

Planning Agenda

Wednesday, 23 November 2022 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
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democraticservices@hastings.gov.uk

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of previous meeting	1 - 10
4.	Notification of any additional urgent items	
5.	Planning applications attracting a petition	
(a)	Sacred Heart Catholic Primary School, Old London Road, Hastings (HS/FA/22/00335) (<i>N. Holdsworth, Planning Officer</i>)	11 - 24
	https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= H STBC DCAPR 119547	
6.	Planning Appeals and Delegated Decisions	25 - 26

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Agenda Item 3 Public Document Pack

PLANNING

28 SEPTEMBER 2022

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

Officers: Kirsty Cameron (Principal Solicitor), Eleanor Evans (Planning Services Manager), Emily Meppem (Senior Planning Officer), Paul Howson (Principal Planning Officer)

361. APOLOGIES FOR ABSENCE

None received.

362. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Beaver	5(a), 6(a),(b)	Personal – East Sussex County Councillor

363. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meetings held on 1st June 2022 and 20th July 2022 be approved as a true record

364. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

365. PLANNING APPLICATIONS ATTRACTING A PETITION

366. 6 QUEENS ARCADE, QUEENS AVENUE (HS/FA/22/00106)

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.
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PLANNING

28 SEPTEMBER 2022

	Repainting shop front.
Application No	HS/FA/22/00106
Conservation Area	Yes – Hastings Town Centre
Listed Building	No
Public Consultation	Yes – Petition of objection and 41 objections received 490 in support

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The Principal Planning Officer presented. Since the report was published two additional letters of support have been received. The Officer's presentation showed the site location on a map, entrances to Queens Arcade, the proposed plan and the duct work on the roof of the application site. Pictures were shown from windows of the Hastings Stage Studio into Queens Arcade and across the roof top. A picture of the traditional shop front was shown which will remain unaltered other than new signage and repainting. It was explained that the extracted air will expel towards the cinema wall which is approx. 15m from the second floor opening of the Hasting Stage Studio. The report sets out that there would be minimal visual impact upon neighbouring occupiers and any impact from the odours would be mitigated by a high-end extraction system. Impact on highways would also be minimal.

The petitioner, Mr. John Pohlhammer addressed the committee on behalf of the Hastings Stage School. He explained that they have been in Queens Arcade since 1998. He questioned if there should be a change of use from a shop to a takeaway in a Victorian building. The building has a history of fires and there would be an increased risk of fire with a kitchen in the centre of the Victorian arcade. The fresh air for students and teachers using the Hastings Stage School is very important. The main studio windows open onto the flat roof where the extractor will be which was shown in the slides. This was their only source of fresh air. Expensive costumes are stored in Hastings Stage School and will be ruined by the cooking smells. The previous restaurant outside Priory Meadow had extremely strong smells and could be smelt within the main shopping centre. A further concern is the increased vehicular traffic. There is already a lot of traffic which another food establishment will add to.

Councillors asked the petitioner what hours the studio operates. The petitioner answered that Saturdays start at 08:45 and Sundays at 10:00. Weekdays can start at 14:00 for private lessons.

The applicant, Mr Nathapon Wongtreenatrakoon addressed the committee in support of the application. After the previous Thai takeaway closed during covid he spoke with the head chief regarding started a new business. The applicant explained a lot of money will be invested into a state of the art extractor fan. The air will go through three filters before it is extracted and the sound from the extractor will be minimal. The KFC extractor is closer to the dance school than the proposed extractor will be. Regarding

PLANNING

28 SEPTEMBER 2022

the fire risk there is already a kitchen in the arcade in the chocolates shop. There is support from the other shops in the arcade and there has been nearly 500 messages of support for the application.

Councillors asked what time the takeaway will shut. The applicant explained the last order will be 16:30 as the arcade shuts at 17:00.

Councillors asked the Principal Planning Officer regarding the extractor fan from KFC. It was explained there are many extractor fans that back onto York Gardens from establishments with deep fat friers. The application is for a less intense form of cooking kitchen with two woks.

Councillors asked the Principal Planning Officer regarding the traffic impact in the town centre. The officer explained there are no current plans for there to be a delivery service and there are already many places in the town centre who do deliveries. The officer explained there is a condition recommended to control deliveries should a delivery service be required in future.

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Councillors debated.

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

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:

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

PLANNING

28 SEPTEMBER 2022

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.

PLANNING

28 SEPTEMBER 2022

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 http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers online at
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.

367. OTHER PLANNING APPLICATIONS

368. MISSION CHURCH (ST ANNES), 11 CHAMBERS ROAD (HS/FA/22/00028)

Proposal	Demolition of redundant church and erection of 5 dwellings with on-site parking.
Application No	HS/FA/22/00028
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 17 objections received, 10 in support

The Senior Planning Officer presented. Four further letters of objection have been received with no new matters raised. There have been comments received from the Conservation Officer that Alternative uses for the building should be sought as a priority rather than the demolition of. The new builds are of insufficient design quality to make a positive contribution to the area. The Conservation Officer has raised an objection and requested a further reason for refusal to be added. This would be a fourth reason. This refusal reason is that the proposed demolition of the church building to facilitate the development would result in the loss of a building of local architectural and communal significance which has been identified as an undesignated heritage asset. The loss of this asset has not been clearly and convincingly justified, and there are opposed replacement buildings are of insufficient

PLANNING

28 SEPTEMBER 2022

quality to make a positive contribution. The comments from the Conservation Officer were received late and not in the original report.

The Senior Planning Officer advised that the agent had that the use of the site as a gym is only temporary and they therefore requested that the loss of the Community facility be reconsidered. Paragraph 187 of the NPPF is clear that a place of worship is also considered to be a community facility. Therefore, this reason for refusal is retained.

Slides were shown showing photographs of the proposed site, aerial views and views from Chambers Road. The site makes a positive contribution to the street scene and provides a level of greenery in a highly developed area.

The scheme has a recommendation for refusal. The main concerns are the loss of a non-designated heritage asset, the design of the proposal and the loss of the green bank and break in the street scene. There is also a lack of sufficient collection points for waste and recycling

Councillors asked regarding the church being used as a gym. The Senior Planning Officer explained the church being used as a gym was unlawful as it is not the same Use Class as a place of worship.

Councillors questioned if the church has severe structural problems. The Planning Service Manager informed the committee that no information has been provided regarding the structural stability of the church

Councillors debated.

Councillor Beaver proposed approval, seconded by Councillor Roberts.

RESOLVED (9 Votes for, 1 Against)

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

PLANNING

28 SEPTEMBER 2022

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.

4. The proposed demolition of the church building to facilitate the development of 5 new houses would result in the total loss of a building of local architectural and communal significance, which has been identified as an undesignated heritage asset. This loss of the heritage asset has not been clearly and convincingly justified and the proposed replacement buildings are of insufficient quality to make a positive contribution to the area. The proposed development would be contrary to the conservation policies of the National Planning Policy Framework and adopted local plan, specifically paragraphs. 189, 195, 197 and 203 of the NPPF and Policies EN1 of the Hastings Planning Strategy and HN3 and HN5 of the Hastings Development Management Plan.

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.

369. CAR PARK, CORNWALLIS STREET (HS/FA/22/00476)

Proposal	Erection of substation to support new hotel building
Application No	HS/FA/22/00476
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 1 objection received Council application on Council owned land

PLANNING

28 SEPTEMBER 2022

The Planning Services Manager presented, there is an update with the addition of condition number 8. This states that within 4 weeks of the date of the installation of the sub station an International Commission on Non-ionizing Radiation Protection certificate confirming the substation complies with its guidelines is submitted to and approved by the Local Planning Authority.

Slides showing a location plan, photographs of the site and the proposed floor plan were shown. The site is not in a conservation area. Condition number 6 secures the planting of two trees for the removal of one. A slide was shown showing the elevations. The substation is a single storey structure. The substation will be enclosed within a glass fibre reinforced polyester enclosure. Concern has been raised regarding health implications of the substation in terms of electric and magnetic fields. Government guidance states that there is not a causal link that's been proven between cancer and any other disease.

Councillors debated.

Councillor Roberts proposed approval, seconded by Councillor Edwards.

RESOLVED (9 Votes for, 1 Against)

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

PLANNING

28 SEPTEMBER 2022

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
8. The development hereby permitted shall be removed unless:

Within 4 weeks of the date of the completion of the installation of the substation hereby approved, an International Commission on Non-Ionizing Radiation Protection (ICNIRP) certificate confirming that the installed substation complies with the ICNIRP Guidelines, is submitted to and approved in writing by the Local Planning Authority.

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.
8. In order to protect the residential amenities of neighbouring properties.

Notes to the Applicant

PLANNING

28 SEPTEMBER 2022

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 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.

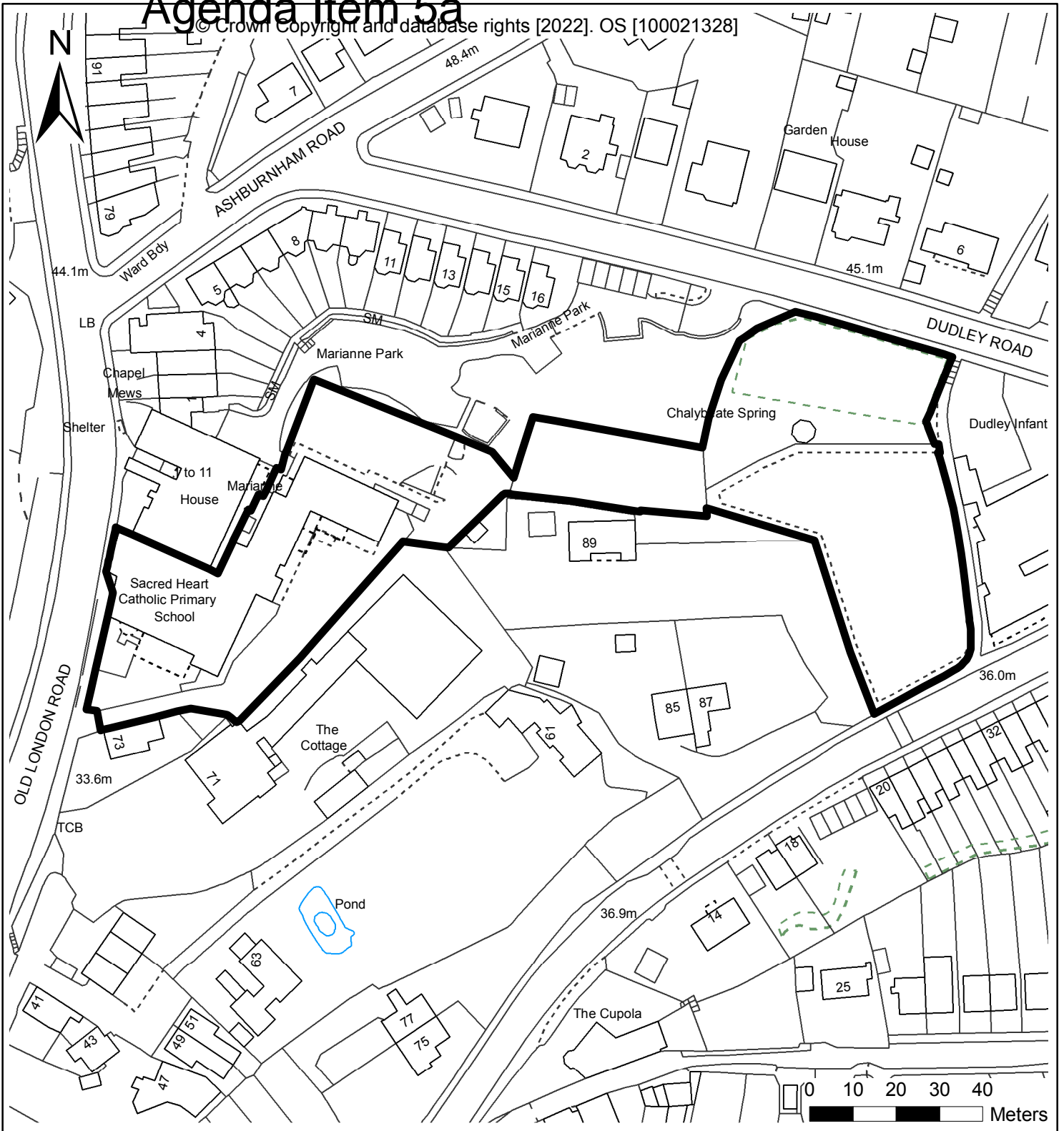
370. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at. 19:05)

Agenda Item 5a

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Sacred Heart Catholic Primary School
Old London Road
Hastings
TN35 5NA

New security fencing to Old London Road and Dudley Road boundaries



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings TN34 3UY
 Tel: 01424 451090
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Date: Nov 2022

Scale: 1:1,250

Application No. HS/FA/22/00335

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Report to: PLANNING COMMITTEE

Date of Meeting: 23 November 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **Sacred Heart Catholic Primary School, Old London Road, Hastings, TN35 5NA**

Proposal: **New security fencing to Old London Road and Dudley Road boundaries**

Application No: **HS/FA/22/00335**

Recommendation: **Grant Full Planning Permission**

Ward: OLD HASTINGS 2018
 Conservation Area: Yes - Tillington Terrace
 Listed Building: No

Applicant: The Governors per Morgan Carn Architects
 Blakers House 79 Stanford Avenue Brighton BN1 6FA

Public Consultation

Site notice: Yes
 Press advertisement: Yes - Conservation Area Amended Plans
 Neighbour Letters: No
 People objecting: 5
 Petitions of objection received: 1
 People in support: 7
 Petitions of support received: 0
 Neutral comments received: 1

Application status: Not delegated - Petition received

1. Site and Surrounding Area

The site comprises two boundary walls associated with Sacred Heart School. One area of wall faces Old London Road and the other faces Dudley Road. The Dudley Road elevation exhibits a traditional Flemish garden wall with bond brickwork and the Old London Road elevation has stone ashlar walls with raked brickwork copings. The existing walls around the school range in height from approximately 1.5m to 2m, set between brick piers of approx. 2.5m to 3m in height on Old London Road and the existing wall fronting Dudley Road currently ranges in height from 1.4 to 1.6m approximately. Front boundary treatment in the

area varies. On Dudley Road there are several examples of low boundary front walls and high hedging as well as fairly high retaining walls rising up to approximately 2m in height. On Old London Road, front boundary treatment consists of stone walls and timber fencing of up to 2m in height. Opposite the application site on Old London Road is a high retaining wall of approximately 2m to 3m in height.

To the immediate north of the site, and sitting between the two areas of wall, subject of this application, is Marianne House, a Grade II listed building. This is a 19th Century structure which was built by Lord North who was MP for Hastings and was the residence of his daughter, the noted botanical illustrator Marianne North. It was originally a House and Hotel but has been latterly converted to flats, although its original form has been preserved and the building retains many of its original architectural features; including its large sash windows, stucco frontage and large stone wall enclosure abutting the Old London Road.

The Sacred Heart School comprises more recent, probably early 20th Century development within the land surrounding Marianne House; along with modern housing that has been built in the grounds of the listed building. There are a variety of trees and open space associated with the school that is likely to have originally formed part of the wider grounds of Marianne House. Both of the walls to which this application relates enclose this wider area, they therefore fall within the setting of this designated heritage asset.

The works would take place in the Tillington Terrace Conservation Area. The area adjacent to the Old London Road Wall, to the south and west of the site, falls within the Old Town Conservation Area. The Tillington Terrace Conservation Area is predominantly comprised of 19th Century residential buildings of high architectural quality, in spacious grounds surrounded by mature vegetation. The Old Town Conservation comprises the medieval port of Hastings, with its many eclectic buildings. The Old London Road, on to which the site adjoins, is a busy thoroughfare through this Conservation Area.

Constraints

Groundwater Flooding

Flooding Surface Water 1 in 30

Archaeological Notification Area

Great Crested Newts Red Impact Risk Zone and within 50 metres of a Pond.

Within Tillington Terrace Conservation Area

Adjacent to Old Town Conservation Area

Grade II listed building Marianne House

2. Proposed development

The works involve the construction of security fencing above the two areas of wall that surround the school and face on to the Old London Road and Dudley Road. The applicant states that this is necessary to safeguard the children in the school, as there have been multiple break ins and examples of people climbing over the walls, with associated drug paraphernalia being found inside the school premises.

Initially anti climb mesh fencing was proposed. Following advice from the Conservation Officer, this was then changed to railings, and a further period of public consultation took place on the amended plans.

Finally, further detailed drawings were submitted showing ornate railing designs that replicate existing railings found on Old London Road and Dudley Road respectively, together with additional information showing how the railings would be fixed to the existing wall given concerns expressed about the impact of the proposals on mature trees on Dudley Road.

On the Old London Road frontage the railings would range in height from 50cm to 1m approximately giving a total height range, including the existing brick wall of between 2.4m to 2.6m.

On the Dudley Road frontage the railings would range in height from 0.9m to 1m approximately giving a total height, including the brick wall of between 2.3m to 2.5m approximately.

The application was supported by the following information:

- Design and Access Statement
- Heritage Statement

Relevant Planning History

HS/FA/08/00327 - Raise height of brick piers to pedestrian and vehicle entrances, installation of new metal gates and railings. Approved 2008. (Old London Road elevation).

There are numerous other historic planning applications for various works to the school.

Planning Policy

Hastings Local Plan – Planning Strategy 2014

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 LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy HN1 - Development affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas).

Revised Draft Local Plan

SP6 Enhancing the Historic Environment

Other policies/guidance

National Design Guide

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.

Paragraph 194 of the NPPF states that In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

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

3. Consultations comments

Conservation Officer - **No objection (Final scheme, October 2022)** The amendments shown on the amended drawings P-005 C Proposed Elevation(Old London Road) and P-006 C Proposed Elevation (Dudley Road) have addressed the concerns raised on the previous proposal. Therefore, should the development be carried out in accordance with the revised drawings, the recommendation would be to grant an approval.

Summary of previous objections

- The proposed short fence return to the Dudley Road elevation was unacceptable and the short return was to be omitted.
- The proposed fence support posts were to be shown on the proposed elevation drawings and to be a maximum 75mm.
- The fence material and sections were to be similar to the existing.

County Archaeologist - **No objection** - No Archaeological recommendations to make in this instance.

Borough Arboriculturalist - **No objection** - The proposed method of fence installation will not require excavation into the existing soil profile, no tree root disturbance would therefore be expected.

Nature Space - **No objection** - I am satisfied that if this development was to be approved, it is unlikely to cause an impact on great crested newts and/or their habitats due to the scale of the proposals.

4. Representations

A site notice was put up outside both areas of wall that are the subject of the proposed works, as well as a press notice. This was undertaken both at the time of the original planning application and after the design of the railings was amended.

Original Application

Petition received objecting to the development, with 23 signatures. Summary of issues being raised:

- The proposal will damage the Conservation Area and remaining gardens associated with Marianne House, and affect biodiversity by disrupting the local ecosystem and protected species.

3 objections received raising the following issues:

Principle of development:

- Proposal is not justified by evidence of intruders.
- Alternatives should be pursued instead of fencing, such as CCTV.

Character and Appearance (including heritage issues):

- Materials and general appearance would be inappropriate
- Adverse impact on Grade II listed Marianne House and garden
- Insufficient information provided to demonstrate the impact on heritage.

Other issue:

- Proposal would result in loss of access to the school ground.
- Concern that proposal will result in the continued loss of trees.
- Concern that fencing would be installed in areas outside that shown on the proposed plans.
- Concern that the works will adversely affect plants associated with Marianne House and Marianne Park.
- Insufficient information about the proposal.

3 letters of support raising the following issue:

- legitimate security and safeguarding issues outweigh any concerns about the appearance of the fencing.

Amended Plans consultation

5 Letters of objection raising the following issues:

Principle of development:

- Proposal is not supported by Crime data or other evidence showing a need for the proposed development.
- Alternatives have not been fully explored.
- Railings on Dudley Road are not necessary as the sharp drop should be sufficient to deter intruders.

Character and Appearance (including heritage):

- Railings on Dudley Road would be visually intrusive and out of keeping with nearby structures, rising to 2.4 metres in height in total.
- Railings on Dudley Road will be 1 metre above the existing brick wall; this is significantly taller than any equivalent walls or fences in the vicinity.
- Adverse impact on Conservation Areas and setting of Grade II listed Marianne House.

Other Issues:

- Proposal will require felling or cutting back of mature trees resulting in harm to the character and appearance of the area, and a loss of ecology and wildlife habitat.

5 letters of support raising the following issues:

- Comments from the objectors do not represent the views of all residents in Marianne Park.
- Consider that Conservation Issues have been addressed in revised plans.
- Works to trees would not be significant.
- Issues of vandalism and intrusion in to the school premises are significant.
- Planting and landscaping affected by the proposal is recent and not historic, as suggested by other respondents.

1 neutral comment received raising the following issues:

- Comments from the objectors are in a personal capacity and do not represent the views of all the residents of Marianne Park.

5. Determining Issues

The main planning issues in determining this application are the principle of the development, effect on character and appearance (including Conservation issues, effect on residential amenity, effect on trees and ecology).

a) Principle

The railings are being installed to provide additional security to the school, in line with contemporary expectations about safeguarding and child protection. Whilst it is noted that a number of objectors question the need for the works, it is not reasonable to require the school to justify this choice of security arrangement, if it causes no harm. The principle of the development is supported by planning policy.

b) Impact on Character and appearance of area (including heritage issues)

Following amendments during the course of the planning application, the railings now replicate the design of existing railings found along each elevation, in the area surrounding the site. In the case of Old London Road, these are round railings that already exist in the immediate vicinity of the site. On Dudley Road, they would be more ornate architecturally formed iron railings with finials, following the precedent set by those that are placed around Marianne Park on the Dudley Road elevation.

In each case the railings would be fixed to the original wall (with concrete footings in some cases) and then extend above it with slimline supports. Consequently, the railings would complement and preserve the architectural form of the original wall, in each case.

Any change in the height of the wall and railings compared with adjacent boundary treatments would appear incidental and would not detract from the special character and appearance of either Conservation Area. It is not possible to terminate the railings at the nearby brick pier associated with Marianne House as originally sought by the Conservation Officer as the pier in question falls outside the ownership of the applicant.

The total height of boundary treatment including railings, as noted in section 2 above, would not be unusually high. As there would be gaps in the railings, this additional height can be accommodated without the effect of enclosing the road.

On both elevations, the railings would blend in with the existing townscape. They are set well away from the Grade II listed building Marianne House. Because of the complimentary appearance and separation distance, they would not cause any harm to the setting of this heritage asset, nor any other listed buildings in the wider surrounding area.

The proposal therefore preserves the character and appearance of the Tillington Terrace Conservation Area, and the setting of the Old Town Conservation Area and nearby listed buildings. It is therefore acceptable in Conservation and Design terms.

c) Residential Amenity

The railings are set a sufficient distance away from existing residential properties to avoid any loss of residential amenity, including through any potential loss of outlook given the height of the railings. There is no conflict with the development plan, in this respect.

d) Trees

It is noted that there are mature protected trees on the Dudley Road Elevation close to the wall and that installing the railings will require small amounts of vegetation to be cut back.

In terms of mature trees, the applicant has confirmed that supports will be fixed to the wall in close proximity to these trees and this is shown on the amended plans. Consequently, there is no risk that there will be harm to the rooting environment of these trees. The Borough Arboriculturalist has advised that this arrangement is acceptable.

The proposal is therefore acceptable in terms of its effect on trees.

e) Biodiversity, wildlife and ecology.

The works involve the construction of railings above existing walls. Given the minor nature of these works and their limited overall height and impact at ground level, any associated removal of vegetation would be insignificant. There would be no material impact on plants, wildlife, flora and fauna, including any protected species, as a direct consequence of granting planning permission for these works.

The railings are being constructed within 50 metres of a pond and in a Red Impact risk zone in relation to Great Crested Newts. However, for the reasons set out above, given the minor nature of the proposed works it is unlikely to have any effect on Great Crested Newts and this position is reflected in the consultation response received from Naturespace. An informative has been added to the decision advising of the requirements of wildlife legislation which applies during the course of construction works.

f) Other issues raised in public consultation.

The works are limited to the two elevations shown on the approved plans. The fear of future works occurring at the site is not a valid ground to withhold planning permission. The matter of access rights that may have been granted to the residents of Marianne Park to the school is a private matter that has no bearing on this decision.

6. Conclusion

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The Human Rights considerations have been taken into account fully in balancing the planning issues.

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

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

P-001; P-002A; P-003B; P-004A; P-005C; P-006C.

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 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

Officer to Contact

Mr Neil Holdsworth, Telephone 01424 783275

Background Papers

Application No: HS/FA/22/00335 including all letters and documents

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Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	23 November 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 15/09/2022 to 11/11/2022
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
128 Rye Road, Hastings, TN35 5DB HS/FA/21/00940	Construction of ancillary garden building for use by applicant in connection with her home-working beauty business (retrospective)	Refuse Planning Permission	DELEGATED	Planning
Land south west of, Netws Way, St Leonards-on- sea HS/FA/20/00715	Construction of a single dwellinghouse which will include 3 bedrooms, work from home space, gardens, parking and access to Newts Way	Refuse Planning Permission	PLANNING COMMITTEE	Planning
Land south west of Newts Way, St Leonards-on-sea HS/FA/20/00959	Construction of four family dwellinghouses which will include work from home space, gardens, parking and access to Newts Way	Non- Determination	PLANNING COMMITTEE	Planning

The following appeals have been allowed:

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

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Land west of 1 and 10-11, Hawthorn Road, Hastings HS/PIP/21/00912	Erection of a 2 bedroom dwelling incorporating an arch-like extension spanning the driveway. Creation of two allocated parking spaces and garden	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
General PD (Approval)	2
Granted Permission	95
Part Granted – Part Refused	1
Prior Approval Approved	3
Raise Objections	1
Refused	22
Withdrawn by applicant	5
Total	129

Report written by
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