

Planning Agenda

Wednesday, 22 March 2023 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building through the Contact Centre entrance via the seafront.

For further information, please contact Democratic Services on 01424 451484 or email:
democraticservices@hastings.gov.uk

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

Officers: Eleanor Evans (Planning Services Manager), Surinder Atkar (Senior Solicitor), Louise Fletcher (Planning Officer), and William Larkin (Planning Officer).

396. APOLOGIES FOR ABSENCE

None received.

397. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Beaver	All items relating to highways	Personal – East Sussex County Councillor

398. MINUTES OF PREVIOUS MEETING 25/01/23

RESOLVED – that the minutes of the meeting held on 25th January 2023 be approved as a true record

399. PLANNING APPLICATIONS

399.1 Unit 2 Lacuna Place, Havelock Road (HS/FA/22/00865)

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
Conservation Area	Yes - Hastings Town Centre
Listed Building	No
Public Consultation	Yes

The Planning Officer, Mrs Fletcher, presented an application for a change of use of the vacant ground floor unit of Lacuna Place to Class E - Commercial, Business and Service Use.

This is a Council application on Council owned land and the site sits in the Hastings Town Conservation Area, and Academic Cultural Quarter. The application is a resubmission of the lapsed permission HF/FA/19/00814 and no external alterations are proposed under the current application.

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Councillors were shown plans and photographs of the application site.

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

RESOLVED (by 8 for, to 0 against, with 2 abstentions) that full planning permission be granted subject to the following conditions:

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

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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.

399.2 10 Greville Road (HS/PR/22/00961)

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
Conservation Area	No
Listed Building	No
Public Consultation	No

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The Planning Officer, Mr Larkin, presented an application for a Certificate of proposed Lawful development for a loft conversion with rear dormer meeting the criteria of Class B - Permitted Development.

No public consultation is required for a permitted development application. Permitted development applications are not assessed against local or national planning policies and are instead assessed against the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. This application complies on each point and is therefore recommended for approval.

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

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

RESOLVED (by 8 for, to 0 against, with 2 abstentions) that a Certificate of proposed lawful development be issued subject to the following conditions:

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 dwelling house;

(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. Any window located on a roof slope forming a side elevation of the dwelling house must be—

(a) obscure-glazed; and

(b) 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.

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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. To ensure that the proposed development falls within the limit of permitted development within Class C of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Notes to the applicant:

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. 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.
3. 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 matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. 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.
5. The conditions set out at Schedule 2, Part 1, Class B, clause B2, and, Schedule 2, Part 1, Class C, clause C2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) will need to be complied with in full.
6. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
7. 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

400. PLANNING APPEALS AND DELEGATED DECISIONS

Councillor Beaver noted the 40-41 Queens Road appeal decision and thanked officers for their work in defending the Planning Committee's decision to refuse the application.

The Committee noted the report.

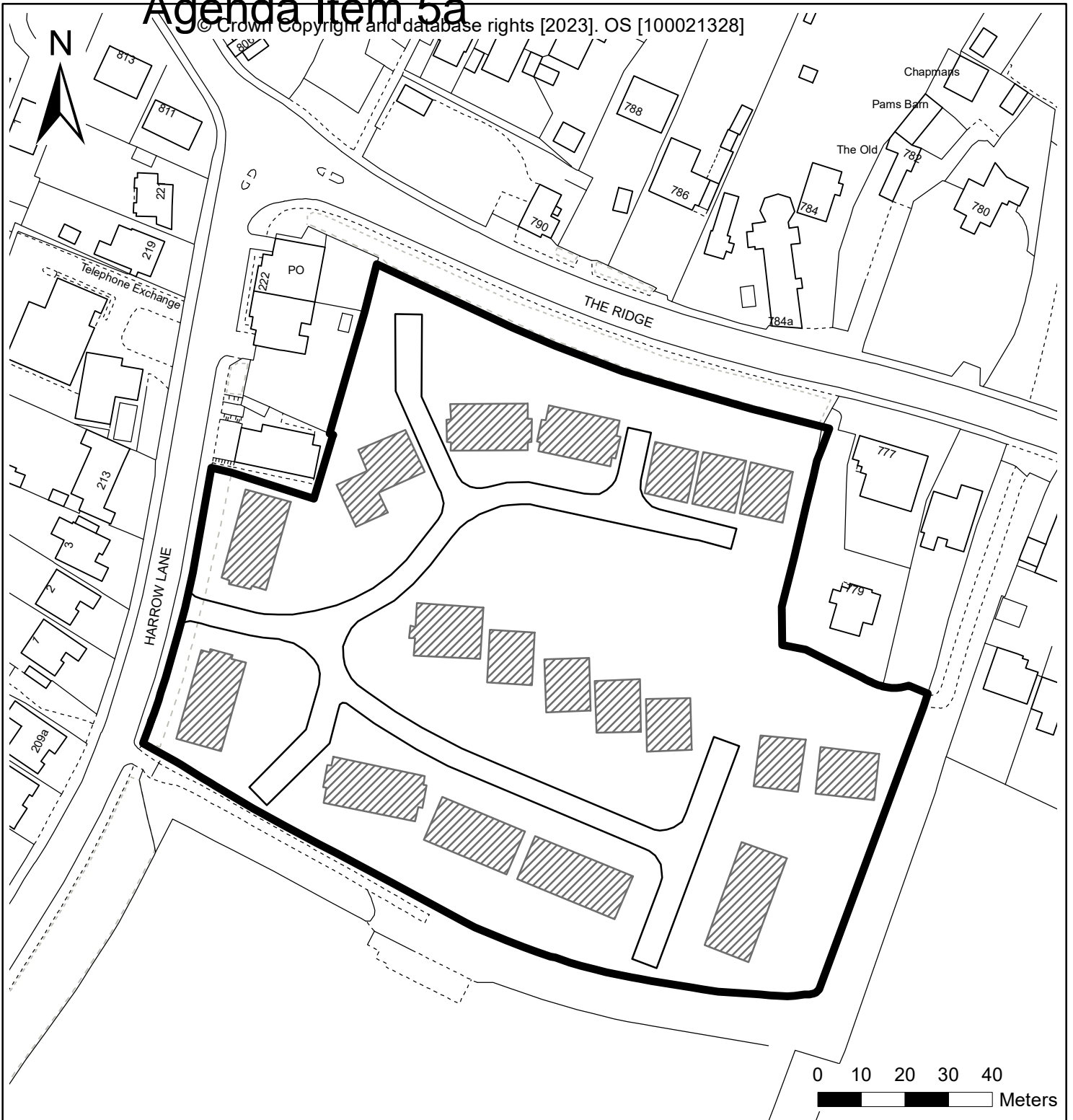
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(The Chair declared the meeting closed at 6.12pm)

Agenda Item 5a

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**Land Adjacent, 777 The Ridge
(East of Harrow Lane)
St Leonards-on-sea**

Variation of condition 2 (approved plans), condition 15 (landscape drawing) and deletion of condition 19 (apartment building) of Planning Permission HS/FA/20/00970 granted on appeal APP/B415/W/21/3285744 (Erection of 67 dwellings together with access, open space, parking and landscaping) - Amendment to proposed housing mix and housing types including minor alterations to landscaping, elevation treatments and fenestration.



Planning Services Manager
Hastings Borough Council,
Muriel Matters House, Breeds Place,
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email: planning@hastings.gov.uk

Date: Mar 2023

Scale: 1:1,250

Application No. HS/FA/22/00906

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Report to: PLANNING COMMITTEE

Date of Meeting: 22 March 2023

Report from: Planning Services Manager

Application address: Land Adjacent, 777 The Ridge, (East of Harrow Lane), St Leonards-on-sea

Proposal: Variation of condition 2 (approved plans), condition 15 (landscape drawing) and deletion of condition 19 (apartment building) of Planning Permission HS/FA/20/00970 granted on appeal APP/B415/W/21/3285744 (Erection of 67 dwellings together with access, open space, parking and landscaping) - Amendment to proposed housing mix and housing types including minor alterations to landscaping, elevation treatments and fenestration.

Application No: HS/FA/22/00906

Recommendation: Grant Full Planning Permission

Ward: ASHDOWN 2018

Conservation Area: No

Listed Building: No

Applicant: Park Lane Homes (South East) Ltd per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Public Consultation

Site notice: Yes

Press advertisement: Yes - General Interest Amended Plans

Neighbour Letters: No

People objecting: 7

Petitions of objection received: 0

People in support: 0

Petitions of support received: 0

Neutral comments received: 0

Application status: Not delegated - 5 or more letters of objection received

1. Site and surrounding area

The application site constitutes a 1.86ha greenfield site on the outskirts of Hastings, in the northwestern part of the Borough. It is bordered by The Ridge (B2093) to the north and Harrow Lane to the west. The site adjoins development sites that are allocated in the Hastings Local Plan 2011-2028, which now have planning permission - Holmhurst St Mary (208 units) directly to the east, and Harrow Lane Playing Fields (140 dwellings) to the south.

The site is undeveloped with a slight south-easterly slope. It is a roughly rectangular plot except for development in the northern corners (Harrow Lane Stores and community building in the north-west corner; and, 777 and 779 The Ridge at the north-east corner (both outside the development site area)) which interrupt the rectangular form. The site is an open field with densely planted hedgerows with mature trees on its boundaries. The High Weald Area of Outstanding Natural Beauty (AONB) extends as far as The Ridge, which borders the site to the north. The setting of the site within close proximity to the AONB, and the visual landscape links are important considerations to this site, given its raised position and current undeveloped character.

The site is in an elevated position in relation to the north and western boundaries with Harrow Lane and The Ridge. There is a footpath (Public Right of Way (PROW) 143) which wraps around the south and eastern boundary of the site and connects to PROW 144 and PROW 142.

The primary access point to the site is currently on the south-west corner of the site off Harrow Lane, which can accommodate vehicular access. Pedestrian access is also available from a public footpath from The Ridge. However, the site is currently out of bounds, enclosed by Heras fencing, construction having recently commenced on-site.

Residential development in the surrounding area is primarily two storey in scale with pitched roofs. Development recently approved on adjoining sites is of a similar scale, with some buildings extending to three storey where land levels and setting allow for an increase in height.

Policy LRA3 of the Hastings Planning Strategy allocates the site for residential development, with an identified capacity of 50 dwellings. This allocation is carried through into the draft Local Plan, however the identified capacity has increased to 98 dwellings and the requirement for open space within the site is removed. As such, the proposed number of houses will sit between the two identified capacities. The application site had outline planning permission for up to 50 dwellings (reference HS/OA/17/00645). Subsequently, full planning permission for 67 dwellings was granted at appeal, which constitutes the extant permission on the site (reference HS/FA/20/00970).

Constraints

- Buffer zone of the SGN High Pressure Pipeline (pipeline runs north to south in Harrow Lane)
- 250m buffer zone of a historic landfill site
- Archaeological Notification Area
- SSSI Impact Risk Zone
- The site lies near and is visible from the High Weald AONB

2. Proposed development

This current application seeks a minor material amendment of extant planning permission HS/FA/20/00970, by way of a variation of conditions 2 (approved plans) and 15 (landscaping) of the permission; and deletion of condition 19 (apartment building).

The original application was for the erection of 67 dwellings with a vehicular access from Harrow Lane, open space, parking and landscaping. This was approved under planning application HS/FA/20/00970 at appeal (Appeal Ref: APP/B1415/W/21/3285744). As such, the principle of this development has been accepted and it is not the purpose of this application to re-visit the proposed development of this site in its entirety. Therefore, this assessment is limited to addressing the impacts of the proposed amendments to the approved scheme only.

The current application seeks an amendment to the proposed housing mix and housing types, including minor alterations to landscaping, elevation treatments and fenestration of the approved scheme. The description was changed during the course of the application to clarify that the amendments incorporated alterations to elevational treatments and fenestration and was readvertised accordingly.

Should permission to vary the conditions as proposed be granted, this will take effect as a new, independent permission to carry out the same development as previously permitted, subject to the amended approved plans/conditions. The new permission will sit alongside the original permission, which will remain intact and unamended with the original conditions attached.

The application is supported by the following documents:

- Planning Statement Update (Ref: TCPS 884C) November 2022
- Updated Drawing Issue Sheet
- Flood Risk and Drainage Assessment Report
- Addendum Financial Viability Assessment

Relevant planning history

HS/OA/17/00645	Outline proposal, with all matters reserved for future approval in respect of the residential development of the site for approximately 50 dwellings
	GRANTED - 10/05/2019
HS/FA/20/00970	Erection of 67 dwellings together with access, open space, parking and landscaping
	Allowed at appeal - 31/10/2022
HS/FA/23/00016	Erection of 71 dwellings together with access, open space, parking and landscaping
	Undetermined

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy DS1 - New Housing Development

Policy FA2 - Strategic Policy for Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC2 - Design and Access Statements
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy SC6 - Renewable Energy Development
Policy SC7 - Flood Risk
Policy EN1 - Built and Historic Environment
Policy EN2 - Green Infrastructure Network
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN5 - Nature Reserves
Policy EN6 - Local Wildlife Sites
Policy EN7 - Conservation and Enhancement of Landscape
Policy EN8 - Open Spaces - Enhancement Provision and Protection
Policy H1 - Housing Density
Policy H2 - Housing Mix
Policy H3 - Provision of Affordable Housing
Policy CI1 - Infrastructure and Development Contributions
Policy T1 - Strategic Road and Rail Schemes
Policy T2 - Local Road Improvements
Policy T3 - Sustainable Transport
Policy T4 - Travel Plans

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering Planning Applications
Policy LP2 - Overall Approach to Site Allocations
Policy LRA3 - Land adjacent to 777 The Ridge site allocation (50 dwellings)
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy DM6 - Pollution and Hazards
Policy HN7 - Green Infrastructure in New Developments
Policy HN8 - Biodiversity and Green Space
Policy HN9 - Areas of Landscape Value
Policy HN10 - Amenity Green Spaces

Other policies/guidance

AONB Management Plan 2019-2024
National Design Guide 2019
Air quality and emissions mitigation guidance for Sussex (2020)
The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)

The Hastings Local Plan Consultation Draft (Regulation 18)

Policy HL3: Land Adjacent to 777 The Ridge

Planning Improvement Plan (2015)

The Planning Improvement Plan states in relation to MMA where the dimensions of a building are not changed by more than 10% and the description of the development in the original permission has not changed then we may consider changes as minor material amendments. The PIP clearly states that they are only guidelines and each case will be considered in the context of the original approval.

National Planning Policy Framework (NPPF)

Paragraph 8 of the NPPF 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 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 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 130 of the NPPF requires that decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live,

work and visit;

- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) 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 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.

3. Consultation comments

- ESCC Highways - No objection (the bins and cycle storage should be reincorporated in the plans)
- ESCC Flood Risk Management – No objection (minor landscaping alterations proposed to the development will not have an impact on the drainage strategy which has previously been agreed with the LLFA)
- ESCC Contributions - No objection (the number of dwellings has not been amended as part of this planning application, as such, there are no changes to the contribution amounts being sought from the proposed development towards county council (non-transport) infrastructure)
- HBC Waste Services - No objection
- HBC Housing Officer - No objection
- HBC Arboricultural Officer – No objection
- HBC Parks & Open Spaces - Have not provided comments
- Southern Water - No objection

4. Representations

In respect of this application four site notices were displayed and an advert placed in the local paper. One notice was posted on Harrow Lane adjacent to the footpath entrance; one on The Ridge opposite the footpath entrance; one on The Ridge opposite the entrance to Beaulieu Gardens; and, one on the turning head of Beaulieu Gardens.

The application was readvertised following receipt of amended plans to correct minor discrepancies, including typo errors on drawing descriptions and inclusion of bin and cycle stores on block plans. The publicity also notified the receipt of additional rendered (colour) streetscene drawings to clarify the elevational treatments; as well as including the revised description to clarify the amendments included elevation treatment and fenestration changes, for the avoidance of doubt.

10 letters of objection have been received from 7 different properties raising the following concerns:

- Parking provision for the dwellings is insufficient [Officer note: The development meets vehicle parking standards and Highways Officers raise no objection]
- Proposed alterations go beyond the scope of what can be considered under minor amendment of planning application procedure
- The planning application unsatisfactorily explains and justifies the proposed amendments and contains errors
- Proposal includes significant design changes [Officer note: Some of the referenced alterations in the representations are factually incorrect as they refer to superseded drawings and not the approved drawings as amended]
- The proposal reduces the housing mix within the development and is not compliant with local plan policy H2
- The proposal does not include a viability report to address the omission of affordable housing [Officer note: The applicant has submitted a Viability Assessment, and this has been reviewed by an independent viability consultant]
- Impact on CIL contributions [Officer note: Hastings Borough Council has not adopted CIL as a means to fund infrastructure]
- Work has started on site [Officer note: the site has an extant planning permission]

5. Determining issues

This application proposes a minor material amendment to the existing consent HS/FA/20/00970, to amend the proposed housing mix and housing types, including minor alterations to landscaping, elevation treatments and fenestration of the approved scheme. Such an application for a minor material amendment does not need to address the assessment of the proposed development in its entirety, as the principle of this has already been established by the existing consent(s). As such, the only issue to consider is whether the amendments proposed will have a detrimental impact on the aspects of the overall development that were deemed acceptable in the original assessment in planning terms.

National Planning Guidance in respect of s73 Minor-Material Amendments

An application can be made under s73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a s73 application is to seek a minor material amendment, where there is a relevant approved plans condition that can be varied. Where an application under s73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended.

The changes proposed would not be considered as fundamental or substantial. As such, the consideration of these amendments are acceptable to be dealt under this type of application.

Proposed amendments:

The current application seeks planning approval for the substitution of the plans approved by condition 2 of planning permission HS/FA/20/00970, with amended plans where relevant to cover the proposed changes to the approved scheme outlined in this report. It also proposes a variation to condition 15 to include the revised landscape drawing; and, to delete condition 19 as the flats in the approved scheme are now proposed to be omitted from the scheme in its amended form.

The Planning Improvement Plan (2015) is not adopted Council or Planning Policy Guidance. Moreover, the Planning Improvement Plan must be read in the context on national policy guidance regarding s73 application. Nevertheless, it is noted that the proposals are considered to be in accordance with the guidance in the Planning Improvement Plan as the dimensions of houses would not be changed by more than 10% and the description of the development in the original permission has not changed.

a) Principle

Given the extant planning permission and the site being allocated for residential development in the Local Plan, the principle of residential development on the site has already been accepted. 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 NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with 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) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

c) Housing mix

The amendments proposed by this application include a number of changes to the dwelling types and housing mix.

Proposed changes to the dwelling types are as follows:

- Plot 20 has been changed from House Type B1 to House Type B3
- Plot 22 has been changed from House Type C1 to House Type C3
- Plots 37-40 have been changed from 2 x 1 bed and 2 x 2 bed flats to 4 x 2 bed houses (House Type A1)
- Plot 42 has been changed from House Type B2 to House Type C3
- Plot 52 has been changed from House Type B2 to House Type C3
- Plot 58 has been changed from House Type B1 to House Type C3
- Plot 67 has been changed from House Type B1 to House Type C3

Essentially, the changes to the dwelling types represent an amendment to the internal layout of the respective dwellings, the main result being to reduce the number of two bedroom houses with home offices and replace them with size compliant three bedroom units. This is in response to a change in market conditions, brought about through interest rate rises for mortgages causing a downturn in housing demand, to make the units more marketable as family homes. The proposed changes only equate to a 3.5% increase in the number of bedrooms across the whole development and this is achieved by the alteration of layouts on four of the plots to make the home office rooms larger so they can be described as bedrooms.

Consequently, as a result of the changes to dwelling types, the proposed housing mix has been altered as follows:

The approved housing mix is:

- 28 x 2 bed houses
- 9 x 2 bed houses (with Home Office)
- 13 x 3 bed houses
- 13 x 4 bed houses
- 2 x 1 bed flats
- 2 x 2 bed flats

The proposed revised housing mix is:

- 32 x 2 bed houses
- 5 x 2 bed houses (with Home Office)

- 17 x 3 bed houses
- 13 x 4 bed houses

It is considered the scheme would still provide a good mix of house types. The Council's Housing team raise no objection to the revised housing mix, which is considered it to be a betterment in terms of meeting local housing need.

The applicant states that the proposed amendments to the approved scheme is partly to respond to changed housing market conditions and partly in response to comments contained in the Inspector's appeal decision letter in relation to the approved flats on Plots 37 - 40 which are proposed to be omitted. The inspector noted that "while a block containing flats was not a typology seen during my site visit, given this is a two-storey block with traditional sloped roof pitches, it would not appear overly large in this context". Officers take the view the Inspector was not objecting to the flats; he was just observing that flats were a typology typically found in the surrounding area. However, he was content that the flats would not be out of character with the surrounding area as the building form of the block was of a two-storey scale with a traditional pitched roof. Notwithstanding this, as referred to elsewhere in this report, the Council's Housing team do not object to the proposed amended housing mix, which is considered to better reflect housing demand in this location. The changes from flats to houses would only require minor changes to landscaping and would make more effective use of the site by providing additional family accommodation into the housing mix, than is the case with the four approved flats.

Overall, although the proposal revises the housing mix, a good range of house types will still be provided including smaller two-bedroom units, and family sized three and four bedroom units. The proposed amendments are considered acceptable in this regard, and as such meets the Council's aims of providing mixed and balanced communities. Therefore, the proposal is considered to be in accordance with Policy H2 (Housing Mix) of the Hastings Local Plan.

d) Character and appearance

It is considered the physical changes are minor in nature and would make minimal discernible difference to the character and appearance of the overall development as approved. The changes would only result in an increase in built footprint across the entire development of 1.44% and an increase in street frontages of 0.46%.

Minor changes to House Type drawings are as follows:

- Position of side entrance door to House Types A1 and A2 moved by approximately 45cm.
- House Type B3 added to drawing number 6695/P/131/B. This is a new house type with no side bay but still with a home office.
- Position of first floor window to House Type C4 amended to coordinate with Kitchen window below.
- Internal layouts amended to House Type D, including change to windows at second floor level on semi-detached units.

The combined change of house types and amendments to house type drawings would result in marginal alterations to the appearance of the development. These include on a few plots the entrance door moved by 45cm; first floor side elevation windows slightly increased in size to improve daylight to landings; first and ground floor windows repositioned to better co-ordinate and/or to align with revised internal layout; omission of some projecting side bays; and, stone omitted at plinth/ground floor level on some house type exteriors.

In conclusion, whilst some elevational changes are proposed, including changes to external finishes, doors and windows, these amendments would be minor proportionally in the context of the housing development in its entirety and would not result in any harmful impact on the

general character and appearance of the scheme, when compared to the approved scheme, which has already been deemed as acceptable. As such it is considered that the development as proposed complies with the NPPF policies and Local Plan Policy DM1 of the Development Management Plan 2015.

e) Landscaping

The changes described above would have a minor impact upon the approved landscaping, including providing gardens for the two houses that replace the four flats, and so amended drawing Soft Landscape and Enclosure PLG/1656/20/E has been submitted for inclusion in the approved plans and to substitute the approved landscape plan in condition 15.

The proposed landscaping scheme is substantially the same as the approved scheme, however, the number of new trees in the proposed scheme has increased from 112 to 118, the proposed changes do not affect the existing trees and hedgerows on the various boundaries. The Council's arboriculture officer has reviewed the revised landscaping plan and raises no objection.

f) Highways

Only minor changes are proposed to the approved layout as follows:

- The omission of parallel parking bays adjacent to Plot 25
- Additional perpendicular parking bay adjacent to footpath to Plot 42
- Additional perpendicular parking bay opposite Plot 35 (allocated to Plot 67)
- Additional parking bay in parking court to rear of Plot 5

There is a change to the parking provision with an overall increase in the number of parking spaces from 118 to 120.

Having reviewed the amendments to the approved plans, including the internal layout changes, and the minor amendments to the parking layout, Highways officers raise no objection. They did request the bins and cycle storage to be reincorporated in the plans, which the applicant subsequently provided.

As such, the proposed parking provision remains in accordance with the Council's adopted parking standards.

g) Drainage

The proposed changes have a consequential minor effect upon the approved drainage arrangements and so amended drawings have also been submitted for consistency. In addition, an updated Flood Risk and Drainage Assessment Report (with appendices) also form part of the current application. County Flood Management officers have reviewed the revised proposal and raise no objection. As such, the approved drainage strategy remains acceptable.

h) Contributions

The proposal would not increase the overall number of dwellings, and as such there is no necessity for increased infrastructure contributions. As such, the previously agreed contributions would be carried forward to the new permission.

i) Affordable Housing

Outline permission HS/OA/17/00645 was granted permission in May 2019 subject to a s106 agreement securing 30% (15) onsite affordable housing units.

Subsequent application for full planning permission HS/FA/20/00970 was originally put forward to provide affordable housing. However, as part of the appeal process following the Council's decision to refuse planning permission, the applicant submitted a Viability

Assessment to demonstrate there was a deficit within the approved scheme without Affordable Housing of approximately £-825,000. This was reviewed on two occasions by an independent viability consultant in April 2022 and December 2022. In both instances the reviews concluded that the site was unable to support the provision of any affordable housing or any other alternative contribution. As such, when the appeal was allowed no affordable housing or other contributions were required by the Planning Inspectorate in their appeal decision.

In the meantime, market conditions have worsened, and construction costs have increased since that verdict was reached and as such the current application suggests the deficit has increased to £-863,294 for the proposed revised scheme and as such remains unviable to provide affordable housing as part of the proposal. To demonstrate this an Addendum Viability Study (produced by Turner Morum) has been submitted. This Addendum Report only considers the inputs and assumptions for the scenario of the variation of conditions to change the housing mix proposed in the current application. Whilst this application involves some design amendments, the applicant has highlighted that when it comes to the build costs for the individual dwellings, these are calculated using the published BCIS cost indices and therefore any changes in design to the houses will have no bearing on the viability assessment results.

The submitted Addendum Financial Viability Assessment has been subject to a further review by an independent viability professional, to determine whether the conclusions made about the level of affordable housing are reasonable. This is done by comparing the assumptions used within the applicant's residual land value calculations within the submitted assessment, against industry benchmarks and current market values and economic factors. Having reviewed the assumptions that sit behind the applicant's conclusions, the review makes some adjustments to the open market value and build cost assumptions. The review has shown the open market value is underestimated in the applicant's calculation. As such, this is adjusted upwards from £22,740 to £23,077 as part of the independent appraisal of the site. Furthermore, the applicant has adopted a build cost of £15,389, however, the review has identified achievable savings, and therefore a build cost of £15,248 is applied in the appraisal.

Having made these appropriate adjustments, the independent review concludes the scheme cannot viably provide any affordable housing. Whilst the adjustments reduce the deficit to £-205,153, there is still no surplus for the delivery of affordable housing.

j) Legal agreement

As part of the appeal process the Inspector deemed certain obligations in the agreement would not meet the tests set out in the CIL Regulations 2010 and the NPPF and should be omitted from the original signed agreement. These were a Travel Plan Audit Fee, Condition of Estate Roads clause, and an affordable housing Viability Review. As such, the content of the s106 signed under HS/FA/20/00970 would need to be updated by a Deed of Variation to accompany any new permission under this current s73 application to incorporate the amendments recommended by the inspector.

k) Conditions

This application relates to a minor material amendment to planning permission HS/FA/20/00970 by varying condition 2 (approved plans) with amended plans where relevant to cover the proposed changes to the approved scheme outlined in this report. A number of other conditions were imposed some of which have been partly/fully discharged. As such, the same conditions will be carried forward to the new permission, with relevant conditions amended or removed accordingly.

Furthermore, the current application as well as seeking planning approval for the substitution of the plans approved by condition 2, it also proposes a variation to condition 15 to include the revised landscape drawing; and, to delete condition 19 as the flats in the approved scheme are now proposed to be omitted from the scheme in its amended form.

6. Conclusion

The variation of conditions 2 (approved plans) and 15 (landscaping) and deletion of condition 19 of planning permission HS/FA/20/00970 is considered to be a minor material amendment; that would be in compliance with Hastings Planning Strategy and Development Management Plan policies and relevant National Planning Policy.

The proposed amendments to the housing mix would still provide a good mix of house types; and, the external alterations would not represent harm to the appearance of the approved scheme. Furthermore, the resultant minor landscaping and parking layout amendments are acceptable.

The amendments will enable the timely delivery of an approved scheme which will deliver much needed housing to the area.

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 carried out in accordance with the following approved plans:

6695/P/LBP, 6695/P/100/D, 6695/P/101/D, 6695/P/102/C, 6695/P/103/D, 6695/P/104/C, 6695/P/200/C, 6695/P/106/D, 6695/P/107/G, 6695/P/110/E, 6695/P/111/C, 6695/P/112/C, 6695/P/113/E, 6695/P/114/E, 6695/P/115D, 6695/P/116/E, 6695/P/117/D, 6695/P/118/C, 6695/P/119/C, 6695/P/120/C, 6695/P/121/D, 6695/P/122/D, 6695/P/123/D, 6695/P/124/C, 6695/P/125/B, 6695/P/126/C, 6695/P/127/C, 6695/P/130/B, 6695/P/131/B, 6695/P/132/A, 6695/P/164/B, 6695/P/165/B, 6695/P/166/B, 6695/P/167/B, 6695/P/133/B, 6695/P/134/C, 6695/P/136/B, 6695/P/140/A, 6695/P/141/B, PLG/1656/20/E, 2020/5574/001/P8, 2020/5574/002/P7, 2020/5574/003/P4, 2200-1-S4 P15, 2201-2-S4 P15, 2210 S4 P03, 2220 S4 P4, 2221 S4 P2

2. Prior to commencement of development above the slab level of any of the approved buildings, details including samples of the materials to be used in the construction of the external surfaces of the development 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.
3. Notwithstanding the submitted details, prior to commencement of development above the ground level slab of any new building, details of a scheme for hard surfacing across the site shall be submitted to, and approved in writing by the Local Planning Authority. Those details shall include finished levels, pedestrian access and circulation areas, and details of materials for driveways. The development shall be carried out in accordance with the approved details.
4. The development hereby approved shall be carried out in accordance with the approved land contamination measures in the documents titled 'Combined Geotechnical and Quantitative Ground Contamination Risk Assessment' prepared by Ashdown Investigation Ltd and dated December 2020, and 'Ground Gas Risk Assessment' by Ashdown Investigation Ltd dated March 2021. Any variation to the measures contained therein shall be submitted to and approved in writing by the Local Planning Authority in advance of those works being undertaken. The recommendations and measures in the above mentioned documents shall be adhered to in full.
5. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
6. The development shall be carried out in accordance with the ecological measures detailed in the report titled 'Ecological Enhancement, Management and Mitigation Plan' prepared by Greenspace Ecological Solutions and dated December 2020, and shall include hedgerow, shrub and species-rich grassland management, hedgerow planting, bat and bird boxes and hedgehog houses.
7. The development shall be carried out in accordance with the methodologies contained in Section 4: Sensitive Works Methodologies of the report titled 'Ecological Enhancement, Management and Mitigation Plan' by Greenspace Ecological Solutions dated December 2020, and those measures shall remain in place through the construction process.

8. No development shall take place until the protective fences to safeguard trees and hedges have been installed in full accordance with the Tree Protection Plan forming part of the report 'Arboricultural Impact Assessment and Method Statement, Revision A' by Greenspace Ecological Solutions dated December 2020. The trees and hedgerows identified as being retained by the report shall be protected in accordance with the protection measures detailed within the report for the duration of the construction period.
9. The development shall be carried out in accordance with the 'Construction Method Statement', Revision A, prepared by The Park Lane Group, dated March 2021.
10. The measures detailed within the 'Travel Plan' by RGP, dated December 2020 shall be implemented from the first occupation of any part of the development and shall remain thereafter for a period of 5 years. Monitoring reports shall be provided to the Local Planning Authority in accordance with the details contained therein.
11. With the exception of internal works to the buildings hereby approved, the development must be carried out within the following times: 08:00- 18:00 Monday to Friday, 08:00- 13:00 on Saturdays, and no working on Sundays or Public Holidays.
12. The underwater attenuation tanks shall be installed in accordance with the details approved under HS/CD/22/00879 and shall be so maintained in accordance with the approved details.
13. The scheme of soft landscaping for the site (shown on plan PLG/1656/20 Rev E) shall be implemented in full and not later than the first planting season following the first occupation of the development. If, within a period of 5 years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.
14. No part of the development hereby approved shall be occupied until the storage and collection points for refuse bins, and all car parking spaces shown on the approved plans have been installed in full. These shall be retained and be available for use as such at all times.
15. Prior to the first occupation of the development, details of cycle parking areas shall be submitted to, and approved in writing, by the Local Planning Authority. These facilities shall be installed and available for use prior to the first occupation of the units they serve and shall be maintained at all times.

16. No external lighting shall be installed unless details have first been submitted to, and approved in writing by the Local Planning Authority. Those details shall include provisions for avoidance of 'light spill', and the external lighting shall be installed only in accordance with the approved details.
17. No part of the development hereby approved shall be occupied until the visibility splays at the Harrow Lane access, shown on plan 2020/5574/001 P7, have been provided in full. These shall be maintained and be free of any obstruction above 0.6m metres at all times.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity of the area.
3. In the interests of the visual amenity of the area.
4. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
5. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
6. To protect features of recognised nature conservation importance.
7. To protect features of recognised nature conservation importance.
8. In the interests of the visual amenity.
9. In the interests of the visual amenity.
10. To encourage and promote sustainable transport.
11. In the interests of amenity.
12. To prevent increased risk of flooding.
13. In the interests of the visual amenity.
14. In order to secure a well planned development.
15. To encourage and promote sustainable transport.
16. In the interests of the visual amenity.
17. In the interest of highway safety.

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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
 4. This Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
 5. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
 6. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
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Officer to Contact

Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/FA/22/00906 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	22 March 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 10/02/2023 to 10/03/2023
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 between 42 & 45 Tackleway (rear of Zion Cottage) Hastings HS/FA/21/01019	Proposal development for a two bedroom infill dwelling & associated parking on land between no 42 & 45 Tackleway	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
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)	REFUSED PERMISSION	DELEGATED	Planning
Garages adjacent 12, Watermans Close, Hastings, TN34 2JP	Variation of condition 2 (approved plans) – amendments to provide amenity space	REFUSED PERMISSION	DELEGATED	Planning

HS/FA/21/00823	and removal of condition 4 (age restriction) of planning application HS/FA/20/00730			
Land adjacent 115 Ghyllside Avenue, Hastings HS/FA/21/00774	Erection of a single storey dwelling with car parking	REFUSED PERMISSION	DELEGATED	Planning
19 The Byeway, Hastings, TN34 2AY HS/FA/22/00205	Proposed chalet style dwelling to replace existing detached double garage together with alteration to front elevation of existing bungalow	REFUSED PERMISSION	DELEGATED	Planning

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
239 Hillside Road, Hastings, TN34 2QY HS/FA/22/00011	The erection of a two-storey detached dwelling adjacent to 239 Hillside Road with associated new access, parking, soft and hard landscaping and below ground rainwater tank	REFUSED PERMISSION	DELEGATED	Planning
1 St Matthews Road, St Leonards-on-sea HS/FA/22/00035	Demolition of existing dilapidated outbuilding and provision of new three bedroom detached house, with associated parking and landscaping	REFUSED PERMISSION	DELEGATED	Planning
242 St Helens Road (Land adjacent), Hastings, TN34 2EN HS/FA/21/01092	Proposed removal of single garage and outbuilding and provision of new three bedroom detached house, with associated parking and landscaping	REFUSED PERMISSION	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	56
Prior Approval Approved	2
Refused	17
Withdrawn by applicant	1

Total	76
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Report written by
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