

Listed Building: No

Applicant: Miikiin Limited North Barn Main Road East Sussex, Hastings. TN35 4SL

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	41
Petitions of objection received:	1
People in support:	490
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - Petition received

1. Site and surrounding area

The site comprises Unit 6 within Queens Arcade, a Victorian shopping arcade in Hastings Town Centre. The arcade provides a covered walkway between York Gardens and Queens Road and is listed as a local Heritage Asset. The occupied units provide a range of goods

and services from small independent traders. The units are characterised by traditional shopfronts, and the walkway is covered by a glazed atrium. The site is in a Conservation Area and is designated on the proposals map as being within the Hastings Town Centre Shopping Area.

Constraints

Archaeological Notification Area [Officer note: the application is for a change of use, no groundworks are involved]

Asset of Community Value

Business Improvement District

Conservation Area

Local List Heritage Asset

Area Susceptible to Groundwater Flooding

Low Pressure Gas Pipeline runs through arcade

2. Proposed development

Change of use of Unit 6 from shop (Class E) to hot food takeaway (Sui Generis). Internal works would include installation of a small kitchen (two woks) on the ground floor with an ordering counter adjoining. There will be no customer seating inside or outside the shop, it will be takeaway only.

Externally an extraction and fresh air make-up system would feature ductwork connected to the top of the kitchen extractor canopy and exit the building via the first floor and flat roof, together with repainting the shop front.

The technical specification of the extract system include: Extract Fan - Nicotra DDM9/9 1000w single phase fan 6.0a (2.3afic) rated at 2,700m³/h (77dBA at 1m) enclosed within an acoustically insulated fan box utilising 25mm acoustic lining. Insertion Loss 33dB at 1Khz = 44dBA at 1m with extract silencer - 900 x 750 x 1200L podded, with 4 100mm airways. Insertion loss 38dB at 1Khz = 39dBA and 500 x 350 double deflection supply air grille 0.32m³/s at 1.9m/s and 500 x 400 x 50. Grease filter 0.375m/3s at 1.9m/s and Nominal Dis-Carbon Filter Odour Control Filters.

The proposed opening hours are 9am to 5pm. (Monday – Saturday initially but with the option to open Sunday's and Bank Holidays if required).

No other external alterations are proposed under this application.

The application is supported by the following documents:

Design & Access Statement

Site Waste Management Plan

Heritage Statement

Relevant planning history

HS/AA/22/00207 New signage to front elevation of Unit 6 only

GRANTED 20/06/22

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA3 - Strategy for Hastings Town Centre

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

Policy EN1 – Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets (including conservation areas)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy SA1 – Hastings Town Centre Shopping Centre

Policy SA4 – Drinking Establishments and Hot Food Take-Aways

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change

Policy SP1 - Directing Growth

Policy SP6 - Enhancing the Historic Environment

Policy DP3 - Sustainable Design

Policy DP7 - Access, Servicing and Parking

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 123 of the NPPF states that Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

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 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

Conservation Officer - **No objection**

Environmental Health Food and Pollution- **No objection** subject to imposition of conditions

Licensing –No application has been made to the Licensing team for a premises licence, so **no comment to make**

HBC Waste Services – **No objection**

Fire Service – **Have not provided comments**

4. Representations

In respect of this application a site notice was displayed on Queens Road and Wellington Place and an advert placed in the local paper.

A total of 531 responses were received, of which 41 were objecting and 489 were in support. A summary of these are outlined below;

41 letters of objection have been received raising the following concerns:

- Confined enclosed space of an arcade is not suitable for a food outlet;
- Cooking fumes/odours would fill the enclosed arcade;
- Health and Safety would be compromised for people with nut allergies, asthma and other health conditions;

- Better alternative sites available in the town centre;
- Odours through first floor windows of Hastings Stage Studio (singing, dance and acting school) when open would impact negatively on classes, staff, pupils, and costume storage;
- Second floor windows of Hastings Stage Studio open onto flat roof in close proximity to proposed extraction unit, the main source of fresh air;
- Noise from extraction unit would impact on the Hastings Stage Studio activities;
- Fire risk in an historic building, and concern regarding access for fire service vehicles;
- Would exacerbate parking problems in the town;
- Extractor units would harm appearance of building;
- Not needed, there are enough takeaways in the town.

489 letters of support have been received raising the following:

- New independent small local businesses should be supported;
- The return of this business to the town is widely welcomed;
- Thai takeaway would add to the food options in the town;
- Would add to the variety of food from different cultures in the town;
- Would provide affordable, nutritional, healthy food option for the town;
- Increased footfall would rejuvenate the arcade and wider town centre;
- Would benefit local businesses and tourism;
- Objections generally are unfounded;
- Extraction system would be well away from Hastings Stage Studio windows, there are extraction systems from other outlets nearby;
- Odours would not fill the arcade; the extraction system is designed to discharge it outside the building;
- Odour from fishmongers would have been more noticeable;
- Noise from extraction system would be minimal in relation to the activities at Hastings Stage Studio;
- Peanut allergens are not airborne;
- Existing food outlets in the arcade use nuts as an ingredient;
- Existing food outlets in the arcade have kitchens, the arcade has up-to-date fire alarms and Fire Risk Assessment.

Petition of objection signed by 42 people received 4 July 2022

The main issues of concern noted in the petition are:

- Health and Safety;
- Odour nuisance;
- Impact on fresh air for The Hastings Stage Studio.

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) Existing / Proposed Use

The proposal seeks planning permission for a change of use of a retail unit (Unit 6, Queens Arcade) to a hot food takeaway. Unit 6 is currently vacant. Its last use was as a gift shop which occupied Unit's 6 and 8. The proposed hot food takeaway would only utilise Unit 6, Unit 8 will remain available for Class E retail use and does not form part of this planning

application. A dividing wall will be installed to separate the two units, which are currently all one unit.

Policy SA1 of the Development Management Plan sets out the general approach to the Town Centre shopping area. This policy supports proposals for ground floor units within this area as defined on the Policies Map for uses appropriate to the character of the shopping area including A1-A4 uses. Policy SA1 does not specifically cover takeaway uses (hot food takeaways were previously Class A5 when the policy was written but are now Sui Generis and do not fall under any specific use class). Nonetheless, the policy approach to permitting non-A1 uses, was that they should satisfy the following criteria;

- a) *The proposal would not result in non-A1 uses exceeding 5% of the total floorspace of Priory Meadow and not more than 45% of the total number of ground floor units in the remaining shopping area, as defined on the Policies Map;*
- b) *The proposal would not result in such a concentration of non-A1 uses as to lead to a significant interruption in the shopping frontage, thus harming the vitality and viability of the town centre shopping area as a whole.*

In regard to these criteria, the first part of part a) is not relevant as Queens Arcade is not within the Priory Meadow shopping centre. In terms of the percentages, the policy position is now less prescriptive, due to the changes in use classes and shopping patterns. As a result, it is necessary to take a flexible approach to town centres, and consider non-retail uses to respond to these changes. As such, percentage thresholds may restrict the overall vitality of town centres, and the national government position now is that there must be a focus on non-retail uses to maintain the vitality of town centres. The proposed change of use would not be contrary to this ethos. It is also noted there are a number of other vacant retail units in the arcade at the time of writing, and therefore, the proposed loss of Unit 6 as a retail unit, would not preclude a trader setting up a retail business in the arcade.

Furthermore, in regard to part b), the proposed hot food takeaway would retain an active shopfront. The cooking area and counter would be front of house, visible through the shopfront window, and as such, the activity associated with the proposed use and the steady flow of customers would contribute positively to the vitality of the arcade and the shopping area as a whole; and, the footfall created would be a positive outcome for the viability of the arcade and the Town Centre too. There is a healthy mix of independent traders within Queens Arcade, and it is considered the introduction of a popular Thai hot food takeaway would add to the character and attractiveness of this Victorian arcade as a destination. Furthermore, there are a diverse range of takeaway outlets in the Town Centre and the addition of a Thai food outlet into the mix provides further options for residents and tourists. As such, whilst Policy SA1 is not specifically relevant for a change of use to a hot food takeaway, the general thrust of the policy to maintain a balanced, vibrant, and viable Town Centre, would not be compromised by this proposal. Furthermore, this type of proposal is conducive with criteria e) of Policy FA3 of The Hastings Planning Strategy, in that it is the type of use that would be popular with visitors to the town, as well as for local people.

Policy SA4 of the Development Management Plan sets out the general approach to granting planning permission for drinking establishments and hot food takeaways. The policy sets out 5 criteria which must be met before planning permission is granted.

- c) *the precise nature of the use proposed, including opening hours, is given;*
- d) *the proposal would not adversely affect neighbours, for example, causing excessive noise and odour;*
- e) *the proposal would not, on its own, or cumulatively with other such uses in the area, be likely to result in problems of disturbance or public disorder;*
- f) *suitable off-street parking is or can be provided where there is insufficient on-street parking; and*

g) it would not cause inconvenience or danger on the public highway as a result of the additional stopping and manoeuvring of vehicles.

As discussed in the remainder of this report, it is considered that the proposed change of use would not conflict with the requirements of this policy. In terms of criteria a) the planning application clearly sets out that the precise nature of the use proposed is as a Thai food takeaway. As such, the type of extraction for this type of cuisine can be assessed accordingly. Similarly, the application clearly sets out the opening hours as 9am to 5pm (potentially seven days per week), which is restricted by the arcade opening hours, which closes at 5pm. This and criteria b) are discussed in more detail in section d) 'Impact on neighbouring residential amenities in this report, in which it concludes the proposed use would not impact adversely on neighbours.

In regard to criteria c) of Policy SA4, due to being restricted to daytime opening hours, it is considered the proposed use would not be likely to result in public disorder issues. In terms of criteria d) and e) the site is in a sustainable location in the Town Centre, close to numerous public car parks, and there would be no issues regarding inconvenience to users of the public highway, as the site is within a pedestrian arcade, which itself is within a pedestrianised area of the Town Centre. These matters are discussed further in this report.

So overall, it is considered that the principle of the change of use from retail to hot food takeaway in this location is appropriate and in accordance with the relevant policies in the Local Plan. The site specific material planning considerations are discussed in the remainder of this report, but subject to the consultee responses and compliance with other relevant Local Plan Policies, the loss of a single retail unit and a new hot food takeaway in its place, is acceptable in this location and is considered to accord with Local Plan policy SA4 in regard to new hot food takeaway's.

c) Impact on character and appearance of area / conservation area

Queens Arcade is an aesthetically pleasing Victorian shopping arcade within the Town Centre Conservation Area. Policy EN1 of the Hastings Planning Strategy (2014) seeks that development should sustain and enhance the significance of heritage assets and/or their setting. Policy DM1 of the Hastings Development Management Plan (2015) requires that proposals must reach a good standard of design, which amongst other things should protect and enhance local character. Furthermore, Policy HN1 of the Hastings Development Management Plan (2015) states permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how the proposal sustains and enhances the significance of any heritage assets affected (including conservation areas).

The timber Victorian shopfronts within the arcade are delineated by timber pilasters, with moulded cornices separating the shopfronts from the ornate first floor windows above. The equally decorative glazed vaulted pitched roof and light lantern above the public thoroughfare adds to the Victorian grandeur of the internal space. As such, the arcade contributes positively to the character and appearance of the Conservation Area and the Conservation Officer consultation comments notes the arcade is worthy of listing as a local designated heritage asset in its own right. It is noted however the property is not formally listed as a locally designated heritage asset and no formal application is currently being considered for this. The property is also close to several listed buildings in the surrounding area.

The proposal is primarily for a change of use of the shop, and as such, involves limited external operations. The applicant has indicated that no alterations will be made to the

shopfront other than re-painting, and new signage as approved under HS/AA/22/00207. It is noted re-painting does not require consent from the Council, and as such it would be unreasonable to dictate the colour scheme by condition.

Unit 6 is in the north east end of the arcade, one unit in from the adjoining wall of the cinema building. There is a flat roof above the upper floor of the shop units, which abuts the external wall of the cinema building. Due to the proposed use as a hot food takeaway, the proposal includes a ducted extraction system which will run through the ground floor ceiling, along the first floor sidewall and exit the building at the rear of the first floor of the unit, where the external extraction unit will be mounted on the flat roof above. The flat roof area of the arcade is partially publicly visible from York Gardens, which is primarily a service road providing rear access to retail units within the pedestrianised shopping area. Nonetheless, this is a public thoroughway. However, it is considered any visual impact from the proposed external extraction ducts would be extremely limited, due to the low profile nature of the installation which would sit horizontally along the roof plane; and the distance, elevated position and angle in relation to viewpoints from York Gardens. Views from York Gardens would be over a vehicle parking area, a walled commercial yard, and the flat roof of an adjoining building, which is stepped down from the flat roof above the arcade shop units. The visual impact would be further restricted by a parapet upstand wall on the eastern side of the flat roof, which would further inhibit views of the extract duct from the public domain. This limited visual impact, is in the context of a multitude of highly visible vertical extraction ducts which negatively adorn the back of buildings which front Wellington Place, from the same vantage point in York Gardens. Further to this, the roofscape of the buildings on Queens Road, Wellington Place and Albert Road, entirely enclose the arcade roof, completely inhibiting public view from these areas of heavier footfall.

In the light of this assessment, it is considered the proposed extraction system would have a neutral impact on the character and appearance of the Conservation Area, and on the setting of nearby listed buildings. As such, no objection is raised by the Conservation Officer.

In light of the above, it is considered that the external alterations to the building would not be harmful to the character and appearance of the arcade or the Conservation Area, and as such it is considered that the development is acceptable in this regard and complies with Local Plan Policies DM1, HN1 and EN1 and National Planning Policy Framework paragraphs 194, 195, 197, 199, 200, and 202.

d) Impact on neighbouring amenity

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) requires new development to avoid any adverse impact on the amenity of neighbouring properties. Furthermore, criteria b) of Policy SA4 stipulates the proposal would not adversely affect neighbours, from for example, causing excessive noise and odour. As such, this assessment needs to consider the amenity of the neighbouring residential units to ensure that they are not harmed as a result of the proposed change of use through noise, odour and activity associated with the use.

Cooking fumes if not dealt with adequately can cause nuisance to local residents, and to occupiers of other non-residential buildings. Furthermore, the extraction systems designed to mitigate cooking odours, can also result in noise disturbance.

Following discussions with the applicant and Environmental Health officers, subsequent to the initial application submission, technical specifications of the extraction system were requested and provided, in order to fully assess the implications of the proposed use on the

local environment.

The proposal includes a kitchen extractor canopy overhanging the entire cooking area, to capture the fumes from the cooking appliances, and via a ducted extraction system omit the fumes through a series of filters via the external extraction unit mounted on the flat roof. Environmental Health officers have confirmed that it is a robust system, that is more than adequate for the proposed type of cuisine, with top end pre-filters and carbon filters. It is a state-of-the-art system, which goes over and above the odour and noise legislative requirements for the type of cuisine proposed. As such, the proposed extract system is satisfactory for the purposes of odour prevention, and it complies with EMAQ+ Control of Odour and Noise from Commercial Kitchen Extraction Systems 2018 guidance. The first-floor windows serving the spaces above the arcade shop units (such as the Hastings Stage Studio), are internal within the enclosed vaulted space within the arcade, and the extraction system is designed to remove the cooking fumes from this internal space, to be discharged externally. Inevitably there will be some aroma from the food within the arcade, as there is from the other food outlets. However, crucially, due to the extraction system these would not be obnoxious choking fumes that would cause public health issues.

Externally, there are no openings serving residential properties in external walls close to the flat roof area where the extraction ducts would be sited. There are however second floor windows and a fire door serving the main studio of the Hastings Stage Studio, which are frequently kept open as a fresh air source for the students. These openings are approximately 15m from the proposed external extraction ducts, and it is noted the system would discharge away from these windows toward the blank cinema wall. There are many extraction units in the immediate area serving takeaway outlets, and a faint smell of food is an ever-present when these uses exist in an area. However, it should be noted that many of the nearby outlets have cuisine that involves heavy use of deep fat fryers that produce more pungent odours that frequently clog up filters designed to reduce odour nuisance. Conversely, the proposal for Unit 6 only involves light frying in two woks, which is much less intense. As such, this proposal would not exacerbate the existing situation in terms of odours. For the reasons described, the proposed extract system situated on high flat roof, discharging well away from residential / non-residential receptors with a top of the range filtration system, would not cause harm as a result of cooking odours.

Equally, for the same reasons described above, the external extraction system is well away from any noise sensitive receptors. The immediate surrounding area has many commercial food premises with existing extraction systems and air conditioning units at ground and first floor level, particularly prevalent on the rear of the properties fronting Wellington Place. As such, from the public domain in York Gardens these existing units contribute discernibly to the regular background noise associated with a busy town centre location. It is considered that due to the considerable distance and height of the proposed extraction ducts from the public domain and sensitive noise receptors, combined with the advanced built-in noise reducing features including acoustically insulated fan boxes and silencers, the proposed extraction system would not exacerbate the existing ambient background noise. It is also noted the system (due to restricted opening hours of the arcade) would only operate during daytime hours, providing further mitigation.

In conclusion, following the receipt of the technical specification details of the proposed extraction system, Environmental Health officers have confirmed, there is no requirement to secure further details by condition, as the original comments made by Environmental Health regarding noise and odour have now been satisfied. The submitted details, in conjunction with an on-site assessment, demonstrate that the proposed system would have sufficient properties to mitigate any odour and noise nuisance to neighbouring properties and the

public domain. In fact, the applicant would be deploying the most up to date kit, to provide the best solution available for noise and odour emissions. As such, it is considered the proposed system, would not impact detrimentally on the surrounding environment, in accordance with criteria b) of Policy SA4 of the Development Management Plan.

A condition is required to ensure that the proposed extraction system as described is installed prior to opening and that it is serviced and maintained as per manufacturer's instructions thereafter [Condition 4].

The proposed trading hours are from 9am to 5pm. There is no option to open later, as the arcade shuts to the public at 5pm. In these circumstances it is considered the customer activity associated with these sociable hours, would not impact detrimentally on residents living in the Town Centre. As such, the hours put forward by the applicant are acceptable and will be controlled by [Condition 3].

Informatives recommended by Environmental Health have also been included which advise the applicant about food safety and health and safety requirements [Informatives 3 & 4]. In the light of the above, the proposal is in line with the requirements of Policies DM3 and SA4 of the Hastings Local Plan - Development Management Plan (2015).

e) Highway safety/parking

No parking provision can be provided for the proposed change of use, and off-road parking is not possible given the location of the site in a pedestrian only arcade, which itself is in a mainly pedestrian area of the Town Centre. In this case, the site is already a shop which would generate customers on foot, deliveries, loading and unloading for the takeaway being no different to the shop, in that van access to the service areas would be permitted in accordance with local traffic restrictions.

As such, given the parking constraints, as the site can only be reached on foot, customers would collect takeaway food this way, having, if they have travelled into the Town Centre by car, parked in one of the many public car parks in the surrounding area.

Initially, the business is not providing a delivery service, but may do so in the longer term once established. There are many hot takeaway businesses in the immediate vicinity of the arcade that already operate a delivery service successfully, so it is not considered any issues would arise from the proposed Thai hot food takeaway doing the same. Given the parking restrictions in the streets around the arcade, and access to the arcade limited to pedestrians, the couriers would collect the order on foot and take them to their vehicle/motorbike. As such, as above it is not considered this would give rise to inconvenience to users of the highway. Nonetheless, prior to commencing a delivery service, the applicant will be required to submit details with a management plan, to ensure the impact is controlled [Condition 5].

Given the vehicular access constraints of the site, there is little opportunity for vehicles to wait in the highway to collect food, and as such, the proposed development would not impact significantly on the highway, and therefore the proposal is considered acceptable in this regard which complies with Policies SA4 and DM4 of the Hastings Local Plan - Development Management Plan (2015).

f) Waste

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, there is adequate space for storage of waste and the means for its removal. Queens Arcade is an established business location, with a mix of retail and existing food outlets. As such, the arcade management already have a waste strategy for the arcade. This includes dedicated bins solely for the food businesses with secure lids, which are stored in York Gardens, and collected regularly. On this basis HBC Waste services have no objection subject to the imposition of an informative [Informative 5].

Hot food takeaways can be a serious source of litter, particularly in town centres where there is a proliferation of such establishments in close proximity to each other. The applicant has indicated food will be served in biodegradable food containers for customers to take away their food in. Condition 6 requires a strategy for waste to be submitted and approved which may include the requirement for signage to be erected in the shop requesting that customers dispose of waste using bins and in a responsible manner. [Condition 6].

g) Issues raised in representations.

Concerns have been raised about potential allergens affecting people as a result of the proposed use. This is a matter which is outside of the remit of planning and would require a suitable qualified person to assess the medical evidence.

6. Conclusion

In conclusion, the principle of the proposed change of use is acceptable, and meets with the relevant local plan policies, and the governments overview to help maintain vibrant diverse town centres. The proposed external works would involve less than substantial harm, with the public benefits of supporting local business outweighing the harm. Furthermore, the application proposes a high-end extraction system to mitigate any noise and odour nuisance in the surrounding area; and, due to the location in a pedestrianised area, highways impact would be minimal. Therefore, when balancing all the material planning considerations, there is no good planning reason to warrant refusing the application, and the proposal is therefore recommended for conditional approval.

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:

Site Location Plan
TV514-1B - Kitchen Extract Ventilation System

TV514-2 Existing Plans
Proposed Shop Interior Design
Existing/Proposed Shop Front image

Standard Discard Cells - Product Data Sheet
FP Pleated G4 Panel Filter - Product Data Sheet
Reliance P85 Synthetic Bag Filter - Product Data Sheet
Extract Fan - Product specification details (Nicotra Gebhardt)
Fresh Air Fan - Product specification details (Nicotra Gebhardt)
Fan box acoustic lining - Product specification details (Wilhams Insulation Group)
Extract Silencer specification data

3. The premises shall not be used except between the following hours:-

09:00 to 17:00 Monday to Sunday and Bank Holidays.

Any proposed changes to the above opening times shall be submitted to and approved in writing by the Local Planning Authority.

4. Prior to the first operation of the use hereby permitted, the approved extraction system shall be installed and fully operational. It shall thereafter be operated and retained in accordance with the approved details, and maintained and serviced in accordance with the manufacturers specification.
5. Prior to the commencement of any delivery service from the premises, the operational details and a management plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the delivery service shall be operated and managed in accordance with the approved details.
6. Prior to the first operation of the use hereby permitted, a plan outlining the measures to reduce litter generated from the use hereby permitted, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the litter prevention measures shall be implemented at all times in accordance with the approved 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 amenity of the neighbouring occupiers.
5. In the interests of the amenity of the neighbouring occupiers.

6. In the interests of the amenity of the neighbouring occupiers.

Notes to the Applicant

1. Failure to comply with any condition imposed on this decision 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. Prior to occupation, the Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/food_packs/caterers/
4. The applicant is strongly advised to contact the Environmental Health Team before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law.
5. Trade waste that is produced at this establishment would need to be collected by a registered and licensed trade waste carrier, and the collections would need to be frequent enough to prevent the waste from becoming a detriment to the surrounding area. The bins would need to be locked and kept in good condition and stored safely at all times.

Officer to Contact

Mr Paul Howson, Telephone 01424 783279

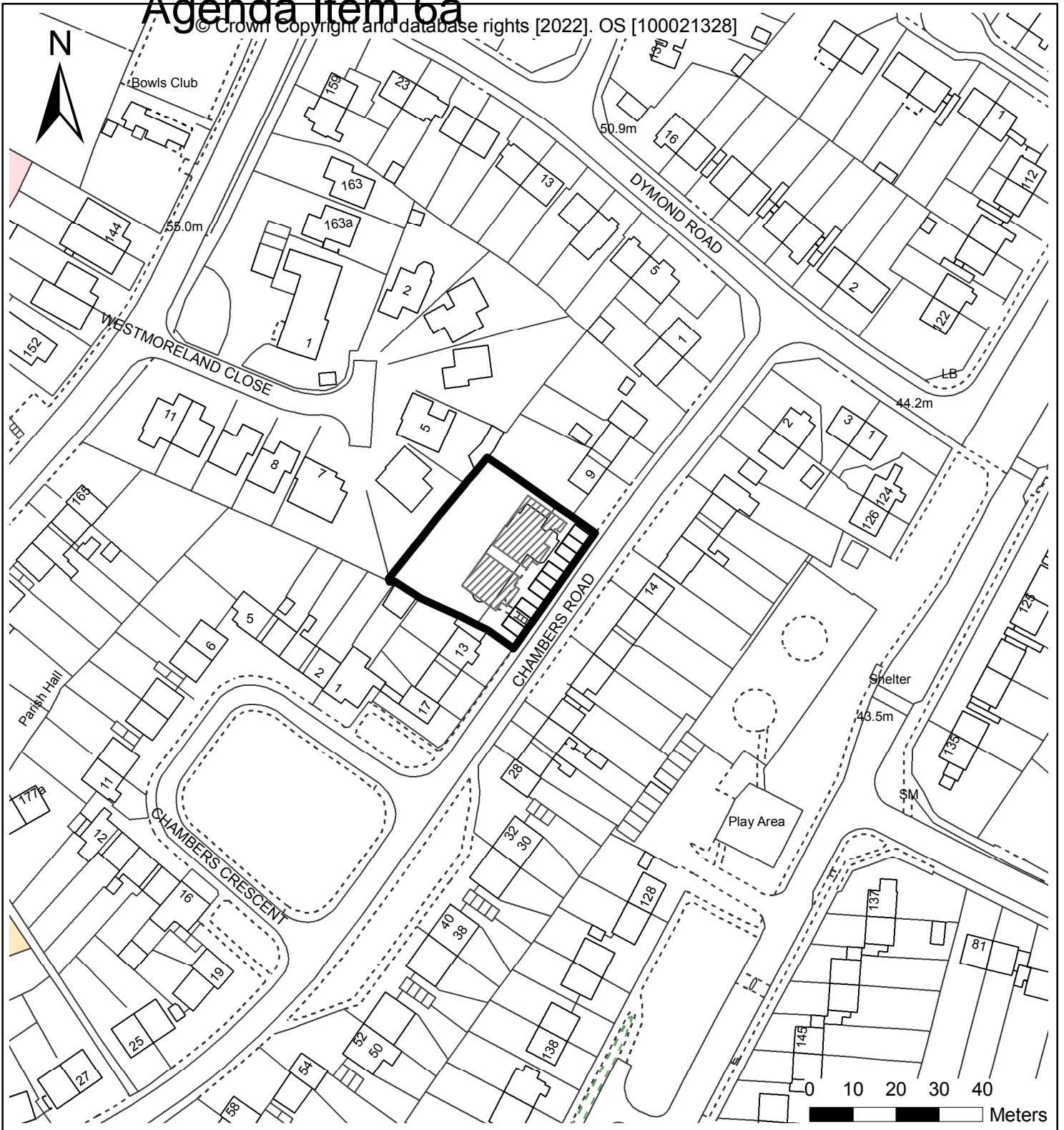
Background Papers

Application No: HS/FA/22/00106 including all letters and documents

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Agenda Item 6a

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Mission Church (St Annes)
11 Chambers Road
St Leonards-on-sea
TN38 9HY

Demolition of redundant church and erection of 5 dwellings with on-site parking



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings TN34 3UY
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Date: Sept 2022

Scale: 1:1,250

Application No. HS/FA/22/00028

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Report to: PLANNING COMMITTEE

Date of Meeting: 28 September 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **Mission Church (St Annes), 11 Chambers Road, St Leonards-on-sea, TN38 9HY**

Proposal: **Demolition of redundant church and erection of 5 dwellings with on-site parking**

Application No: **HS/FA/22/00028**

Recommendation: **REFUSE**

Ward: WISHING TREE 2018
 Conservation Area: No
 Listed Building: No

Applicant: Victory 1066 Ltd per CLM Planning 14 Magpie Close Bexhill-on-Sea TN39 4EU

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	17
Petitions of objection received:	0
People in support:	10
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 a former mission church on the north west side of Chambers Road, St Leonards-on-Sea. The church was built in the late 1950s and is finished in brick and flint church being "in the Arts and Crafts style". The church features a tower with a pyramidal roof and a nave with windows which break through the eaves to gabled and hipped dormers.

The church is in an elevated position to the road level, with grassed banks to the front and sides. A stepped and ramped access leads from Chambers Road to the entrance door at the southern end of the building.

The surrounding properties in Chambers Road are post-war and arranged in long terraces. These properties are finished in white render with brick detailing with pitched roofs.

Constraints

Flooding Surface Water 1 in 1000
GCD District Licensing Scheme IRZ - Green
SSSI Impact Risk Zone

2. Proposed development

This application seeks permission for the erection of 5 dwellings and associated parking. To facilitate the development it is proposed to demolish the existing Mission Church building on site. The proposed dwellings are arranged in a semi-detached pair and a terrace of three units. A total of 9 parking spaces are shown along with areas of soft and hard landscaping.

The application is supported by the following documents:

- Greenfield runoff rate estimation for sites
- Proposed Surface Water Storage Volume Estimation
- SUDs report
- Planning Statement
- Covering Letter
- Preliminary Ecology Appraisal

Relevant planning history

Application No.	HS/55/00743
Description	55/743 - Erection of Mission Church - REF 19/12/1955 55/743A - Erection of Mission Church - GTDX 10/04/1956
Decision	Refused on 19/12/55

Application No.	HS/FA/03/00993
Description	External ramp and steps to provide access.
Decision	Refused on 30/01/04

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy DS1 - New Housing Development
Policy SC3 - Promoting Sustainable and Green Design
Policy SC7 - Flood Risk
Policy EN3 - Nature Conservation and Improvement of Biodiversity

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 H1 - Housing Density
Policy H2 - Housing Mix

Policy T3 - Sustainable Transport
Policy HN8 - Biodiversity and Green Space

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP2 - New and Affordable Housing
Policy DP1 - Design - Key Principles
Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP4 - Flood Risk and Water Quality
Policy DP5 - Biodiversity
Policy DP6 - Green Infrastructure
Policy DP7 - Access, Servicing and Parking

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 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 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

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.

National Planning Policy Guidance (NPPG)

What is net gain? - Paragraph: 020 Reference ID: 8-020-20190721

How can plans encourage net gain? - Paragraph: 021 Reference ID: 8-021-20190721

What is biodiversity net gain? - Paragraph: 022 Reference ID: 8-022-20190721

National Model Design Code - Part 1 The Coding Process - 2021

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.

Other policies/guidance

- Homes and Community Agency (HCA) Urban design lessons: Housing layout and neighbourhood quality - January 2014
- East Sussex County Council - Minor Planning Application Guidance (2017)
- The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)
- National Design Code Part 1- The Coding Process - Ministry of Housing, Communities & Local Government
- NHBC Standards 2022- 10.2.6 - Drives, paths and landscaping

Conservation Officer - **No comment received**

NatureSpace - **No comment required due to site constraints**

Environment and Natural Resources Manager - **No comment received**

Highways - **No objection, subject to conditions**

Southern Water - **No objection, subject to informative**

4. Representations

In respect of this application a site notice was erected. In response to this 17 letters of objection and 10 letters of support have been received. The matters raised within these letters include -

Objection:

- Impact on existing parking levels
- Pollution
- Overlooking and loss of privacy
- Out of keeping
- Better use as a community facility
- Loss of green space
- Impact on existing infrastructure (doctors, schools etc)
- Noise
- Impact on Wildlife
- Over development
- Impact on traffic flow
- Impact during construction/demolition
- Loss of historic building
- Architectural significance
- Heritage should be preserved
- Site in use still (not as place of worship)
- Should considered conversion rather than demolition
- Empty houses should be used, encouraging shared houses
- Building projects producing large amounts of CO2
- Should be treated as a Non-designated Heritage Asset
- Poorly insulated dwellings
- No use of renewable energy
- Small properties

Support:

- Need new houses
- Need affordable housing
- Removal of "eyesore"
- Underused community centre
- Alternative community centres nearby
- Good for first time buyers

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) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. It is considered that a development as proposed would positively contribute to the Council's housing stock. However, this positive needs to be weighed against the negatives of the scheme which are the design and impact of the development on the street scene and the character and appearance of the area, the loss of green space, the lack of justification for the loss of a community facility, and the inadequate provision for the collection of waste and recycling from the site. In this case and as discussed herein it is considered that the negatives of the scheme significantly and demonstrably outweigh the housing benefit. As such, the application is not supported by the National Planning Policy Framework and the Hastings Local Plan Policies. The negatives of the scheme will need to be weighed against the positives, and a decision made on whether these negatives significantly and demonstrably outweigh this benefit. This is balanced and concluded in paragraph 6 (Conclusion) of this report.

c) Layout

The site is approximately 1073m² with the dwellings, patio areas, hard surfacing and parking areas occupying approximately 456m² of the site. The site is bordered on all sides by residential properties in Chambers Road and West Moreland Close.

The proposed dwellings are positioned in a similar position to the existing church and span the majority of the width. The distances from the side boundaries ranges from 1.8m-5.3m . The dwellings are shown to have gardens to the rear and areas of soft and hard landscaping to the front. To allow for the parking spaces at the front of the site, the dwellings are set back from the highway by approximately 6.9 metres.

The proposed dwellings are approximately 8.2 metres from the side elevation of No.9 Chambers Road, 8.1 metres from the side elevation of No.13 Chambers Road and 19.2 metres from the rear of No.6 West Moreland Close. The dwellings are shown to be on a higher ground level than the neighbouring residential properties and are to be of a similar height to the existing church.

d) Impact on character and appearance of area

Policy DM1 of the Hastings DM 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.

This is supported by the Housing and Community Agency (HCA) guidance titled 'Urban Design Lesson - Housing Layout and Neighbourhood Quality' published January 2014. The guidance in section 2, 'Active Frontage' states that 'A street or space is formed by the buildings that surround it, much like a room is formed by the walls around it. Well-defined streets and spaces are created by relatively continuous building frontage. Active frontage made up of front doors and windows (especially to ground floor habitable rooms) create lively and well-supervised streets. This is a key requirement for creating safe and attractive public spaces. Keeping gaps between buildings limited and avoiding blank walls and garden fences which face the street are important considerations. To achieve this, long perimeter blocks, wide frontage dwellings and bespoke dual-fronted corner dwellings can all contribute to active frontage.' and notes under the heading Lessons the advice, 'Minimising blank walls and garden fences: Buildings fronting onto streets and spaces are key to quality of place and the animation of the public realm'.

Design:

The application proposes 5, two storey properties arranged in a pair of semi-detached dwellings and a terrace of three. The dwellings front onto Chambers Road in an elevated position from the highway. The properties surrounding the site are post-war and arranged in long terraces. The existing properties are modest two storey units, finished in white render with brick detailing with pitched roofs.

The proposed dwellings are also two storey, however, they appear top heavy due to the expanse and height of their roofs. The roof design is also hip-to gable with the ridge height being taller than the main body of the existing church. Similarly, the proposed dwellings are shown to have front projecting porches and are finished with brick to the ground floor and render to the upper. The window arrangement in the front elevation is also somewhat mismatched in that there are windows with both vertical and horizontal emphasis. These design features result in a development that fails to reflect the clearly defined character of the area as established by the existing properties in Chambers Road. The new dwellings are therefore considered to be out of keeping with the surroundings and contrary to Policy DM1 of the Development Management Plan 2015.

Impact on the street scene:

Presently, the church on site is a focal point in Chambers Road, being in an elevated position with grassed banks to the front. Due to the existing properties in the road being set back from the highway, the grassed area to the front of the church is clearly visible when travelling in both directions along Chambers Road. The grassed area to the front of the church would be lost as a result of the development, being replaced with parking spaces cut into the bank and a retaining wall to the rear of the parking spaces. It is acknowledged that some soft landscaping has been included as part of the development, with the aim of introducing and maintaining elements of green and openness, however, it is not considered sufficient to balance the loss of this green and open frontage to development. This combined with the concerns in relation to the design of the dwellings is considered to result in a development that would appear overly prominent and incongruous within the streetscene.

Overall impact

As a result of the above, it is considered that the proposed development by virtue of its design, bulk, massing, loss of openness and green space represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development is therefore considered to be of a poor design that would harmfully affect the character and appearance of the area and contrary to Paragraph 130 of the NPPF, Paragraph 20 of the National Design Guide, together with Policy DM1 - Design Principles, of the Development Management Plan 2015 and Policy SC1 of the Hastings Planning Strategy 2014.

Heritage:

It must be acknowledged that an objections towards the scheme been received from Historic Building and Places (formally Ancient Monument Statement) and The Twentieth Century Society. They have requested that the church be treated and assessed as a "non-designated heritage asset". While this request is noted there has been no application to formally register this church as a non-designated heritage asset. The site is also outside of a Conservation Area, is not a listed building and does not fall within the setting of a listed building. As a result of this, it is not considered necessary to consider impact on heritage as part of this application.

e) Proposed use and loss of existing use

Policy HC3 of the Hastings Planning Strategy (HPS) states that planning applications involving the loss of a community facility will only be permitted where it can be demonstrated that the existing community use is no longer required, not viable, or proposals for its

replacement are included in the application.

Paragraph 3.12 of the Planning Strategy defines a community facility as any building used by local people for community purposes. This can include community halls, meeting rooms, youth centres and church halls. Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. The Planning Strategy goes on to identify that the communities of the Borough are set to grow and as such, these facilities will not only need to provide for the needs of the existing population but also for more people as they move to the area. The HPS states that it is important that the value of existing facilities is appreciated and that their retention or appropriate replacement is an early consideration in any proposed scheme. This approach is supported by Paragraphs 20, 83 and 92 of the National Planning Policy Framework which seeks to ensure the provision and retention of community facilities.

The applicant has advised that Mission (St Anne's) Church is no longer required as a place of worship and has been sold by the Church of England. Prior to the sale in 2021, the church had not been used for regular worship by the church for a period in excess of 10 years. While this is acknowledged, it is apparent that the site has more recently been converted to a kick boxing gym and is used by the local community with weekly classes for multiple age groups. This is substantiated by several of the letters from local residents and from information available online. As such, while no longer used for worship, the site is still considered to be operating as a community facility and the reference to the building being redundant is somewhat misleading. It should also be noted that there is no reference to the gym use within the planning submission.

As a result of the investigation into the current use of the premises, it is apparent that the site is currently in use as a community facility as defined by the Hastings Planning Strategy. No alternative location for the Kick boxing Gym has been proposed and as such, it is considered that the proposal would result in the loss of an existing community facility without sufficient justification to demonstrate that the premises is no longer needed. The proposal is therefore contrary to Policy HC3 of the Hastings Planning Strategy, Policy SC1(e) of the Hastings Development Management Plan, along with paragraphs 20, 84 and 93 of the National Planning Policy Framework.

f) Future residential amenities

Internal Floor space:

The Department for Communities and Local Government (DCLG) has produced Technical Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. This document does not allow for four storey dwellings, however for a three storey, four bedroom unit a minimum of 103-130m² should be provided. The proposed dwellings exceed these minimum sizes and as such are considered acceptable. The TGSS also stipulates that the minimum size for individual bedrooms are 11.5m² for a double and 7.5m² for a single. All bedrooms within the unit meeting these requirements and as such are considered acceptable.

While the overall floor space of the units is acceptable there are some design elements that, were the application to be approved, would be suggested to be amended. The first of these is the arrangement of the kitchen worktops/cupboards and the full height front window, as presently these overlap. Secondly, the culmination of three doors in one location, with the entrances to the lounge, wc and cupboard all being within an area of 1.3m². These elements appear neither practical or functional.

External Amenity Space:

Point (g) of Policy DM3 of the Hastings Development Management Plan states that

appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length.

All of the proposed properties are shown to have extensive gardens with mixed areas of patio and soft landscaping. As such, this element of the proposal is considered acceptable and meet the requirements of Policy DM3 as quoted above.

g) 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.

Impact on Chambers Road properties:

There are no windows in the side elevations of No.9 or No 13. Chambers Road that face towards the application site. As such, there would not be an impact in terms of loss of outlook as a result of the development. 2 small windows are proposed in the side elevations of the new dwellings, however, these serve bathrooms. As such a condition could be imposed to ensure these remain obscure glazed. In light of this it is considered there would not be a detrimental impact in terms of privacy. Due to the levels of separation between the proposed dwellings and the existing properties exceeding 8 meters it is also considered that there would not be an impact in terms of over shadowing or loss of light.

Impact on No.6 West Moreland Close:

While directly to the rear of the application site there is to be approximately 19.2 metres between the proposed dwellings and the rear elevation of No.6 West Moreland Close. This property is on a slightly higher land level to the existing church and has several windows that overlook the application site. It is acknowledged that the outlook from No.6 would change as a result of the development, however, this is not considered detrimental and refusal on this basis would not be justified.

With regards to privacy, each of the proposed dwellings is to have a single first floor window and a window and patio door at ground floor level in the rear elevation. These openings will face towards No.6, creating a level of mutual overlooking. The relationship between the two properties is not an uncommon feature in a built-up area with clear examples present further along Chambers Road. The National Design Code provides guidance on acceptable levels of separation between residential properties. This document advises that a minimum of 15-20 metres should be provided between properties elevation to elevation. In this instance there would be a minimum of 19 metres elevation to elevation and as such the separation distance is considered acceptable. To further address any potential privacy concerns, a robust landscaping scheme could be secured by way of condition to ensure provision of natural screening along the mutual boundary. Due to the levels of separation, it is also considered that there would not be an impact on No.6 in terms of loss of light or overshadowing.

Overall impact:

Taking the above into account, it is considered that the proposed development would not have a detrimental impact on the amenities of the neighbouring properties in terms of loss of light, outlook, over shadowing, loss of privacy or overlooking. The proposal therefore complies with the aims of Policy DM3 of the Hastings Development Management Plan.

h) Highways

Trip Generation:

The applicant has not submitted trip generation analysis for this development. However, the proposals will likely result in minimal trips due to the low number of proposed dwellings. Therefore, it is not considered that this development will result in a significant impact on the local highway network.

Access:

The site has an existing pedestrian access from Chambers Road to the church. The proposed development includes the installation of a dropped kerb due to the location of the proposed car parking spaces on the edge of the site. These works would require a license for any temporary construction related works that will obstruct or affect the normal operation of the public highway. Furthermore, a S278 agreement may be required to undertake works on the highway. This matter would be dealt with directly between the applicant and the County Highways Authority.

The proposed arrangement requires vehicles to either reverse into the proposed parking spaces or reverse out onto the highway. These movements are also restricted by the high level of on-street parking in the vicinity. Whilst this is not considered ideal, it is noted that a number of neighbouring properties in Chambers Road also have the same arrangement. Highways have advised that it would therefore be difficult to sustain an objection on this basis.

Car Parking:

In accordance with the County Council's parking calculator, 5 two-bedroom houses would require 7.67 parking spaces. The site is proposing 9 car parking spaces. The number of car parking is therefore considered acceptable.

ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted plan indicates that the proposed parking bays measure 2.5m x 5m, which is considered acceptable.

Cycle Parking:

In terms of cycle parking provision, there is a cycle store in each garden, which is in accordance with the County Council's cycle parking guidance. There would need to be storage for 2 bicycles per 2 bed dwelling to be in accordance with the County Council's guidance. The County Council requires cycle parking to be in a safe, secure and covered location. Cycle parking should be secured as a condition.

i) Waste and recycling

Policy DM3 of the Hastings Development Management Plan requires that there is adequate space for storage of waste and the means for its removal. This includes provision for the general management of recyclable materials. This is supported by Part H of Building Regulations which sets out that waste containers should be sited so that residents don't have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance.

Within the garden of each property it is proposed to provide a bin storage area. Residents will then be required to relocate their bins to the highway on the relevant collection day. The distances from storage to collection is acceptable for P1 and P2, being under the maximum of 30 metres. However, the distances for P3, P4 and P5 exceed 30 metres and as such are considered unacceptable. It should also be noted that no designated collection point has been shown. As a result of this, bins would likely be left on the pavement. Due to the arrangement of the front of the site, there is little space for the bins to be left without disrupting the access to

the public pavement, pathways or parking spaces on site. It should also be noted that little detail has been provided on the pathways and/or steps down to the pavement level. The NHBC Standards 2022 advise that paths should have a maximum slope of 1:6 and on steeper sloping ground, steps may be required. These standards also advise that paths used for the removal of refuse to the collection point should have a minimum hardstanding width of 750mm and a minimum overall width of 900mm. The slope to take bins down to and up from the highway is fairly steep and may exceed this gradient, requiring steps. This further complicates the moving of bins to the kerbside for collection.

Taking the above into account, it is considered that the proposed development fails to meet the requirements of Policies DM3 and DM4 of the Hastings Development Management Plan.

j) Drainage

The application form submitted identifies that the new dwellings are to be connected to the mains sewer in respect of both surface and foul water. The Planning Statement advises further that, a surface water drainage scheme has been developed having regard to the SuDS Decision Support Tool for Small Scale Development and green and brownfield runoff rates for a 1 in 100 year event. Surface water from the development will be directed to a number of AcquaCell (or similar) attenuation tanks prior to discharging to the existing combined sewer at a controlled rate. There will be 40% betterment to the existing calculated 'brownfield' runoff from the site. Were the application to be approved, the installation of an acceptable drainage provision could be secured by way of condition with an informative included advising the applicant to contact the County Flood Risk Authority and Southern Water.

k) Ecology

In respect of this application a preliminary ecological appraisal (EA/11021 - December 2021) produced by The Mayhew Consultancy has been submitted. This report identifies the following;

- Badgers - The proposal is unlikely to disturb badgers. Mitigation measures are suggested.
- Bats - The proposal is unlikely to disturb bats although it is recommended that a Bat emergence survey is undertaken prior to demolition to confirm the presence, or absence, of bats at that time, especially if the building has been unoccupied prior to those demolition works.
- Birds - The proposal has limited potential to disturb nesting birds and the timing of any operations should account for that possibility.
- Dormice - The proposal is unlikely to disturb Dormice.
- Reptiles - There is a limited potential for reptiles to be present. Mitigation measures are suggested.
- Amphibians - The proposal is unlikely to disturb Great Crested Newts.

Net Gain:

The NPPF and the NPPG encourages net gains for biodiversity to be sought through planning policies and decisions.

It should be noted that biodiversity net gain will not become a requirement in planning law until the planning legislation is amended, which is expected in 2023.

Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. On site net gain can be provided by creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Relatively small features can often

achieve important benefits for wildlife, such as incorporating 'swift bricks' and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat.

The ecology report submitted in support of this application makes recommendations for net gain by way of the provision of bird and bat boxes, the introduction of a variety of vegetation habitats wherever possible, the introduction of new areas of standing water, or the improvement of habitat around and within any existing ponds. Were the application to be recommended for approval, these enhancements could be secured by way of condition.

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. Were the application to be approved, an informative would be added should Great Crested Newts be found on site at any stage of the development works.

l) Air quality and emissions

The proposed development does not fall within the screening checklist 1 or 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

Lighting

No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

m) Environmental Impact Assessment

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

n) Sustainable construction

Policy SC3 of the Hastings Planning Strategy seeks to promote sustainable and green design in new development. This can be achieved by incorporating appropriate climate change mitigation and adaptation measures such as green roofs and walls, sustainable drainage systems, multi-functional green space, protecting and enhancing biodiversity, waste reduction and recycling facilities, water efficiency, flood risk management, and the use of recycled materials in new development. This is supported by Policy SC4 of the Planning Strategy which promotes working towards zero carbon development.

Were the application to be approved a condition could be imposed to ensure the development meets the aims of Policy SC3 and SC4 of the Hastings Planning Strategy.

6. Conclusion

The proposed development by virtue of its design, bulk, massing, loss of openness and green space represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development is therefore considered to be of a poor design that would harmfully affect the character and appearance of the area and contrary to paragraph 130 of the NPPF, Paragraph 20 of the National Design Guide, together with Policy DM1 - Design Principles, of the Development Management Plan 2015 and Policy SC1 of the Hastings Planning Strategy 2014.

The proposed development by virtue of the design and layout fails to provide sufficient facilities for the collection of waste and recycling from the site. This has the potential to disrupt access to the public pavement, pathways and parking spaces on site. The proposal is therefore considered contrary to Policies DM3 and DM4 of the Hastings Development Management Plan.

Insufficient information has been submitted to justify the loss of the community facility and as a result, formal assessment of the proposal has not been possible. The proposal therefore fails to comply with Policies HC3 of the Hastings Planning Strategy, Policy SC1(e) of the Hastings Development Management Plan, along with Paragraphs 20, 84 and 93 of the National Planning Policy Framework.

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. It is considered that a development as proposed would positively contribute to the Council's housing stock. However, this positive needs to be weighed against the negatives of the scheme which are the design and impact of the development on the street scene and the character and appearance of the area, the loss of green space, the lack of justification for the loss of a community facility, and the inadequate provision for the collection of waste and recycling from the site. In this case and as discussed herein it is considered that the negatives of the scheme significantly and demonstrably outweigh the housing benefit. As such, the application is not supported by the National Planning Policy Framework and the Hastings Local Plan Policies.

As a result of the above factors the proposal fails to 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

Refuse for the following reasons:

1. The proposed development by virtue of its design, bulk, massing, loss of openness and green space represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development is therefore considered to be of a poor design that would harmfully affect the character and appearance of the area and is contrary to Paragraph 130 of the NPPF, Paragraph 20 of the National Design Guide, together with Policy DM1 - Design Principles, of the Development Management Plan 2015 and Policy SC1 of the Hastings Planning Strategy 2014.
2. The proposed development by virtue of the design and layout fails to provide sufficient facilities for the collection of waste and recycling from the site. This has the potential to disrupt access to the public pavement, pathways and parking spaces on site. The proposal is therefore considered contrary to Policies DM3 and DM4 of the Hastings Development Management Plan.

3. Insufficient information has been submitted to justify the loss of the community facility and as a result, formal assessment of the proposal has not been possible. The proposal therefore fails to comply with Policies HC3 of the Hastings Planning Strategy, Policy SC1(e) of the Hastings Development Management Plan, along with Paragraphs 20, 84 and 93 of the National Planning Policy Framework.

Note to the Applicant

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

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

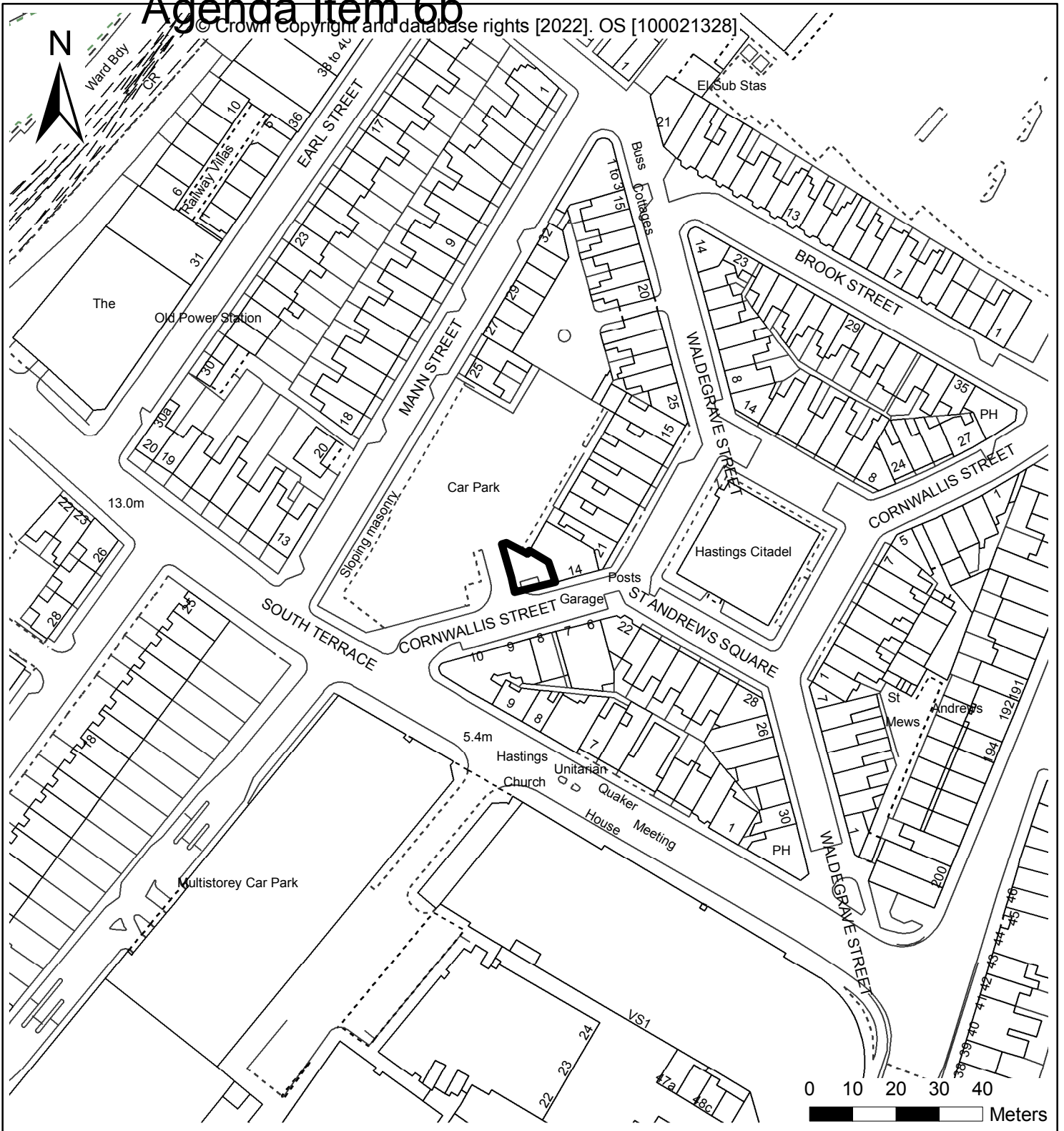
Background Papers

Application No: HS/FA/22/00028 including all letters and documents

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Agenda Item 6b

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**Car Park
Cornwallis Street
Hastings**

Erection of substation to support new hotel building



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: Sept 2022

Scale: 1:1,250

Application No. HS/FA/22/00476

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Report to: PLANNING COMMITTEE

Date of Meeting: 28 September 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Car Park, Cornwallis Street, Hastings

Proposal: Erection of substation to support new hotel building

Application No: HS/FA/22/00476

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018
Conservation Area: No
Listed Building: No

Applicant: Hastings Borough Council per Walsingham
Planning Bourne House Cores End Road Bourne
End SL8 5AR

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Council Application
Neighbour Letters:	No
People objecting:	1
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated -
Council application on Council owned land

1. Site and surrounding area

The site is located off Cornwallis Street within Hastings Town Centre. The site opens directly onto the public footpath along Cornwallis Street to the south which subsequently connects onto South Terrace.

The application site relates to a small parcel of land which is largely flat and is owned by Hastings Borough Council. The site consists of a bin storage area, hedge planting and a single tree approximately 7m high. The site is located on the northern side of Cornwallis Street whereby the road slopes gently up towards the junction with South Terrace.

The site is bounded by No. 14 Cornwallis Street on the east, this is a building currently operating as a car valet business. Its flank walls are relatively blank, with three modest windows serving non-habitable rooms. There are no treatments to any of the other boundaries and as a result the site is open with Cornwallis Street Car Park to the north and west and the site directly abutted by the pavement of Cornwallis Street to the south.

The surrounding area is a mix of residential uses and commercial use at ground floor levels. The site is not located within a conservation area or nearby to any listed buildings.

The neighbouring site currently accommodates a 71-space surface level public car park (with 14 spaces privately allocated). Access to the neighbouring site is from the southeast of the site, off Cornwallis Street, directly within Hastings Town Centre.

Cornwallis Street is a two-way no-through road that principally serves the existing car park and the business premises in that location.

Constraints

- Land Owned by Hastings Borough Council
- SSSI Impact Risk Zone
- GCN District Licensing Scheme IRZ - Green
- Groundwater Flooding
- Climate Change 1000 Year / 200 Year

2. Proposed development

This application seeks permission for the erection of a single storey electricity sub-station, to be used in conjunction with the hotel building that was approved in August 2022 under ref HS/FA/21/00851.

The proposed substation will be within a glass-fibre reinforced polyester (GRP) enclosure on the site. Maintenance doors off the substation will be accessible off the driveway into the hotel car park. The existing bin storage area housing 3 Eurobins will remain as existing, however, the existing Silver Birch tree will be felled so as to create space for the proposed substation. Replacement tree planting is proposed to compensate for the tree that will be lost as a result of the proposed development.

The proposed substation will be located behind the existing bin storage area where the existing tree is located and the substation will be enclosed by a glass-fibre reinforced polyester (GRP). The dimensions of the substation are:-

Dimensions:

- 2.8 metres in width
- 2.8 metres in length
- 2.4 metres max height, above ground

Materials:

- Glass fibre reinforced plastic (GRP) enclosure
- Substation walls will be of metal
- Brick plinth

The Council's Arboricultural Officer objected to the initial submission and amended drawings were received on the 25th of August 2022 addressing concerns raised by the Council's

Arboricultural Officer.

The application is supported by the following documents:

- Covering letter
- Design and Access statement
- Noise Report
- Arboricultural Report

Relevant planning history

- HS/FA/21/00851 Replacement of decayed timber shoring to gable wall with new steel equivalent.
GRANTED 20 July 2022.
- HS/FA/21/00851 Erection of hotel with ancillary ground floor restaurant, car parking, landscaping and all associated works.
GRANTED 15 August 2022.
- HS/OA/99/00061 Demolition of existing workshops, garages, stores and development of five town houses on Mann Street frontage
GRANTED 9 July 1999.
- HS/FA/96/00058 Change of use to car park (2 sites) creating 16 additional spaces.
GRANTED 7 March 1996.
- HS/FA/95/00237 Construction of new play facilities to include fencing.
REFUSED 30 June 1995.
- HS/FA/89/00405 Use of prospective vacant land as an extension of Cornwallis Street Car Park.
GRANTED 19 June 1989.
- HS/FA/76/00163 Formation of temporary car park.
GRANTED 12 May 1976.
- HS/OA/71/00007 Site for erection of builders merchants premises, including shops, offices, showroom and stores.
REFUSED 11 January 1972.
- HS/OA/66/00434 Site for the erection of builders merchants premises including shops, offices, showrooms and stores.
GRANTED 14 June 1966.
- HS/OA/62/00528 Proposed use of land as builders' Merchants produce, including shops, offices, showroom and stores.
GRANTED 20 July 1962.

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 SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC2 – Design and Access Statements
Policy SC3 – Promoting Sustainable and Green Design
Policy SC4 – Working Towards Zero Carbon Development
Policy SC7 – Flood Risk

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy LP2 – Overall Approach to Site Allocations
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy DM6 – Pollution and Hazards
Policy SA1 – Hastings Town Centre Shopping Area
Policy HTC2 – Cornwallis Street Car Park

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP1 - Directing Growth
Policy DP1 - Design - Key Principles
Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP4 - Flood Risk and Water Quality
Policy DP5 - Biodiversity
Policy DP6 - Green Infrastructure
Policy DP7 - Access, Servicing and Parking
Policy DP8 - Planning Obligations
Policy SP4 – Business Development – Retail and Leisure Uses
Policy FA1 – Hastings Central
Policy TC10 – Cornwallis Street Car Park

Other policies/guidance

National Design Guide
Air quality and emissions mitigation guidance for Sussex (2021)
Government's health protection guidelines
National Policy Statement for Electricity Networks Infrastructure (2011)

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 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 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

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

Environmental Health Pollution - **No objection**, subject to the imposition of a condition (**Condition 5**).

Arboricultural Officer - **No objection** to the submitted landscaping scheme subject to the imposition of a condition (**Condition 6**).

Nature Space - **No objection**, subject to the imposition of an informative (**Informative 3**).

4. Representations

In respect of this application site notices were displayed around the site. 1 letter of objection was received raising the following concerns:-

- the submitted supporting reports omits the electrical and magnetic health effects of the substation on local residents.
- the report omits instructions for noise duration exposure within the noise report 912385.
- the submitted supporting statement does not detail reasons for having the substation, the reports and instructions requested.
- The health effects of the proposed substation on local residents is not detailed.
- Noise impact on local residents and neighbours has not been assessed.

- There is need for two reports to establish the continual Electrical and magnetic Field Exposure on general health effects and noise impact over continuous 24 hours.

5. Determining issues

Planning permission was given in August 2022 under ref HS/FA/21/00851 for the erection of a hotel with ancillary ground floor restaurant, car parking, landscaping and all associated works. The proposed substation is required to support the hotel building and restaurant.

The main considerations are the principle of development, impact on character and appearance of the area, impact on neighbouring properties, impact on landscape and trees, and impact on Great Crested Newts.

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 area

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

The application site is a small parcel of land which is currently occupied by a bin storage area with 3 Eurobins, hedge planting and a single tree. The electricity substation is proposed to be located where there is an existing Silver Birch tree.

The site is bound by 14 Cornwallis Street to the east and is open to the car park to the north and west and opens directly onto the pavement off Cornwallis Street to the south.

The proposed substation is modest in size having a maximum height of 2.4 metres, a width of 2.8 metres and a depth of 2.8 metres. The front elevation of the substation is openable and opens onto the vehicular entrance of the car park. The side and rear elevations of the substation are proposed to be blank with louvres which are required for ventilation thereby having less visual impact on the street scene.

The substation will be screened by a glass-fibre reinforced polyester (GRP) enclosure so as to minimise its visual impact. The applicant also proposes a soft landscaping scheme around the substation so as to soften its visual appearance from public vantage points given its location easily visible from Cornwallis Street and St Andrews Square.

Whilst the substation is utilitarian in appearance, it would be viewed within the context of the approved hotel accommodation. As a result of this, it is considered that the structure would not appear out of character and would not appear incongruous within the street scene. Taking this into account, it is considered that the development complies with Policy DM1 of the Hastings Development Management Plan 2015.

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, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The closest residential property to the application site is no. 14 Cornwallis Street which is a part single, part double storey building currently operating as a car valet business. The flank walls of No. 14 are relatively blank, with three modest windows serving non-habitable rooms. As such it is considered the relationship of the proposed development to neighbouring no. 14 is acceptable as no will neighbour amenity will be harmed as a result of the development.

Across the site there are nos. 7, 8 and 9 Cornwallis Street. Given the proximity of the application site to residential properties there is a potential harmful noise impact on these residential occupiers. The application is accompanied by a Noise Report which has been reviewed by the Council's Environmental Health Officers. The Noise Report advises that any noise from the substation would be well below the background noise of the area, even at night. Given this, the Council's Environmental Health Officers are satisfied with the proposed development on condition that anti-vibration pads are installed and maintained for the lifetime of the development. This should be conditioned if planning permission is granted for the proposed development (**Condition 5**).

As a result of this, it is considered that the proposed substation would not have an unacceptable impact on the amenities of the neighbouring residents and as such complies with Policy DM3 of the Hastings Development Management Plan 2015 as quoted above.

d) Health impacts of the proposed substation on neighbours

The impact of a proposed development on human health is considered to be a material consideration in the consideration of this planning application and in the decision-making process.

Whilst National Policy (NPPF), and Local Plan Policies do not refer to substations or matters regarding electric & magnetic fields, the NPPF and Local Plan Policies make reference to protecting neighbour amenity. 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.

Government guidance on energy network infrastructure, indicates that, to mitigate any known effects on electric and magnetic fields 'the International Commission on Non-Ionizing Radiation Protection (ICNIRP) has developed health protection guidelines for both public and occupational exposure'.

The National Policy Statement for Electricity Networks Infrastructure produced by the Department of Energy and Climate Change (2011) states at paragraph 2.10.6 that, '*The balance of scientific evidence over several decades of research has not proven a causal link between EMFs and cancer or any other disease.*' The International Commission of Non-Ionizing Radiation Protection (ICNIRP) developed health protection guidelines for development that may result in electric and magnetic fields. According to Government's

health protection guidelines, the power frequency magnetic fields recorded around local substations are much less than the ICNIRP reference levels for public exposure. As such an ICNIRP certificate has been requested from the applicant, which once submitted will confirm that public health will not be harmfully affected.

Given this, and that the Government is of the view that the health impacts from substations are generally within acceptable limits, it is considered that a development as proposed is acceptable, that there will not be any harm to public health and that neighbour amenity will not be harmed as a result of the proposed development. As such, the proposed development complies with the NPPF, Government advice on energy infrastructure, and Policy DM3 of the Hastings Development Management Plan 2015 as quoted above.

e) Impact on landscape and trees

Policies HN7 and HN8 of the Development Management Plan and EN3 of the Hastings Planning Strategy seek to protect existing biodiversity and encourage good quality green infrastructure be integrated into the design of new developments.

To facilitate the placement of the substation in this location, a Silver Birch tree will be lost. This is the only tree growing on the entire site (Cornwallis Car Park). Whilst the submitted Tree Report advises that this tree is in poor health due to brown tail moth infestation, this tree is in fact in good health and if left undisturbed will be expected to continue to provide much needed tree cover to this heavily built-up area. Given that the proposed development would lead to loss of this tree, adequate tree compensation is expected, and this is expected to be heavy standards Silver Birch trees planted as a group, with adequate growing space. Such trees would need to be planted within a planting bed that includes additional shrub planting.

The Council's Arboricultural Officer initially objected to the proposed replacement planting scheme on the grounds that there is not adequate compensation proposed for the loss of the existing Silver Birch tree. Following this, a revised robust soft landscaping scheme showing the planting of two specimen trees (Silver Birch trees) planted within a mixed shrub bed was received in August 2022. Following consultation with the Council's Arboricultural Officer, it is considered that the revised drawing is acceptable subject to the imposition of a landscaping condition (**Condition 6**).

Given the above, it is considered that a development as proposed is acceptable and the proposed replacement planting is considered to be acceptable and complies with Policies HN7 and HN8 of the Hastings Development Management Plan 2015 as quoted above.

f) Great Crested Newts

Policy EN3 of the Hastings Planning Strategy 2014 seeks to protect and enhance the town's biodiversity and geological resources.

The proposed development falls within the green impact risk zone for Great Crested Newts. In the green impact zone, there is moderate habitat and a low likelihood of Great Crested Newt presence.

In this case, the closest pond to the application site is located 450m north, and there is little connectivity between the development and the pond due to buildings and hardstanding. Great Crested Newts are not present on site and there will be no impact on this protected species. Policy EN3 of the Hastings Planning Strategy 2014 is complied with. An Informative is added (Informative 3) should Great Crested Newts be found on site at any stage of the

development works.

6. Conclusion

Taking the above into account, it is considered that the proposed electricity substation is required to support the hotel building that was approved in August 2022 under ref HS/FA/21/00851. The proposed building is modest in size and scale, and whilst it may appear visually utilitarian in character and appearance, given its modest size and that the applicants propose a robust landscaping scheme to soften the appearance of the substation from public vantage points, it is considered that a development as proposed is acceptable and complies with Policy DM1 of the Hastings Development Management Plan 2015.

The proposed replacement landscaping scheme is considered to be robust and that it would encourage good quality green infrastructure to be integrated into the design of new developments. As such it is considered that a development as proposed complies with Policies HN7 and HN8 of the Hastings Development Management Plan 2015.

Noise mitigation measures are proposed to mitigate noise impact to neighbouring properties to acceptable levels, and the health impacts of the proposed substation to neighbouring properties is considered to be within acceptable levels. As such a development as proposed is considered to comply with Policy DM3 of the Hastings Development Management Plan 2015.

Given the above, it is considered that the proposal is acceptable and complies 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:

5112 - BAL ZZ XX DR A 07 5001
5112 - BAL ZZ XX DR A 07 5002
5112 - BAL ZZ XX DR A 07 5003
5112 - BAL ZZ XX DR A 07 5004

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 must match as closely as possible, in type, colour and texture those listed in the 'Materials' section of the application form.
5. All noise mitigation measures shall be carried out prior to first use of the electrical substation hereby approved in accordance with the details contained in the submitted Noise Report prepared by Sharps Redmore and dated 5 May 2022, and submitted as part of this planning application. These noise mitigation measures shall thereafter be maintained as approved.
6. The soft landscaping of the site shall be in accordance with the soft landscaping scheme drawing no. 5112 - BAL ZZ XX DR A 07 5004 received on 26 August 2022 and submitted as part of this planning application. Development shall thereafter be maintained in accordance with the approved scheme.
7. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same

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 ensure a satisfactory visual appearance in the interest of the amenities of the area.
5. To safeguard the amenity of adjoining and future residents.
6. To ensure a satisfactory standard of development.
7. To ensure an acceptable form of development.

Notes to the Applicant

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

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 (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval 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.

Great crested newts and their habitats are fully protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Therefore, it is illegal to deliberately capture, injure, kill, disturb or take great crested newts or to damage or destroy breeding sites or resting places. Under the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any great crested newts occupying a place of shelter or protection, or to obstruct access to any place of shelter or protection (see the legislation or seek legal advice for full details). Local Planning Authorities have a statutory duty in exercising of all their functions to *'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*, as stated under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC). As a result, GCN and their habitats are a material consideration in the planning process.

Officer to Contact

T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/FA/22/00476 including all letters and documents

Agenda Item 7

Agenda Item: 7

Report to:	Planning Committee
Date:	28 September 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 09/07/2022 to 15/09/2022
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 Adjacent, 777 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
Shop and Premises, 40-41 Queens Road, Hastings, TN34 1RE HS/FA/21/00443	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)	Refuse Planning Permission	PLANNING COMMITTEE	Planning
Land South East Of Junction Of Church Street adjacent to Arlington Cottages, Victoria	New build residential development comprises of 2no 3bed semi detached houses with 2no parking spaces (1no per house), cycle	Non- Determination	DELEGATED	Planning

Avenue, Hastings, TN35 5BY HS/FA/21/01073	refuse storage and private gardens			
242 St Helens Road,(Land adjacent), Hastings, TN34 2NE HS/FA/21/01092	Proposed removal of single garage and outbuilding. Proposed new single storey dwelling and detached double garage	Refuse Planning Permission	DELEGATED	Planning
Land adjacent 115, Ghyllside Avenue, Hastings HS/FA/21/00774	Erection of a single storey dwelling with car parking	Refuse Planning Permission	DELEGATED	Planning
Land South of 15-20 Gresley Road, Lancaster Road,(adj Tyrone Wildman House), St Leonards-on- sea HS/FA/21/00920	Proposed residential development - pair semi- detached dwellings	Refuse Planning Permission	DELEGATED	Planning
Land rear of, 111-114 Marina,(adjacent to Sussex Road), St Leonards-on- sea HS/FA/19/00887	Construction of 15 dwellings with associated parking area	Refuse Planning Permission	DELEGATED	Planning
2 Linton Road, Hastings, TN34 1TN HS/EX/22/00135	Application for a certificate of lawful development for existing use of self-contained unit at 2 Linton Road for more than 4 years	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been allowed:

N/A

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
24-25 High Street, Hastings, TN34 3EY HS/FA/20/00576	Residential dwelling formed by Material Change of Use (A1 to C3)	Refuse Planning Permission	DELEGATED	Planning
24-25 High Street, Hastings, TN34 3EY HS/LB/20/00577	Residential dwelling formed by Material Change of Use (A1 to C3)	Refuse Planning Permission	DELEGATED	Planning
62 Eversfield Place, St Leonards-on-sea, TN37 6DB HS/EX/21/00665	Application for a Lawful Development Certificate for an Existing Use of the first, second and third floors as a HMO (C4)	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Deemed Discharge	1
General PD (Approval)	1
Granted Permission	151
Part Granted – Part Refused	2
Prior Approval Approved	3
Prior Approval Refused	3
Raise No Objection	1
Refused	23
Withdrawn by applicant	7
Total	192

Report written by
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