

PLANNING

21 JUNE 2023

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

1. APOLOGIES FOR ABSENCE

None received

2. DECLARATIONS OF INTEREST

| Councillor | Item | Interest |
|-------------------|-------------|--|
| Cllr Beaver | 5(a,b,c) | Personal – East Sussex County Councillor |
| Cllr Cannan | 5(a) | Prejudicial – Chair of Foreshore Trust |
| Cllr O'Callaghan | 5(b) | Personal – Contacted by applicant. |

3. MINUTES OF PREVIOUS MEETING 17/05/23

RESOLVED – that the minutes of the meetings held on 17th May 2023 be approved as a true record

4. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

5. PLANNING APPLICATIONS

6. THE STADE FAMILY AMUSEMENT PARK, THE STADE, HASTINGS, TN34 3AR (HS/FA/21/00946)

| | |
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| Proposal | Proposed extension and refurbishments to main amusement |
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| | building (amended) |
| Application No | HS/FA/21/00946 |
| Conservation Area | Yes - Old Town |
| Listed Building | No |
| Public Consultation | Yes – 29 objections |

Cllr Cannan left the Council Chamber

The Senior Planning Officer updated that in response to public comments on the application, the existing and proposed site plans were updated to show the intended route for the pedestrian pathway, as approved as part of application ref: HS/FA/18/01009. However, the applicant has since advised that he may elect to maintain the existing pathway through the site as an alternative depending on the feedback from the landlord, from whom consent is sought. The landlord response will determine the route of the pathway. This is for information purposes only, as the footpath does not form part of this application. A new local representation was received on Friday 16th June 2023 objecting to the proposal on the following grounds: The loss of the pedestrian footpath through the site, Potential breaches in the implementation of application ref: HS/FA/18/01009 relating to the discharge of conditions 5, 7 and 8 and in relation to the works carried out on the site, Concerns relating to the Conservation Officer's comments, Concerns relating to the lack of consultation response from The Foreshore Trust. The Enforcement team are investigating the recent concerns raised in the representation regarding potential planning breaches. The applicant has advised that the works undertaken above ground level are for waterproofing the building.

The Senior Planning Officer showed slides of a location plan and an aerial photograph. Slides were shown of the existing site and floor plan and then the proposed site and floor plan. The Senior Planning Officer explained the footprint is further extended from the 2018 application. Slides were shown of the proposed floor plans from the approved 2018 application and then then a slide of the floorplans for this application. Slides were shown of the existing eastern and western elevations and then the proposed elevations. Slides were shown of the existing northern and southern elevations and then the proposed elevations. Slides were shown of the existing, approved and proposed roof form. The Senior Planning Officer highlighted the difference of what has already been approved and the proposed plans. Slides of site photos were shown including the listed bus shelter.

The appearance of the eastern and western elevations of the building have been improved and the additional scale and bulk is largely hidden from view. This will result in a more functional building.

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Councillor Julia Hilton spoke to the committee as the ward Councillor. That was good to have some updates, but the work has already started on this building. In a way we're really playing catch up here. This should be a retrospective planning consent. But my main concern actually and it's even increased given the update from the officer is that the applicants saying that landlord consent will determine the root of the pathway if this is allowed to go ahead, the existing pathway is blocked. The alternative pathway is blocked at the moment. I don't know if you've been down to look at the site, but it's rammed with rides. There's no way either route can be put in. The revised drawings, they make mention of relocating the public footpath as approved in the application and there's been no access pretty much since and you can see on the drawing that the location of the mouse coaster conflicts with this footpath. There's also another ride behind. The relocation of the ride won't fit with the existing rides. The whole premise that there's still going to be a footpath is frankly nonsense. It's mentioned in the report, and it says that the site plans have been updated to indicate this. There's no drawing showing how the new mouse ride can be cited without conflicting with the relocated path, and we already have a half dismantled big wheel sitting in the wrong place as permission was never granted for it to be cited so close to buildings. If that's due to be relocated as well, then there's no room for the path and it's also blocked by the aircraft ride and the Pirate Galleon. If you go down and look at the site the existing site plan is misleading as it shows the 2018 proposed path in situ, which of course is not the case. It should show the existing path which has now been blocked since 2019 and the design and access statement is also misleading as this does not show the relocated public footpath and clearly blocks the existing route. The committee report ignores the fact that the applicant is under no obligation to implement this previous position and therefore has no obligation to build a footpath. There are no detailed drawings of the proposed relocated foot path. I would like to see a condition added that this new path must be implemented before any further work is carried out in the buildings to ensure we actually get our new footpath, even if it's inferior to the existing wide route that is being closed off for many years. That's my main concern.

The Senior Planning Officer responded that a meeting has been had with the applicant and although the footpath is not part of this application the intention of the applicant is to maintain a pedestrian access through the site. The Planning Service Manager explained to the committee that the foot path is not part of this application, and they aren't able to assess the merits of this scheme based on whether the football's there or not.

Councillors asked the Senior Planning Officer if permission had lapsed on the previous application? The Senior Planning officer answered that the deadline for implementing the permission that has lapsed. The applicant has commenced groundworks on the site, so in their view work has commenced and satisfied the requirement for that application to still be running. The Planning Service Manager explained if potential unlawful activity is claimed then it will be investigated

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Councillors debated.

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

RESOLVED (8 votes for, 1 abstentions)

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:

BA2164.01, BA2164.05 Rev C, BA2164.06 Rev H, BA2164.07 Rev B, BA2164.09
3. Samples of all the materials to be used in the construction of the external surfaces of the new buildings/extensions shall be submitted to the local planning authority for approval, prior to the above ground works going ahead on site. The samples shall be labelled to clearly state the manufacturer, product name and reference, colour and finish variation provided. Samples submitted shall include all colour and finish variations proposed for use. The development shall then be carried out in full accordance with the approved details.
4. No works shall commence on the above ground works until the following details have been submitted to and approved in writing by the local planning authority :
 - Full details of the proposed new joinery (windows, doors, etc.) to include elevations at 1:10 scale of each door or window type, plus 1:2 or full size horizontal and vertical section drawings, showing the section sizes and profiles through all new joinery elements, to include proposed frames, cills, heads, jambs, rails, panels, casements, sashes, glazing bars, and horns.
 - Full details of the proposed new covered terrace to the east elevation of the new building, to include detailed elevations at 1:20, plus 1:5 scale typical vertical section drawings through the new covered terrace structure (east-west and north-south).
 - Full details of the proposed new roof lights, to include the manufacturer's brochure details, model reference, dimensions, materials, and finishes, plus 1:10 elevations, and 1:2 sections through the proposed new roof lights, including installation details of the roof lights within the proposed roof structure.
 - Details of all new external roller shutters, information submitted to include the siting, size, appearance, materials and finishes, the position and size of the shutter housing, the slat size, and the degree of solidity of the slats.
 - Section details through one of the new gable features on the east and west

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elevations of the building, to include example details of the proposed profiles for the windows, eaves, soffits, fascias, gutters, verges and abutments, drawn at a scale of 1:5, plus confirmation of the proposed materials and finishes of these elements of the building.

- Full details of the proposed new rainwater goods, to include the manufacturer's brochure details and confirmation of the sizes, profiles, materials and finishes of all types being proposed for use.
- Full details of any new external lighting elements on the new buildings/extensions, to include siting, size, profile, appearance, materials, colour, and degree of illumination

The development shall then be carried out in full accordance with the approved details.

5. The lower level terne coated stainless steel flat roof to the eastern side of the new building shall be set out with traditional round batten rolls to replicate the appearance of a lead roof.
6. 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.
7. The property shall not be occupied until such time as it has been connected to the main drainage system to the satisfaction 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. In the interests of the visual amenity of the area and in order to conserve and enhance the character and appearance of the Conservation Area.
4. In the interests of the visual amenity of the area and in order to conserve and enhance the character and appearance of the Conservation Area.
5. In the interests of the visual amenity of the area and in order to conserve and enhance the character and appearance of the Conservation Area.
6. To safeguard the amenity of nearby residents.
7. To prevent increased risk of flooding.

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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. 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

7. **LAND TO THE REAR OF 11 LINTON ROAD, HASTINGS, TN34 1TN**
(HS/FA/23/00131)

| | |
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| Proposal | Proposed single detached dwelling at land to the rear of 11 Linton Road |
| Application No | HS/FA/23/00131 |
| Conservation Area | No |
| Listed Building | No |
| Public Consultation | Yes – 10 objections |

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CLlr Cannon returned to the Council Chamber

The Senior Planning Officer updated the Committee that recent amendments to the plans in response to public comments include the following. Initial amendments were submitted by the agent to widen the pedestrian access pathway leading from the side access to the front of the proposed dwelling. The glazing of the windows along the rear elevation of the proposed property at first floor level were also obscure-glazed to address overlooking concerns. Confirmation was also received from the agent

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regarding the removal of two of the applicant's vehicles from the front driveway serving 11 Linton Road. The agent for the applicant subsequently supplied draft revisions to the plans at the end of last week which sought to address the issues raised in relation to the minimum size requirements for bedrooms and parking spaces. However, the most recent amendments to the plans have not been accepted due to the lack of time or opportunity to consult or readvertise prior to the Planning Committee.

The Senior Planning Officer explained the planning history for the site. An outline application was submitted in 2018 for a two storey detached dwelling on the same land and consent was being sought for the access, layout and scale, with appearance and landscaping details to be reserved and the application was refused by the Council on Highway Safety and design grounds. A second application was then submitted in 20/18/2022 and this application related to the erection of two semi-detached dwellings on the site. This application was refused by the Council.

Slides were shown of the location plan, an aerial photograph and the existing and proposed site plan. Slides were shown of the floor plans and the proposed elevations. Rear renovations have been amended so that the rear windows at first floor level are to be obscured glazed and the window at the side. Slides of site photographs were shown of the application site.

The application is recommended for refusal as it goes against the general development pattern and its uncharacteristic for the area to have a new building in a garden. It would be overbearing and create a tunnelling affect.

Councillors asked the drop from the application site to the road. The Senior Planning Officer explained the site would be higher than both Linton Road and Winterbourne Close.

Councillors debated.

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

RESOLVED (Unanimously)

Refuse for the following reasons:

1. The development proposal is considered to be contrary to the general development pattern in the area. The area surrounding the application site is characterised by road facing dwellings with generous gardens that are separated by planting, trees or lawns. The proposed new dwelling, by contrast, will be sited with a section of rear garden and the scale of the development, coupled with the raised and open nature of the site, will result in a development proposal which is highly visible and overly dominant in the context of the views leading into Winterbourne Close. The proposal is

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therefore considered to be a visually incongruous form of development which is contrary to the requirements of policy DM1 of the Hastings Development Management Plan 2015.

2. The proposed new dwelling, is likely to create a tunnelling affect as the new development will create a long expanse of built form along the neighbouring boundary. The new dwelling measures approximately 11 metres in width and it will be sited adjacent to the neighbouring garden at 10 Linton Road. As the proposed new dwelling will be two storeys in height, it is considered to have an overbearing impact on the garden serving the neighbouring dwelling. The proposal will therefore materially impact neighbouring outlook and negatively impact the future enjoyment of the neighbouring outside space, contrary to the requirements of policy DM3 of the Hastings Development Management Plan 2015.
3. The proposed parking spaces fail to meet minimum size requirements and the arrangements are impractical and fail to allow sufficient turning space for the manoeuvring and parking of vehicles. In addition, the location of the parking spaces will impede the ability to open and close the front entrance gates. The proposal is therefore contrary to the requirements of policy DM4 of the Hastings Development Management Plan 2015.
4. The first and third bedrooms of the proposed new dwelling fail to meet minimum size requirements as set out in the nationally described space standards. As a consequence, the proposal will fail to provide a sufficiently high standard of amenity for future occupants, contrary to the requirements of paragraph 130 of the NPPF and policy DM3 of the Hastings Development Management Plan 2015.

Note to the Applicant

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

8. **6-10 CASTLEHAM ROAD, ST LEONARDS-ON-SEA, TN38 9NR**
(HS/FA/22/01000)

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| Proposal | Overlay of asbestos cement roofing sheets with stainless steel roofing sheets. Inserting insulation in the void between the two roofs. Replacement of roof lights. Lining of rainwater goods (valleys) - retrospective (amended description) |
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| Application No | HS/FA/22/01000 |
| Conservation Area | No |
| Listed Building | No |
| Public Consultation | Yes |

The Planning Officer showed slide of the location plan, block plan, aerial photograph and the roof plan. The Planning Officer explained this is a retrospective application to overlay asbestos cement roofing sheets with stainless steel roofing sheets and to place insulation in the void between the two roofs. Replacement of rooflights in existing openings. The key points are the asbestos will not be disturbed, there are no objections from environmental health or visible from the public realm.

The Councillors asked why the asbestos is not being removed. The Planning officer explained that due to the building being occupied by businesses it would need to be vacated for a period of time which isn't practical.

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

RESOLVED (Unanimously)

Grant Full Planning Permission subject to the following conditions:

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

Aerial Plan, Location Plan, TP1001 0, Site Plan, Block Plan, Proposed Roof Plan
2. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of adjoining residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act

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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

3. 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.

9. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at. 6.43 pm)