

Planning Agenda

Wednesday, 22 February 2023 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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(b)	10 Greville Road (HS/PR/22/00961) (<i>W. Larkin, Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= H STBC DCAPR 120191	29 - 36
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Present: Councillors O'Callaghan (Chair), Collins (Vice Chair), Bacon, Beaver, Beaney, Cannan, Edwards and Williams

Officers: Surinder Atkar (Principal Solicitor), Eleanor Evans (Planning Services Manager), Emily Meppem (Senior Planning Officer), William Larkin (Planning Officer)

387. APOLOGIES FOR ABSENCE

Apologies received from Councillors Roberts

388. DECLARATIONS OF INTEREST

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

389. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meetings held on 22nd December 2022 be approved as a true record

390. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

391. PLANNING APPLICATIONS

392. MORRISONS, 170 QUEENS ROAD, HASTINGS (HS/AA/22/00688)

Proposal	Advertisement consent application for 3 x white aluminium panels, to cover the south-east, north-east and south-west clock faces on the existing clock tower. (Retrospective)
Application No	HS/AA/22/00688
Conservation Area	No

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Listed Building	No
Public Consultation	Yes – 37 objections received

-

The Planning Officer presented. This is a retrospective application. There were no updates. Slides showed a location plan, block plan and an aerial view of 170 Queens Road. A slide was shown of the advertisement and a photo of how the advertisement is seen from the car park of Morrisons and a photo of how the advertisement looks from the West Hill. The Planning Officer explained there had been 37 letters of objection received most responses the primarily concerned with the covering of the clock faces. The Planning Officer explained the application site is not a listed building. not within a conservation area and the clock is not required to be retained by a condition of the original planning permission from 1987.

No Questions were asked of the Planning Officer

Councillors debated.

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

RESOLVED (Unanimously)

Grant Advertisement Consent 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 advertisement hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan, Block Plan, Site Plan, Hastings (353) - Planning Booklet, C62114-A1 Aluminium Face Panel
3. No advertisement shall be sited or displayed so as to—
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

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5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.
6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

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. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.
4. In accordance with the Town & Country Planning (Control of Advertisements) Regulations 2007.
5. In the interests of safeguarding the amenities of the area.
6. In the interests of safeguarding the amenities of the area.

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

393. LAND REAR OF 77-79 MOUNT ROAD, HASTINGS (HS/FA/22/00679)

Proposal	Proposed new dwelling to the rear of 77-79 Mount Road with access from Mount Road with associated parking. -
Application No	HS/FA/22/00679

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Conservation Area	No
Listed Building	No
Public Consultation	Yes – 10 objections received

-

The Senior Planning Officer presented. There have been no updates. Slides were shown showing a location plan, block plan and an aerial photograph of 77-79 Mount Road. Photographs were shown of windows of the Baptist Church and drawing of the proposed new dwelling. This application is a resubmission following an earlier refusal and there refused scheme saw the erection of two dwellings and they were located much closer to the boundary of the site. A slide was shown showing the elevation from each side. The proposed dwelling will appear single storey from the North East and two storey from the South west

Councillors asked the Senior Planning Officer about the history of the site and whether there was a covenant restricting the site as an allotment. The Planning Service Manager explained that matters of covenant are not a material consideration in determining a planning application. Whilst very valid, they're not material to whether we can approve or refuse an application. The Planning Services Manager also advised that, if the site were an allotment, it would be allocated as such in the Local Plan.

Councillors asked regarding waste bin storage and collection. The Senior Planning officer explained that residents would be required to move their bin to the curbside on Mount Rd on the relevant collection day. The Planning Service Manager explained that the distances residents would have to move their bins would be set out in building regulations, which is the next step after planning permission.

Councillors debated.

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

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:

20-9119-01B, 20-9119-02B.

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3. Prior to commencement of development a Method Statement is to be submitted to, and approved in writing by, the Local Planning Authority. Construction work shall only take place in accordance with the approved method statement which shall include:
 - measures to control the emission of dust and dirt generated by construction works, including measures to prevent mud on the highway;
 - a scheme for controlling noise and vibration from construction activities [including details of any piling];the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and their storage and restoration of any damage to the highway [including vehicle crossovers and grass verges].
4. (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.
5. All Arboricultural measures and works shall be carried out in accordance with the details contained in the Arboricultural Survey (6062/22-01 REV 01) and the Arboricultural Impact Assessment (6062/22-02 REV 01) prepared by PJC Consultancy Ltd, and submitted as part of this application, and agreed in principle with the Local Planning Authority prior to determination.
6. 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 and to the satisfaction of the Local Planning Authority. 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.
7. 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

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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,
- 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, paying particular attention to the boundary of the site with No.75 Mount Road and the Neighbouring Allotments;
- 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.

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.

8. (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.
9. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Assessment (4871E/22) June 2022, prepared by PJC Consultancy Ltd, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
10. No development shall take place above damp proof course level until full

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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.

11. The external bathroom window on the north west elevation of 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 windows shall be permanently maintained in that condition.
12. The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plan (20-9119-02B) 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 and turning areas shall thereafter be retained for that use and shall not be used other than for the parking or turning of motor vehicles.
13. Prior to occupation of the dwellings hereby approved full details of the proposed bin and cycle stores are to be submitted to and approved in writing by the Local Planning Authority. These stores are to then be installed on site in accordance with the approved details prior to occupation and thereafter retained on site for the perpetuity of the development.
14. 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.
15. Prior to occupation of the dwelling hereby approved provision shall be made for the ability to connect to fibre-based broadband.
16. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures, such as the installation of a minimum of one electric vehicle charging point, 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

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roof of the premises, permitted by Classes B & C of Part 1 of Schedule 2 of the Order shall be carried out without the prior written consent of 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 limit the impact the development has on the amenity of the locality.
4. To ensure a satisfactory standard of development.
5. In the interests of the health of the trees and the visual amenity of the area.
6. In the interests of the health of the trees and the visual amenity of the area.
7. To ensure a satisfactory standard of development.
8. To ensure a satisfactory standard of development.
9. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
10. To ensure a satisfactory standard of development.
11. To safeguard the amenity of adjoining and future residents.
12. 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 Mount Road.
13. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
14. To safeguard the amenity of adjoining residents.
15. To ensure a satisfactory standard of development.
16. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014 and to promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies contained in the NPPF.
17. To safeguard the amenity of adjoining and future residents.

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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. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove,

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Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.

394. WEST LODGE, MAZE HILL, ST LEONARDS-ON-SEA (HS/FA/22/00866)

Proposal	Change of use from Visitor and Interpretative Centre (Class F1.e) to one residential unit (Class C3) with no external alterations proposed (amended description). -
Application No	HS/FA/22/00866
Conservation Area	Yes - Burtons' St. Leonards
Listed Building	Grade II
Public Consultation	Yes

-

The Planning Officer presented. There have been no updates. Slides were shown showing a location plan, block plan and an aerial photograph of West Lodge and the surrounding area. This building has been a visitor centre since 1999. A photo was shown of the public access to Grade II listed St Leonards Gardens which will remain. The conservation officer responded positively towards a proposal as they see this as an opportunity to restore some original features as this building was originally designed to be a home. This application is for a change of use only with a condition of further application prior to occupation.

No Questions were asked of the Planning Officer.

Councillors debated.

Councillor Edwards proposed approval of the recommendation, seconded by Councillor Webb.

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:

22.436.2.A

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3. Prior to the residential occupation of the site, details of a proposed bin store and details of those responsible for its maintenance are to be submitted to and approved in writing by the Local Planning Authority. This store shall then be provided on site, prior to commencement of use of the hall and in accordance with the approved details. The store shall thereafter be retained for the storage of bins.
4. Prior to occupation, details must be submitted and approved by the Local Planning Authority in terms of floor sizes in order to ensure that the space standards set out within the Technical Housing Standards (2015) are met. Works 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.
5. The development shall not be occupied 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.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory standard of development.
4. To safeguard the amenity of future residents.
5. In order to secure a well planned development.

Notes 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.
2. This planning permission is for a change of use of West Lodge to a single residential unit only. No consent has been granted for the sub-division of the property or for any internal or external changes to the building associated with the change of use. As the building is Grade II listed, formal listed building consent must have been applied for and obtained prior to any internal or external changes being made to the listed building, including changes to any curtilage structures (e.g. garden boundary walls). It is a

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criminal offence to carry out unauthorised works to a listed building.

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

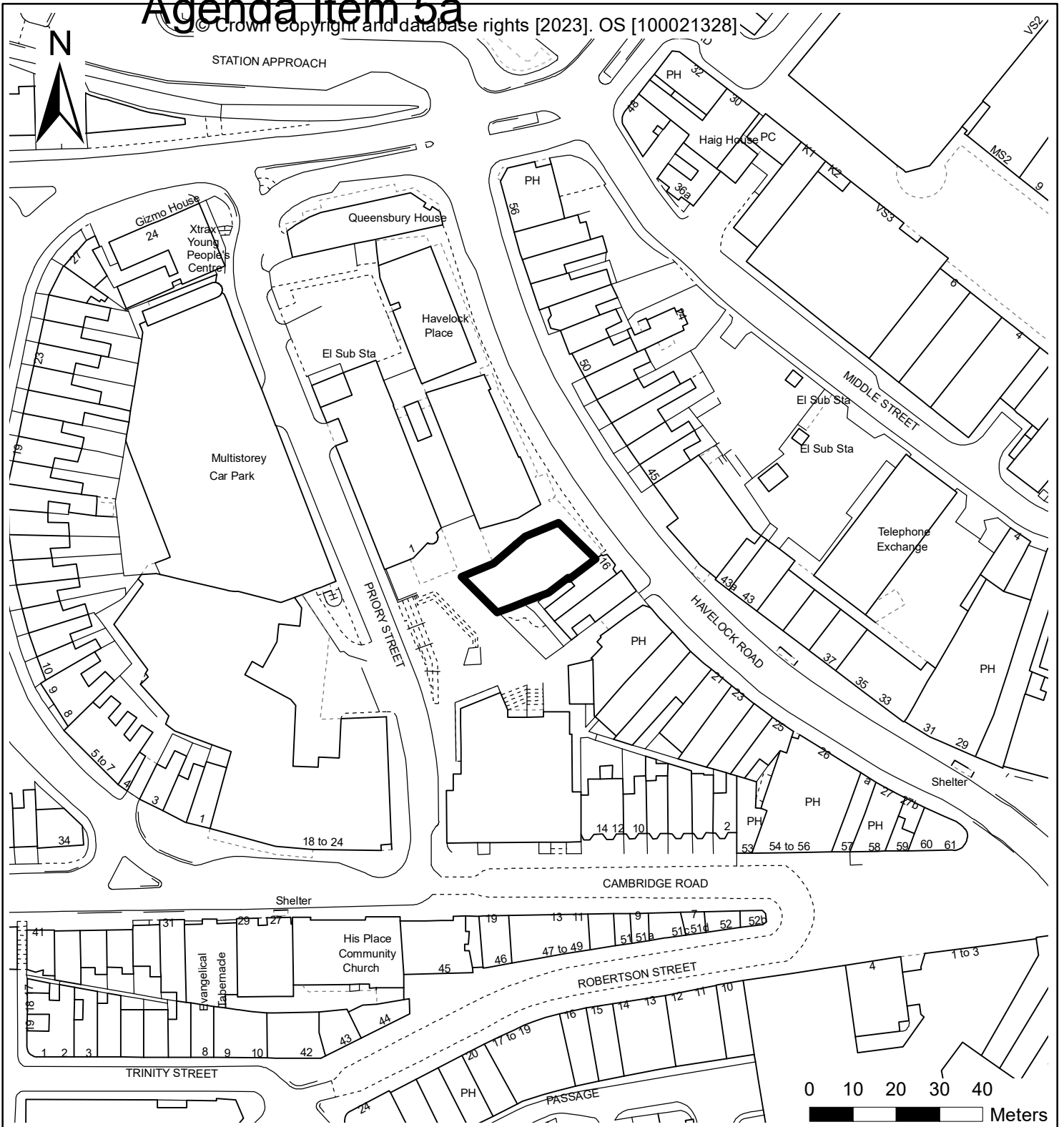
395. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Service Manager highlighted the application for 40 - 41 Queens Road to the committee. The decision has been appealed and planning permission has been granted. The Committee gave thanks to the officers for their time and effort trying to uphold the Planning Committee's decision. The Committee noted the report.

(The Chair declared the meeting closed at. 6.37 pm)

Agenda Item 5a

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**Unit 2 Lacuna Place
Havelock Road
Hastings
TN34 1BG**

Change of use of the vacant ground floor unit of Lacuna Place to Class E - Commercial, Business and Service Use



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: Feb 2023

Scale: 1:1,250

Application No. HS/FA/22/00865

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Report to: PLANNING COMMITTEE

Date of Meeting: 22 February 2023

Report from: Assistant Director of Housing and Built Environment

Application address: **Unit 2 Lacuna Place, Havelock Road, Hastings, TN34 1BG**

Proposal: **Change of use of the vacant ground floor unit of Lacuna Place to Class E - Commercial, Business and Service Use**

Application No: **HS/FA/22/00865**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE 2018
Conservation Area: Yes - Hastings Town Centre
Listed Building: No

Applicant: Hastings Borough Council Unit 2 Lacuna Place
Havelock Road East Sussex Hastings TN34 1BG

Public Consultation

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

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

1. Site and surrounding area

The application site relates to unit 2 Lacuna Place, a vacant ground floor unit set within a commercial building located within the Hastings Town Centre. This ground floor unit is approximately 292 square metres and has been vacant since its construction in 2008. Lacuna Place is of a modern design, with full height glazed panelling to the front, side and rear elevations with the creation of new access doors at ground floor which have been

completed following the approval under application HS/FA/19/00664.

The unit is located on the west side of Havelock Road but is also accessible from Priory Street. Havelock Road is predominately made up of commercial uses at ground floor level, with ancillary office space, storage or residential above. The exception to this is the former University of Brighton building sited opposite, for which a change of use to a dual use comprising of student and visitor accommodation under application HS/FA/20/00404 was approved, although works have begun on site they have not yet been completed.

The application site lies within the Academic Cultural Quarter as defined by the Hastings Development Management Plan 2015, as well as the Hastings Town Centre Conservation Area.

Constraints

SSSI Impact Risk Zone

Hastings Town Centre Conservation Area

Hastings Town Centre

Archaeological Notification Area

Ground Water Flooding

Academic Cultural Quarter

Land Owned by Hastings Borough Council

GCN District Licensing Scheme IRZ - Green

GCN District Licensing Scheme IRZ - White

Background Information:

Planning permission was granted in 2006 under application HS/FA/06/00307 (a variation of application HS/FA/05/00664) for the erection of two new buildings for B1 use at upper levels, with flexible commercial uses of A1, A2 or A3 fronting Havelock Road, and A1, A2, A3 or B1 fronting Priory Square. The ground floor unit in question as part of this application therefore currently has permission for an A1, A2, A3 or B1 use, although it has remained vacant since its construction in 2008.

A further planning application for this ground floor unit was granted for a flexible use for A1, A2, A3, A5, B1, D1 and D2 use under application HS/FA/19/00814. This permission was not commenced within the 3-year requirement and has since expired.

It is noted the permitted uses A1, A2, A3 or B1 for this ground floor unit were re-grouped on the 1 September 2020 and now fall under Class E which is more broadly made up of 11 parts.

As noted above the unit has permission for E(a) (A1), E(c) (A2), E(b) (A3) or E(g) (B1) use, but not for E(e) and E(f) (D1 prior to 1 September 2020) and for E(d) (D2 prior to 1 September 2020). This application has now been submitted to reflect the current use classes which were updated on 1 September 2020, and to optimise the unit's marketability and secure occupancy for the future. This application proposes Class E to the ground floor unit to include all 11 parts contained under the canopy of Class E.

This report will assess the suitability of all uses being proposed at the premises, considering its location, surroundings, and impact on neighbouring sites.

2. Proposed development

This application proposes to use the vacant ground floor unit of this commercial building for Class E - Commercial, Business and Service Use. Class E uses are defined as follows :

- E(a) Display or retail sale of goods, other than hot food (A1 prior to 1 September 2020)
- E(b) Sale of food and drink for consumption (mostly) on the premises (A3 prior to 1 September 2020)
- E(c) Provision of :
 - E(c)(i) Financial services,
 - E(c)(ii) Professional services (other than health or medical services), or
 - E(c)(iii) Other appropriate services in a commercial, business or service locality (A2 prior to 1 September 2020)
- E(d) Indoor sport, recreation or fitness (not involving motorised vehicles or firearms or use as a swimming pool or skating rink) (D2 prior to 1 September 2020)
- E(e) Provision of medical or health services (except the use of premises attached to the residence of the consultant or practitioner) (D1 prior to 1 September 2020)
- E(f) Creche, day nursery or day centre (not including a residential use) (D1 prior to 1 September 2020)
- E(g) Uses which can be carried out in a residential area without detriment to its amenity :
 - E(g)(i) Offices to carry out any operational or administrative functions,
 - E(g)(ii) Research and development of products or processes
 - E(g)(iii) Industrial processes (B1 prior to 1 September 2020)

No external alterations are proposed as part of this proposal, this application relates solely to a change of use.

The works which were approved under application HS/FA/19/00664 for full height glazed panelling to the front, side and rear elevations with the creation of new access doors having been completed on site.

Relevant planning history

- HS/CD/22/00090 Discharge of Condition 4 (material) of Planning Permission
HS/FA/21/00120 - Installation of a wall to house the incoming water mains to meet Southern Water's requirements
Permission with conditions on 07/03/22
- HS/FA/21/00120 Installation of a wall to house the incoming water mains to meet Southern Water's requirements
Permission with conditions on 05/08/21
- HS/CD/21/00213 Discharge of condition 4 (materials) of Planning Permission
HS/FA/19/00664
Permission with conditions on 28/04/21
- HS/FA/19/00814 The proposal is for the change of use to the vacant ground floor unit of Lacuna Place to a flexible A1, A2, A3, A5, B1, D1, and D2 use.
Permission with conditions on 20/12/19
- HS/FA/19/00664 Removal of hoarding to be replaced with full height glazed panelling to front, side and rear elevations with 1 x glazed bi-parting door to front, 1 x glazed bi-parting door to side and creation of new access door to rear

elevation

Permission with conditions on 20/12/19

HS/FA/06/00307 The demolition of 11,12 and 13-15 Havelock Road and the redevelopment of these and the adjoining vacant sites to provide two buildings: both designated for business use (class B1); with the ground floor to Priory Street designated as retail and or business (class A1/A2/A3 &/or B1) and the ground floor to Havelock Road designated as retail (class A1/A2 &/or A3); and with basement car parking. (Revision to scheme approved under reference HS/FA/05/00664).

Permission with conditions on 23/06/06

HS/FA/05/00664 Redevelopment of 11, 12 and 13-15 Havelock Road and the adjoining vacant sites to provide two buildings; one designated for business use (Class B1); one designated for educational use (Class D1) with retail at ground floor (Class A1/A2 and/or A3); and with basement car parking. (Application HS/CA/05/00663 for the demolition of 11, 12 and 13-15 Havelock Road also applies)

Permission with conditions on 03/02/06

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 SC7 - Flood Risk

Policy EN1 - Built and Historic Environment

Policy E3 - Town, District and Local Centres

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 SA4 - Drinking Establishments and Hot Food Take-Aways

Policy CQ1 - Cultural Quarters

Revised Draft Local Plan (Regulation 18)

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

Licensing - No objection

A separate Licensing Act application will be required should the implemented use include matters covered under the Licensing Act 2003.

Environmental Health Team - No objection subject to conditions

Require condition to protect amenities of neighbouring sites if commercial kitchen and external extraction system installed (condition 4) :

Prior to the first operation of the premises, 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.

Planning Policy Team - **No objection**

Considers the proposal to be complementary to the Town Centre shopping area, in line with Policy E3 of the Hastings Planning Strategy.

Waste Team - **No objection**

Waste generated from this business would need to be properly contained, emptied frequently enough to prevent any detriment to the surrounding area, with these bins stored off of any public highway.

4. Representations

Two site notes were displayed at the site. One on each of the Havelock Road and Priory Square frontages. No representations have been received.

5. Planning and legislative background

Planning permission was granted in 2006 (HS/FA/06/00307) for the erection of two new buildings for B1 use at upper levels, with flexible commercial uses of A1, A2 or A3 fronting Havelock Road, and A1, A2, A3 or B1 fronting Priory Square. The unit in question as part of this application therefore currently has permission for an A1, A2, A3 or B1 use, although it has remained vacant since its construction in 2008.

For clarity, these uses are described as follows :

E(a) (A1 prior to 1 September 2020) - shops

E(c) (A2 prior to 1 September 2020) - financial and professional services

E(b) (A3 prior to 1 September 2020) - restaurants and cafes

E(g) (B1 prior to 1 September 2020) - business

Schedule 2, Part 3, Class V of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) allows for some changes of use from existing authorised uses to alternative uses, which would have been specifically authorised when granted. This means that through permitted development rights, the authorised E(a), E(c), E(b) and E(g) use of the application site, could legitimately change to any other use if allowed by the GPDO, subject to several conditions.

As noted above the unit has permission for E(a) (A1), E(c) (A2), E(b) (A3) or E(g) (B1) use, but not for E(e) and E(f) (D1 prior to 1 September 2020) and for E(d) (D2 prior to 1 September 2020), as such this application has been submitted to reflect the current use classes which were updated on 1 September 2020, and to optimise the unit's marketability and secure occupancy for the future.

6. Determining issues

The application proposes a variety of uses within Class E for the premises. It is therefore important that this report assesses the suitability of all the potential uses within Class E operating from the premises having regard to the site's surroundings, and impact on

neighbouring sites.

No external alterations are being considered as part of this application and as such, the impact on the character and appearance of the conservation area does not need to be considered, other than the impact that the proposed uses may have on the character of the area.

The premises is not sited within the licensing saturation zone, which restricts the numbers of licensed premises that are operating in a defined area. Therefore, there are no concerns regarding over concentration of licensed premises. However, if uses are pursued that require a license under the Licensing Act 2003, this will be subject to a separate licensing application process.

a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan 2015, paragraph 4.3 of the Hastings Local Plan – Planning Strategy 2014 and paragraph 11 of the National Planning Policy Framework set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other Local Plan policies.

b) Loss of existing use

This application relates to a vacant ground floor commercial unit in an occupied office building. The 2006 consent under application HS/FA/06/00307 (a variation of application HS/FA/05/00664) for the entire building, included a flexible use of E(a) (A1), E(c) (A2), E(b) (A3) and E(g) (B1) but was never implemented at ground floor level due to lack of interest in the unit. All of these uses are proposed in this latest application, and as such, the commercial ground floor element is being retained. No objection is therefore raised with the loss of the existing flexible use.

c) Proposed new use

As several uses are proposed for this application, the potential impacts of each will be considered in turn below. It is important to note that the application site does not fall within the primary shopping area as defined by the Hastings Local Plan Policies Map, so E(a) (A1) uses do not need to be the primary focus in this area.

It is also important to recognise that 'main town centre uses' are defined by the National Planning Policy Framework (NPPF) and include the following :

- Retail development (including warehouse clubs and factory outlet centres).
- Leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls).
- Offices.
- Arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Every use applied for in this application is shown as an appropriate town centre use, as defined by the National Planning Policy Framework (NPPF). The Planning Policy Team considers the proposal to be complementary to the Town Centre shopping area, in line with Policy E3 of the Hastings Planning Strategy.

The application site faces out on to both Havelock Road and Priory Square. Havelock Road at ground floor level is well populated with retail units, offices falling within E(c) use, and public houses. The site is located in Hastings Town Centre, and as such, an additional E(a) use would complement the nearby primary shopping area by improving its vitality and viability, in accordance with Policy E3 of the Hastings Planning Strategy 2014. In addition, a new retail use will be in accordance with Policy FA2 of the Hastings Planning Strategy (Strategy for Hastings Town Centre), in that it would promote competitiveness in terms of the range and type of shops operating in the area.

E(c) (A2 prior to 1 September 2020) (Financial and professional services)

Similar to the assessment for E(a) (above), the area is characterised by such commercial uses in this part of the town centre. A further E(c) use would complement the business aims of Policy FA3 of the Hastings Planning Strategy, in recognition of their contribution to the cultural quarter.

E(b) (A3 prior to 1 September 2020) (Restaurants and cafes)

An E(b) use in this location also formed part of the original consent for the Lacuna Place development, and as such, the principle of this has previously been agreed. An E(b) use in the form of a restaurant or café would increase footfall in this part of the town centre, encouraging further use in the evening when the offices and shops have closed for the day. This contributes to the aims of Policy CQ1 of the Development Management Plan which seeks to support development that will assist the further expansion of their role of centres for leisure and business activities, will contribute to the mix and diversity of uses and the potential to enhance their attraction to visitors, and improve the vitality of the area.

E(g) (B1 prior to 1 September 2020) (Business)

A proposed business use would provide a continuation of the use of the remainder of the building, which is not out of keeping with the commercial nature of the area. Whilst it is acknowledged that the application site lies on the boundary of the Priory Quarter site allocation in the Development Management Plan, it is clear that any development should be considered in the context of this wider area, given the new build developments that took place as a collective. Additional employment space in this location would therefore meet the aims of Policy DS2 of the Hastings Planning Strategy in that it would continue development of new office-based opportunities at Priory Quarter in Hastings Town Centre. Business use in this location is therefore supported, in recognition of its contribution to employment growth in the town centre.

E(e) and E(f) (D1 prior to 1 September 2020) (Non-residential institutions)

E(e) and E(f) uses were not included at ground floor level in the original consent for the building, and as such, the principle for this has not yet been established.

A E(e) and E(f) use could comprise of a use for medical and health services, or day centre, creche and day nursery.

Given the size of the unit in question, it is unlikely that the premises would be suitable for a creche or nursery use. The most appropriate use is likely to be for medical and health services which will positively contribute to the diversity of uses found within the centre, in accordance with Policy E3 of the Hastings Planning Strategy 2014. However, all of the E(e) and E(f) uses are considered acceptable, subject to the imposition of conditions 3 and 4 to safeguard neighbouring sites.

E(d) (D2 prior to 1 September 2020) (Assembly and leisure)

E(d) uses were not included within the original consent for the building at ground floor level, and as such, the principle for this has not yet been established.

A E(d) use could comprise of a use for indoor sport or recreation, not involving motorised vehicles or firearms or use as a swimming pool or skating rink.

As stated above, the floor area will restrict the types of uses that can be accommodated. However, leisure uses are appropriate town centre uses as defined by the National Planning Policy Framework (NPPF). A E(d) use is therefore considered to contribute positively to Policy CQ1 of the Development Management Plan, which seeks to support development that will assist the further expansion of their role of centres for leisure and business activities, will contribute to the mix and diversity of uses and the potential to enhance their attraction to visitors, and improve the vitality of the area.

d) Impact on neighbouring residential amenities

The application premises are at ground floor level in a purpose-built building, with offices occupying the floors above. To the north and west of the unit is open space, with commercial uses opposite, and adjacent to the south. Taking this relative isolation from residential properties immediately adjacent or above, it is unlikely that residential amenities would be harmed from the proposed E(a), E(c), E(g) or E(e) and E(f) uses.

Should the E(b) or E(d) uses be implemented, it will be necessary to fully consider opening hours to ensure that any nearby residents will not be unduly affected by potential noise disturbance. As the future use of the building is not yet known, the applicant will be required to submit opening hours to the Local Planning Authority for approval prior to occupation of the premises (condition 3).

Similarly, any external extract equipment will be conditioned as recommended by the Environmental Health Team to ensure effective management of noise and odour should extraction be required to facilitate the E(b) use (condition 4).

e) Highway safety/parking

The wider redevelopment of Lacuna Place provided 33 on-site parking spaces at lower ground floor level, based on extensive parking research. This provision was accepted by the ESCC Highway Authority at that time, given the sites location directly in the town centre, in extremely close proximity to Hastings Railway Station, Priory Street car park and Station Plaza car park.

As previously stated, the original consent took into consideration the provision of alternative commercial uses at ground floor level, with the exception of E(e) and E(f) (non-residential institutions) and E(d) (assembly and leisure) uses. The traffic generated by these uses is not considered to significantly increase, particularly given the restricted size of the unit in terms of its suitability for high intensity uses.

The availability of off-site parking and public transport connections is considered to be acceptable to provide for the proposed use in this instance.

Similarly cycle parking was included in the original consent, and as such, does not need to be reconsidered here for the same reasons.

f) Waste

Bin storage for the building is provided at lower ground floor level, with details approved under application HS/FA/06/00307. As no new floor space is being created and a commercial use was included within the original consent, it is not considered that further details of waste storage are required in this instance. The Waste Team have confirmed no objection but have reiterated the fact that waste generated from the premise would need to be properly contained, emptied frequently enough to prevent any detriment to the surrounding area, with the bins stored off any public highway. Informative note 6 has been attached reiterating these requirements.

g) Environmental Impact Assessment

The National Planning Practice guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

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.

h) Site constraints

Regarding the site constraints listed above, no ground works or external works are being proposed under this application, the application relates solely to a change of use and as such there will be no impact upon the listed site constraints, no further consideration is therefore required.

7. Conclusion

In conclusion, the proposed use will help ensure the long-term vacancy of the building is addressed, and a viable use occupies the building. This will help to regenerate the Priory Square area, making it more attractive to encourage the envisaged Priory Quarter development, contributing to the aims of the Local Plan to encourage vitality and viability of the town centre, and contribute positively to the defined cultural quarter. As such, it is recommended the proposed use is granted subject to conditions.

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

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

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

8. 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:

Location and block plans (ESAD 1883), existing ground floor plan (201) and proposed ground floor plan (201)

3. Prior to occupation of the first implemented use, opening hours must be submitted to, and approved in writing by the Local Planning Authority. The approved hours shall therefore be implemented and retained thereafter, following occupation.

Should the use of the premises change from one use within use Class E to another use within Class E, further details of proposed opening hours shall be submitted to, and approved in writing by the Local Planning Authority prior to commencement of that use. The approved hours shall therefore be implemented and retained thereafter, following occupation.

4. The building shall not be occupied or brought into use until 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 (if required), 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 building being occupied or brought into use and these shall thereafter be operated and retained in compliance with the approved scheme.

Should the use of the premises change from one use within use Class E to another use within Class E, further details of 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 (if required), shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of that use. These approved details shall then be implemented prior to the commencement of the proposed use and thereafter maintained to an acceptable standard.

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 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 Health and Safety at Work Etc. Act 1974 will apply.
 4. The Food Safety Act 1990 will apply.
 5. The applicant is advised that should subsequent use of the premises include matters covered by the Licensing Act 2003 a separate application will need to be made to licensing and advertised publicly for 28 days.
 6. Waste generated from this premise, would need to be properly contained, emptied frequently enough to prevent any detriment to the surrounding area, with the bins to be stored off of any public highway.
-

Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

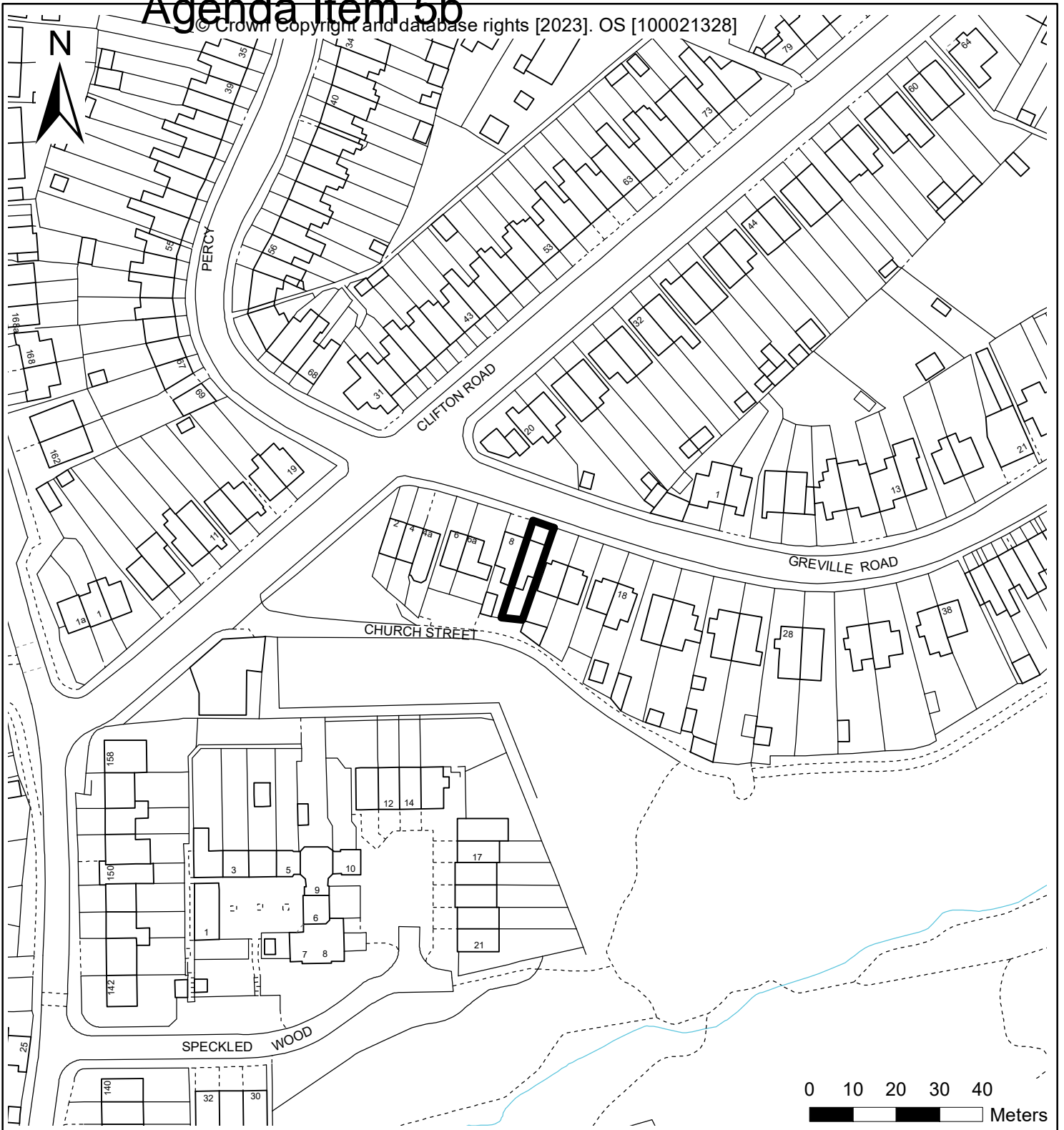
Background Papers

Application No: HS/FA/22/00865 including all letters and documents

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Agenda Item 5b

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**10 Greville Road
Hastings
TN35 5AL**

Application for a Certificate of proposed Lawful development for a loft conversion with rear dormer meeting the criteria of Class B - Permitted Development



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: Feb 2023

Scale: 1:1,250

Application No. HS/PR/22/00961

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Report to: PLANNING COMMITTEE

Date of Meeting: 22 February 2023

Report from: Assistant Director of Housing and Built Environment

Application address: 10 Greville Road, Hastings, TN35 5AL

Proposal: Application for a Certificate of proposed Lawful development for a loft conversion with rear dormer meeting the criteria of Class B - Permitted Development

Application No: HS/PR/22/00961

Recommendation:

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

Applicant: Coral Harding & Terri Dowling per LGS New Holme Victoria Road Bexhill TN39 3PD

Public Consultation

Site notice:	No
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated -
Application by serving employee in restricted post.

1. Site and surrounding area

The application site relates to No. 10 Greville Road, a two-storey with basement semi-detached dwellinghouse situated on the south side of the road. The property is located within a residential area, north of Speckled Wood. The dwelling is not listed nor located within a conservation area.

Constraints

N/A

2. Proposed development

Application for a Certificate of proposed Lawful development for a rear dormer extension and no. 2 rooflights fitted to the roof on the front elevation.

Relevant planning history

None relevant

National and local policies

The question of whether the proposed development is lawful is not assessed against national or local planning policy.

3. Consultation comments

In respect of this application, no consultations were required.

4. Representations

As this is a Certificate of Lawful Proposed Development and not a planning application to be assessed against policies in terms of impact upon the character of the area or neighbouring amenities, there is no requirement to carry out public consultation in the form of neighbour letters or site notices.

5. Determining issues

The application has been assessed under the relevant provisions of Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), as follows:

B.1 Development is not permitted by Class B if:	Complies	Commentary
(a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use);	Yes	
(b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;	Yes	
(c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;	Yes	

(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than— (i) 40 cubic metres in the case of a terrace house, or (ii) 50 cubic metres in any other case;	Yes	New element is 20.5m ³
(e) it would consist of or include— (i) the construction or provision of a verandah, balcony or raised platform, or (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or	Yes	
(f) the dwellinghouse is on article 2(3) land.	Yes	
(g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses) or	Yes	
(h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).	Yes	

B.2 Development is permitted by Class B subject to the following conditions:	Complies	Commentary
(a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse; Window frames should be similar to those in the existing house in terms of colour and shape.	Yes	
(b) the enlargement must be constructed so that— (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external	Yes	0.38m from outside edge of eaves.

wall of the original dwellinghouse; and		
(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.	Yes	No side elevation windows proposed.

6. Conclusion

The proposed rear dormer extension with no. 2 rooflights fitted to the roof on the front elevation complies with the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application is therefore recommended for approval for the issue of a Certificate of Lawful Development.

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

7. Recommendation

1. (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;
- (b) the enlargement must be constructed so that—
 - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and
- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

2. The development shall be carried out in accordance with the details approved under drawing number: HAST10GR002
3. The materials and colours to be used in the construction of the external surfaces and windows of the extension hereby permitted shall match those used in the existing building.

Reasons:

1. To ensure that the proposed development falls within the limit of permitted development within Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
2. In accordance with the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015
3. In the interests of the visual amenity of the area.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
3. It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would be lawful, on the specified date and, therefore, would not have been liable to enforcement action under Part 7 of the 1990 Act on that date.
4. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matters which are materially different from those described or which relate to other land may render the owner or occupier liable to enforcement action.
5. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
6. The conditions set out at Schedule 2, Part 1, Class A, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) will need to be complied with in full.

7. This notice does not give clearance or approval under any other legislation including building regulations. It relates only to the notification under the 2015 General Permitted Development Order as detailed above.
8. 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

9. 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

William Larkin, Telephone 01424 783250

Background Papers

Application No: HS/PR/22/00961 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	25 January 2023
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 13/01/2023 to 10/02/2023
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 rear of, Ashbrooke Lodge, 268 Sedlescombe Road North, St Leonards-on-sea, TN37 7JL HS/FA/21/00574	Erection of two chalet bungalows and associated hard and soft landscaping	REFUSED PERMISSION	DELEGATED	Planning
9 Kite Close, St Leonards-on-sea, TN38 8DR HS/FA/22/00617	Proposed two storey side extension and internal alterations	REFUSED PERMISSION	DELEGATED	Planning

The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Shop and premises, 40-41 Queens Road, TN34 1RE	Change of use of the ground floor unit of 40- 41 Queens Road from a vacant pawnbroker's	GRANT PERMISSION	PLANNING COMMITTEE	Planning

HS/FA/21/00443	(E Class) to an adult gaming centre (Sui Generis)			
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The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
2 Roebuck Street, Hastings, TN34 3BB HS/FA/21/00642	Replacement of existing flat roofs on an existing building with pitched roofs at 1 st floor and 2 nd floor levels due to ongoing issues with leakages: 1 main pitched roof at 2 nd floor level. 2 smaller pitched roofs on North West elevation at 1 st floor level – works to include 2 x velux windows	Non determined		Planning
Land South of 15-2- Gresley Road, Lancaster Road, (adj Tyrone Wildman House), St Leonards-on-sea HS/FA/21/00920	Proposed residential development – pair semi-detached dwellings	REFUSED PERMISSION	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	41
Non determination	1
Part Granted – Part Refused	1
Prior Approval Approved	3
Prior Approval Refused	1
Refused	11
Withdrawn by applicant	2
Total	60

Report written by
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