

Planning Agenda

Wednesday, 21 June 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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(b)	Land to the rear of 11 Linton Road, Hastings, TN34 1TN (HS/FA/23/00131) <i>(A.Stanyer, Senior Planning Officer)</i> HS/FA/23/00131 Proposed single detached dwelling at land to the rear of 11 Linton Road Land to the rear of 11 Linton Road, Hastings, TN34 1TN	35 - 52

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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), Alexis Stanyer (Senior Planning Officer)

416. APOLOGIES FOR ABSENCE

None received

417. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Beaver	5(a,b)	Personal – East Sussex County Councillor
Cllr Webb	5(a,b)	Personal – East Sussex County Councillor
Cllr Collins	5(a)	Prejudicial – Spoken with applicant & objectors
Cllr O'Callaghan	5(a)	Personal – Has been contacted by applicant
Cllr Bacon	5(a)	Personal – Has been contacted by applicant

418. MINUTES OF PREVIOUS MEETING 19/04/23

RESOLVED – that the minutes of the meetings held on 19th April 2023 be approved as a true record

419. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

420. PLANNING APPLICATIONS

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421. PROMENADE OPPOSITE 48-49 EVERSFIELD PLACE, ST LEONARDS-ON-SEA (HS/FA/22/00967)

Proposal	To create a secure storage unit to hold green commercial waste/recycling bins associated with Store 5, Lower Promenade Bottle Alley Change of use from HMO (Sui Generis) to 11 flats (C3).
Application No	HS/FA/22/00967
Conservation Area	Yes - Eversfield Place
Listed Building	No
Public Consultation	Yes – 23 objections & 189 Support

Councillor Colins left the chamber

The Planning Services Manager updated that there were some discrepancies in the submitted plans, the applicant amended the plans. For clarity, the proposed bin store will measure 1.5m in height by 1.1m in depth by 4.88m in length, so will no longer be located within the highway. ESCC Highways were reconsulted and no longer object to the application but as the doors open into the highway then a license needs to be obtained from ESCC Highways. If councillors are minded to approve the application then an informative note will be attached to inform the applicant of their responsibilities to obtain a license from ESCC Highways prior to works.

Two further letters of objection have been received from two new objectors expanding on concerns previously raised. One petition of support and a further letter of support have also been received.

The Planning Officer showed slides of a location plan, ariel photograph and drawings of the proposed store doors were shown. Slides of photographs were shown. These included the proposed site of the bin store and the bin store at the Source Park.

The Planning officer explained the applicant is seeking planning permission for the creation of a permanent secure storage unit to hold waste recycling bins on the promenade. The Bin Store will help service store 4 which is in operation as a cafe and takeaway business and would be in the Eversfield Place Conservation area., the bin store would be near the road side to assist with their collection. This application has been re-submitted following the refusal of application HS/FA/21/00624 which also related to a proposed bin storage unit in this location. The application was refused due to its harmful impact upon the character and appearance of the conservation area, and to concerns raised in relation to designing out of crime. This application proposes

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the same bin storage unit as refused under application HS/FA/21/00624. The reasons for refusal have not been overcome. The proposed bin store will reduce natural light into the stairway and will provide restricted views creating blind spots. This will alter the existing openness of this part of the steps. The applicant has been advised of an alternative location that would need to be considered in order to not disrupt the setting of this designated heritage asset, for example, on the lower promenade close by to the café. The proposed bin store fails to provide a positive contribution towards the conservation area and the setting of the two Grade 2 listed shelters opposite numbers 43 and 63 Eversfield piece. The proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of this designated heritage asset.

The Petitioner Drew Brook-Mellor spoke to the committee. After moving to Hastings over ten years ago one of the first things that we did was walk the area. I walked down Bottle Alley into a conservation area that consisted of human faces, dog waste, abandoned heroin wraps and needles. That was the first and last time I walked down there for some considerable, considerably long time. It was really being kept in a disgraceful state. I'm talking about the area between the pier and as far as Goat Ledge. So I'm not just thinking about Starsky and Hutch here. There's been a considerable improvement to that area. Brought mainly, I believe, by the businesses that have had shown the imagination and flair to attract a different type of clientele and a different type of community that is perhaps more aware of their social responsibility to the people that both use it and create rubbish there. We are a seaside town where in the tourist industry and we have to attract tourism. We also need to support those businesses with local clientele. I have looked at the proposed site, the bin store between the two listed bus shelters. If you count a rusty railing that is falling apart and probably looks to me like it was built with the beam end of the budget from bits of scaffolding pole and joints. Then if that's a fine example of Art Deco Furniture, then wait, there you go. The existing area I think is already scruffy and I think the bin store that's proposed looks very similar to the one that is further down the promenade and improves the actual appearance of the road as it is. I walk up and down that promenade twice a day, I don't think a bin store on top of the promenade would do anything for the visual look of the place at all, and I think providing the Bin store that's been described in the diagrams actually meets up with the ones that are already there.

The councillors asked the petitioner what capacity of waste storage is needed? The Chair advised to ask this question to the Applicant.

The Applicant Rory Doyle the co owner of Starsky and Hutch spoke to the committee. I moved here with my wife in 2020 and we needed to open a business and find a House. We focused on Bottle Alley as a potential business, put in proposal and we won when we won it, every single person told us we were mad. It was an area that had drug dealing and drug taking going on, full of human excrement, illegal all night

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raves. We've been open for 20 months now and excluding my wife and I, we employ 8 people every year, all year round. In the summer time that goes up to 18 people, the majority of our food is sourced locally, 80% of our rubbish is recycled rubbish and bottle Alley is now a much nicer and safer place, with a busy cafe. The locals have said this and also a couple of people that have attended will contest to this as well. But we do have a problem. This amount of customers that we serve and amount of supplies that we have in, we do create rubbish but from the start of it we wanted to ensure that our way of thinking was not just to stick some bins on the side of the road that we wanted to be forward thinking. So we didn't want to compromise our recycling philosophy, so we needed to recycle our waste properly. We need to keep our busy cafe and open and we need to minimise the visual impact to the area and a well designed bin store is better than bins at the street level. Key planning principles in every application is determined by its own merit and our application is similar to a previous application for Store 2. I can question whether both applications are indeed being determined on their own merit, but I'm not going to do that our focus instead on our application and the two main concerns that are now up there. So the impact to the area and it goes against the safer streets. We accept that our proposal can cause an in planning speak less than substantial harm to the heritage asset. But the question now is how much harm in practise and how well is it mitigated the short section of railings that were going to be lost we've heard are full of rust and not worth their use. Because of this, we believe the harm is minor. Our design mitigates the harm by sympathetic design, constructed to a high standard that replicates store Source park and store 2 that have been approved. The bins are going to create a small restriction on views, but again the final outcome is going to be identical to store 2, so we believe the impact and safety is going to be negligible. We believe that report substantially overstates the extent on how the applicant might conflict with the national and local planning policy. I believe the application brings benefits, including employment, to locals, correct recycling facilities and the times that were in, and it also supports policies of the Council's own strategy planning document, which is the vision for Hastings Objective 7 policies FA6, SC1, E3. 100 years ago, the humans didn't create this amount of waste or rubbish, nor did we have the amount of people in the area, nor visitors coming to this location. Sydney Little revolutionised Hasting Sea front and he brought it up to date. And I think you would approve of small changes to help regenerate this area. Now we had to take a risk that people would come down to bottle alley and use our cafe. We had to be bold in the way we're thinking and change what was disused. What was a disused, neglected and avoided space and made it a success. We need to continue making that a success. George Bernard Shaw once said progress is impossible without change and those who cannot change their minds cannot change anything.

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Councillors asked the applicant why bring back a previous application with no changes to the application that was refused? Would refusal of this application lead to the business closing?

The applicant answered that my previous application, the Bin Store, was going to be a lot larger. There was a lot higher and it was a lot wider. There was a lot deeper in depth. This current application has reduced it to the minimal amount of size possible to fit within the boundaries of the footprint of the recessed area, so we compromised and brought everything down to the smallest possible. Now we've been able to do that by putting in the permission or asking for the permission to remove the rusty railing. Potentially yes, the business could close if there is no where to store the bins

Councillors asked what the reasons are to not use partition doors? Are the other areas an option for bin storage for your business? Has there been discussions with the conservation team?

The applicant answered that the plans can be changed to use partition doors. The bins can not be stored in bottle alley. The other suggested area by store 4 is also not suitable as it would create an obstacle that would stick out. There has been no further discussions with the conservation officer.

Councillors asked how long Starsky and Hutch has been operating and how is waste dealt with at the moment? Will there be a roof on the proposed store? The applicant answered Starsky and Hutch opened in August 2021. In the summertime, we need more bins than we do in the winter time. In the summertime we need the use of two 660 litres recycling bins and that's where the 80% of our recycled material goes. We use one food bin, which is a 240 litre of small bin and that's where all food and coffee grounds gets put into then finally, we need one 240 litre general waste bin. The design can be changed to include a roof if this is required.

Councillors asked regarding the measurements of the bin store? The applicant answered the proposed bin store will measure 1.5m in height by 1.1m in depth by 4.88m in length.

Councillors asked the applicant his view on the bin store increasing anti-social behaviour? The applicant answered that the area has become safer since the stores have been used.

The Planning Services Manager updated a roof on the bin store would mean removing the bins to open the lids which would have to be reconsulted with Highways. Store 2 Bin Store has not been built in accordance with the approved plans.

The Councillors asked if the application is approved would East Sussex Highways refuse a License? The Senior Solicitor explained that this is not a material consideration.

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The Councillors asked if the Community Safety Officer has been consulted? The Planning officer answered the Community Safety Officer was consulted on the previous application.

Councillors debated.

Councillor Edwards proposed approval of the application, seconded by Councillor Bacon.

Additional Conditions and Informatives were proposed by the Planning Services Manager. Informative no 5 was removed noting that the applicant confirmed at the meeting he was willing to accept a condition to use partition doors.

The Senior Legal Officer stated because the proposal is to go against Officer recommendation, that the committee give clear grounds for why they're going against Officer recommendation. This would be after the proposal has been voted upon quite clearly as additional conditions have been suggested and if the committee endorses those conditions, the committee can quite simply say that objections have been assuaged by virtue of the fact that the new conditions have reinforced any objections to the proposal.

The Chair discussed this with the Planning Services Manager and it was agreed that sufficient reasoning had been provided by the Councillors to explain why they considered the refuse store to be acceptable.

RESOLVED (7 votes for, 2 abstentions)

Grant Planning permission

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site location and block plan (revision B) and proposed floor plan and elevations (95-177/P06 VERSION 3).
3. The materials used in the proposed bin store hereby approved shall be as follows:
 - Walls to be rendered and painted white to match existing.
 - Doors and frames to be timber and painted black.
 - Galvanised steel door furniture with padlock to lock bin store.
4. Notwithstanding the approved plans, drawing No. 95-177/P06 VERSION 3, the applicant may use the bin store for any size of waste bin that fits within, but at no time shall any waste be stored outside the bin store.

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5. Notwithstanding the approved plans, drawing No. 95-177/P06 VERSION 3, no development shall take place until details of the doors to the proposed bin store and their opening methods are submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details are retained in perpetuity.

Notes to the Applicant :

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that the emptying of the waste must be frequent enough to prevent the bins overflowing or causing odour. The bin store must be locked at all times, other than when emptying.
4. The applicant is reminded that the contractor that collects the waste must be a licensed and registered commercial waste carrier.

422. ROADWAYS AND FOOTPATHS AT PELHAM CRESCENT, HASTINGS (HS/FA/21/00994)

Proposal	Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage
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	style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description)
Application No	HS/FA/21/00994
Conservation Area	Yes - Old Town
Listed Building	Grade II*
Public Consultation	Yes – 2 objections , 1 support

-

Councillor Colins returned to the chamber

The Senior Planning Officer updated the Committee, clarifying that Planning Services had recently received from Hastings Borough Council Estates Team a revised consultation response which stated that a s106 agreement is not required and therefore the final conclusion of the report has been amended, removing references to S106 requirement. As such the recommendation has been varied to remove reference to the S106 agreement as follows - That the Planning Services Manager should be authorised to issue planning permission, subject to the conditions listed in the report.

Slides were shown of the site location plan and slides of photographs including an aerial view, the site from the sea front and the Pelham Crescent roadway. Slides were also shown of the existing and proposed roadway and railings and their elevations. There was also a slide show of the proposed stair details.

The Senior Planning Officer explained the proposed works will include the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural faults below, and to waterproofing works over the stone bulbs and the works will also relate to the reconstruction of the road, which will include works to create new drainage system and new road contours. The works will also include the renewal of the stone and brick parameter drainage channels and the York Stone pavement, which will also be relayed. The Pelham group of buildings including the arcade are Grade II* listed and that the buildings within the Pelham Arcade are on the National Heritage at Risk Register. The proposed works have already been approved

There were no questions for the officer.

Councillors debated.

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

RESOLVED (Unanimously)

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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:

H5602-03J
1610AL(0-)03C
1610AL(0-)04C
1610AL(0-)05D
1610AL(0-)06A
1610AL(0-)07F

3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

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

4. Prior to the commencement of any surfacing of the development hereby approved, samples of the proposed surface materials to match the existing, should be submitted to and approved in writing by the Local Planning Authority. Such samples/details should include:

- York stone slabs
- York stone gullies
- Bricks
- Details of mortar mixes for pointing and agree colour

Thereafter, all works shall be completed in accordance with the approved samples.

5. Prior to the commencement of the surfacing works hereby approved, a sample of the proposed resin bonded gravel should be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works shall be completed in accordance with the approved samples / details.

6. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and

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approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. In the interests of the visual amenity of the area.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual amenity of the area.

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 Authority's requirements associated with this development proposal will need to be secured through a s171 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.
4. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
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;

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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

423. **PLANNING APPEALS AND DELEGATED DECISIONS**

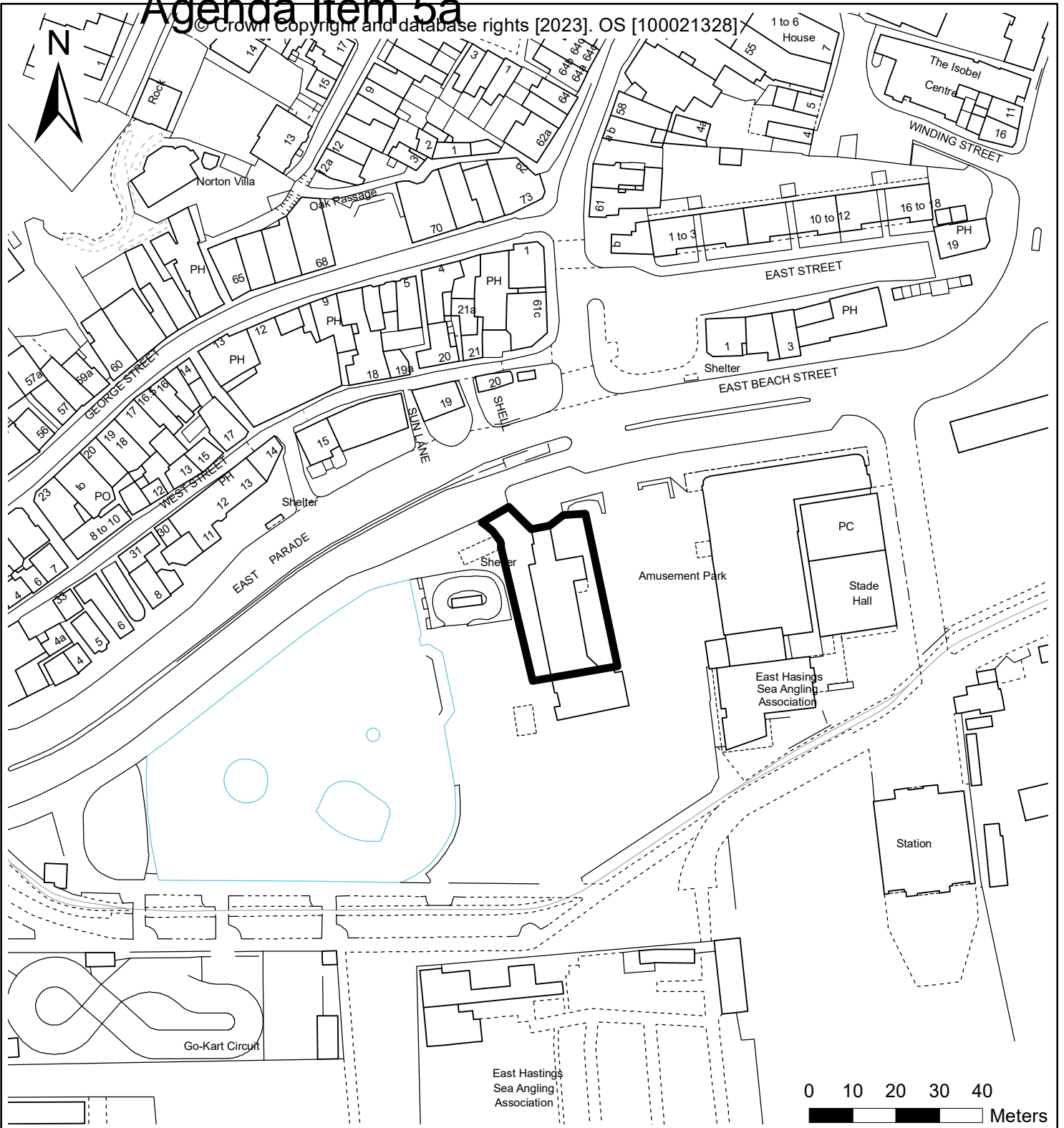
The Committee noted the report

(The Chair declared the meeting closed at. 7.22 pm)

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Agenda Item 5a

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The Stade Family Amusement Park
The Stade
Hastings
TN34 3AR

Proposed extension and refurbishments to main amusement building



Planning Services Manager
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings TN34 3UY
 Tel: 01424 451090
 email: planning@hastings.gov.uk

Date: May 2023

Scale: 1:1,250

Application No. HS/FA/21/00946

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Report to: PLANNING COMMITTEE

Date of Meeting: 21 June 2023

Report from: Planning Services Manager

Application address: **The Stade Family Amusement Park, The Stade, Hastings, TN34 3AR**

Proposal: **Proposed extension and refurbishments to main amusement building (amended)**

Application No: **HS/FA/21/00946**

Recommendation: **Grant Full Planning Permission**

Ward: OLD HASTINGS 2018
Conservation Area: Yes - Old Town
Listed Building: No

Applicant: Flamingo Park Ltd per Baker Architectural Ltd 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area Amended Plans
Neighbour Letters:	No
People objecting:	29
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 proposal relates a Chalet-style commercial building which is located at the road entrance to an existing amusement park. The existing building has an irregular plan form and each arm of the building has front facing gable features. The building may have formerly been two separate buildings which have been linked together via a flat roofed extension. The exterior of the building is partly rendered and partly clad in timber

weatherboard The roof is constructed using red clay tiles and it is formed of multiple roof pitches. The building has eight projecting dormer features at roof level on the southern side of the building. The last known use the building was, as a café with kiosk hatch, a shop and as a Mirror Maze. The upper floor of the building was last in use for office, administration and storage purposes. The building located immediately south of the application site is used to provide dodgems and a ghost train. The surrounding buildings to the south, west and east of the application site also form part of the existing amusement arcade.

The site is located to the south of the A259 and to the north of the seafront. The site also lies west of a grade II listed bus shelter and a boating lake. The site also lies in close proximity to Hastings' historic High Street and it falls within the Hastings Old Town Conservation Area.

The site occupies a prominent section of the seafront in an area which is popular with tourists and other visitors to the town.

Constraints

SSSI Impact Risk Zone

Archaeological Notification Area

Climate Change 200-year/1000-year event

Hastings Old Town Conservation Area

Surface Water Flood Risk – 1 in 30 years/1 in 100years/1 in 1000 years

Great Crested Newt Impact Risk Zone – Red Zone

Great Crested Newt Pond Buffer Zone

Foreshore Trust Owned Land

2. Proposed development

The application proposed relates to the extension of the existing building at ground and first floor level. Planning permission has already been granted for extensions and alterations to the building as part of a larger scheme under application ref: HS/FA/18/01009.

The 2018 planning permission granted consent for extensions and alterations to the building and for the raising of the roof in order to increase the amount of usable floor space from approximately 295sqm to approximately 457.8sqm. It is now proposed that the building should be further extended to increase the footprint of the building by an additional 89.8sqm to approximately 547.6sqm.

As part of the proposed works, the building will be extended at ground floor level to expand the size of the serving area within the café/shop, and to provide an additional office and frozen food storage area. The extensions to the building will also expand the size of the Mirror Maze to include a walkway with glazed curtain walling to the rear. At first floor level, the roof will be raised and replaced with a new roof with multiple, differing pitches, barn hip features, glazed projecting gable features to the front and rear of the building and sections of flat roof, including a section which extend along the central part of the roof. The enlarged first floor area will provide additional floorspace for storage and administration and a staff canteen.

The application is supported by the following documents:

- Existing and proposed plans
- Copies of plans relating to the extant planning permission
- Design and Access Statement
- Planning Statement

- Heritage Statement
- Historic Environment Record Checklist
- Report detailing listed buildings in the surrounding area
- SUDs toolkit form
- Waste Statement

Relevant planning history

Application No.	HS/FA/56/00677
Description	Erection of amusements building.
Decision	Permission Without Conditions on 08/01/57
Application No.	59/0230
Description	Proposed new miniature railway terminal station, waiting room, ticket office, platform and extension of existing track.
Decision	Permission with conditions on 14/04/59
Application No.	60/0441
Description	Erection of 5 lean-to portable kiosks.
Decision	Permission with conditions on 14/06/60
Application No.	71/1457
Description	Family amenity use, boating, putting, video and equipment, catering and souvenir sales.
Decision	Permission with conditions on 11/01/72
Application No.	72/1236
Description	Erection of cafeteria.
Decision	Permission with conditions on 29/09/72
Application No.	74/0379
Description	Continuation of use for junior go-kart track. no plans.
Decision	Permission with conditions on 01/05/74
Application No.	HS/FA/75/0137
Description	Continuation of use for junior go-kart track, installation of additional track, erection of ranch-type fencing. no plans.
Decision	Permission with conditions on 09/04/75
Application No.	HS/FA/78/00035
Description	Installation of portable dodgem track
Decision	Permission with conditions on 01/03/78
Application No.	HS/FA/81/00317
Description	Erection of replacement control building and storage for radio controlled models
Decision	Permission with conditions on 27/05/81
Application No.	HS/FA/83/0116
Description	Operation of water tricycles and radio operated cars.
Decision	Permission with conditions on 06/04/83
Application No.	HS/CA/94/00278
Description	Demolition of existing amusements park buildings,rides etc. (proposal relates to redevelopment scheme hs/fa/94/279)
Decision	Conservation Area Refusal on 04/08/94
Application No.	HS/FA/94/00279
Description	Redevelopment of site, buildings,boating lake and infrastructure as new amusement

Decision	park including the rides and leisure facilities and relocation of bus shelter (94/278 demolition applic. also applies) Refused on 04/08/94
Application No.	HS/FA/99/00023
Description	Erection of a small building to house six children's electric cars
Decision	Permission with conditions on 26/02/99
Application No.	HS/FA/99/00556
Description	Refurbishment of existing cafeteria and amusement complex (building) to form family entertainment centre
Decision	Permission with conditions on 26/11/99
Application No.	HS/FA/99/00620
Description	Minor alterations and extension to office
Decision	Permission with conditions on 26/11/99
Application No.	HS/EX/18/00067
Description	Application for a lawful development certificate for existing use as an Amusement Park
Decision	Certificate Not Issued on 05/04/18
Application No.	HS/AA/18/00326
Description	Alteration of existing shop front and installation of new awning and illuminated signage. New illuminated fascia signage to the north and west elevation
Decision	Permission with conditions on 08/06/18
Application No.	HS/FA/18/00325
Description	Alteration of existing shop front and installation of new awning and illuminated signage.
Decision	Permission with conditions on 08/06/18
Application No.	HS/AA/18/00552
Description	New illuminated signage to replace existing (Minor amendment to existing consent to display advertisement)
Decision	Permission with conditions on 09/08/18
Application No.	HS/EX/18/00485
Description	Application for a Certificate of Lawful development for existing use as an Amusement Park
Decision	Certificate Not Issued on 09/08/18
Application No.	HS/FA/17/01056
Description	Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty (amended description).
Decision	Withdrawn - Appeal against non-determination on 06/11/18
Application No.	HS/FA/18/01009
Description	Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty.
Decision	Permission with conditions on 07/03/19

Application No.	HS/FA/17/01056
Description	Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty (amended description).
Decision	Appeal Withdrawn on 11/03/19
Application No.	HS/EX/18/00485
Description	Application for a Certificate of Lawful development for existing use as an Amusement Park
Decision	Appeal Allowed on 13/05/19
Application No.	HS/EX/18/00067
Description	Application for a lawful development certificate for existing use as an Amusement Park
Decision	Appeal Allowed on 22/05/19
Application No.	HS/FA/19/00417
Description	Replacement of existing bi-fold doors with new bi-fold doors
Decision	Permission with conditions on 09/08/19
Application No.	HS/CD/19/00369
Description	Discharge of condition 4(material samples) of Planning Permission HS/FA/18/01009 - Proposed extensions and refurbishments to main amusement building including raised roof to accommodate additional floor. Increased height and footprint of raised huts behind the main building. Proposed alterations to park and rides, including demolition of existing ghost train building and erection of replacement. Proposed new formalised and landscaped pedestrian footpath from adjacent to shelter to beach front access and enlargement of amusement park to incorporate land where current footpath is located. Proposed new boathouse and jetty.
Decision	Permission with conditions on 31/03/20
Application No.	HS/FA/20/00355
Description	Proposed removal of galvanised heras fencing to be replaced with blue iron curved fencing
Decision	Permission with conditions on 24/07/20
Application No.	HS/FA/21/00979
Description	Proposed removal of low-level walls.
Decision	Permission with conditions on 24/02/22
Application No.	HS/CD/21/00240
Description	Discharge of condition 6 (details of boundary walls, fences and other means of enclosure) of Planning Permission HS/FA/18/01009
Decision	Refused on 02/11/22

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

Policy FA6 - Strategic Policy for The Seafront

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

Policy EN1 - Built and Historic Environment

Policy E4 - Tourism and Visitors

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

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

Policy HN2 - Changing Doors, Windows and Roofs in Conservation Area

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

Policy HN8 - Biodiversity and Green Space

Policy CQ1 - Cultural Quarter

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change

Policy SP1 - Directing Growth

Policy SP6 - Enhancing the Historic Environment

Policy SP7 - Managing Coastal Erosion and Flood Risk

Policy DP1 - Design - Key Principles

Policy DP2 - Design - Space and Accessibility Standards

Policy DP3 - Sustainable Design

Policy DP5 - Biodiversity

Policy DP7 - Access, Servicing and Parking

Other policies/guidance

National Design Guide

Air quality and emissions mitigation guidance for Sussex (2021)

Hastings Heritage Report (Nov 2017)

Hastings Draft Conservation Area Appraisal and Management Plan

ESCC Guidance for Parking at Non-Residential Development

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

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

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

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

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

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
 - Layout
 - Architecture
 - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
 - Building types
 - Materials
 - Arrangement of streets

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime

and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 194 of the National Planning Policy Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 195 of the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 of the National Planning Policy Framework states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

3. Consultation comments

Hastings Borough Council Conservation Officer – No objection. Initial objection raised to the proposal on the grounds that the proposal would result in less than substantial harm to the character and appearance of the Conservation Area. However, the agent for the applicant has since amended the plans in response to the feedback received. The latest set of comments received from the Conservation Officer on 20th April 2023 indicate that the objections which were previously raised are now withdrawn and the scheme is now considered to be acceptable from a heritage perspective, subject to condition.

East Sussex County Council Archaeology Team – No objection

Environment Agency – No comments received

Hastings Borough Council Estates Team – No comment. If planning consent is granted the tenant is required to obtain the Trust's consent as their Landlord prior to carrying out any works.

Foreshore Trust – No comments received

Hastings Borough Council Marketing and Projects Manager (Tourism) – Support the application

Natural England Newts Officer – No comment, refer to standing advice.

Nature Space – No objection – Although the applicant has submitted no ecological information, due to the lack of suitable habitat between the pond and the development site it is unlikely that Great Crested Newts will be adversely impacted.

4. Representations

In respect of this application, a site notice was displayed next to the application site and an advert was placed in the local paper.

30 no. letters of objection were received from 30 different individuals, including a representation submitted on behalf of the Old Hastings Preservation Society.

The letters of objection which have been received raising the following concerns:

- The development constitutes overdevelopment
- The proposed extension is excessive in its bulk and scale
- The design is insensitive to the surrounding area
- The design is harmful to the character and appearance of the Conservation Area
- The development will result in harm to the setting of the nearby listed buildings and bus shelter
- The development will negatively impact public access to the beach

- The development proposal obstructs public views to the sea
- The development discriminates against those with impaired mobility
- The application proposal fails to serve the residents of the town
- The proposed gables are excessive in size

Cllr Hilton has also elected to call the application to the Development Control Committee on the following grounds:

1. The revised proposal is for a larger and bulkier footprint for the building and will be out of scale for it's surroundings. It feels too big now to sit relatively close to the listed bus shelter.
2. The gable details are also larger in scale than originally proposed.

5. Determining issues

The main issues are the principle of the development, the impact of the proposal upon heritage, the design of the proposal and its impact on the character of the streetscene, the impact of the proposal upon neighbouring amenity, ecology, waste and refuse storage, flood risk and drainage, and archaeology.

a) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development.

Policy E4 of the Hastings Planning Strategy 2014 relates to the provision of facilities for tourists and visitors to the town. The policy states that new visitor attractions will be encouraged and those that already exist will be protected, unless it can be demonstrated they are no longer economically viable, either in existing or adapted form. It further states that the upgrading of existing provision will be encouraged where the proposal increases the range and/or quality of tourist facilities. Proposals for new visitor attractions will be considered sympathetically anywhere within the Borough, subject to other policy requirements, though the seafront is seen as the core resort area and particular support will be given to measures and proposals which are well related to the seafront.

The site lies in a sustainable location and it benefits from good access to public transport, shops, services and facilities. As such, the principle of extending an existing building in this area is considered to be acceptable in principle, subject to the development meeting the other Local Plan policy requirements as set out below.

With regards to the proposal's contribution towards making provision for tourist facilities, the development proposal will result in the expansion and extension of a building within an existing amusement park. The proposed extension will enlarge and modernise existing recreational facilities on the seafront for the benefit of local visitors, tourists and staff. On the basis that the proposal will improve existing facilities within the park and help to secure the future viability and use of the site as a visitor attraction, the proposal is considered to be in accordance with policy E4. I have consulted with the Council's Marketing and Projects Manager, who has elected to support the application on the basis that the improvement of the existing arcade buildings will help to encourage visitors to the area and to increase the footfall and vitality of the seafront.

Whilst some concerns have been raised in the local representations relating to the closure of the pedestrian access to the site and in relation to the project's potential adverse impact on disabled visitors and residents, the agent for the applicant has confirmed that public access through the site will be restored through the creation of the new pedestrian pathway which was approved as part of application ref: HS/FA/18/01009 and the existing and proposed site

plans have been amended to reflect this. The proposed mouse coaster pinball ride which is also outlined on the site plan will sit above the approved pedestrian pathway so there is no conflict between the new proposed pedestrian access and the new amusement ride.

b) Impact on Heritage

Paragraph 194 of the National Planning Policy Framework states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 195 of the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 206 of the National Planning Policy Framework states that local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

Policy EN1 of the Hastings Local Plan Planning Strategy (2014), states that importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas. Particular care will be given to protecting the significance and setting of the following heritage assets: (a) Listed buildings; (b) Conservation areas; (c) locally listed heritage assets (d) historic parks and gardens; (e) scheduled monument sites; and (f) areas of archaeological potential and known archaeological find sites.

Policy HN1 of the Hastings Development Management Plan 2015 states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset:

- a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets; and
- b) Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness.

Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances

the significance of any heritage assets affected (including conservation areas).

Policy HN2 of the Hastings Development Management Plan 2015 states that the Council will seek to maintain the form and appearance of original windows, doors and roofs where this contributes to the character of the building and the significance of the wider conservation area. Planning permission will be given for new windows and doors that reflect the traditional proportions, materials, finishes and opening arrangements of those that were originally fitted in the building. Where replacement roofs are concerned, and new proposed roofing materials should not harm the character or appearance of the building or conservation area.

In this case, the application site is located within a Conservation Area, and the development proposal falls within the setting of a number of listed buildings and structures.

The potential impact on each designated heritage asset will be dealt with in turn below:

i) Impact on Conservation Area

The application site is located in a prominent position within the Hastings Old Town Conservation Area. The application proposal also has the potential to impact the long views from East Hill, within the Hasting Central Conservation Area.

Although the Council has no current adopted Conservation Area Appraisal for the Hastings Old Town at this time, the Hastings Heritage Report (Nov 2017) describes the seafront at paragraph 6.5.7 as follows:

'The seafront represents a distinct feature of Hastings' heritage and it is, above all, the aspect of the town that shapes visitors' perceptions of the place. It includes some of the most important aspects of the built, natural and intangible heritage. It borders very different parts of the town, but it is, importantly, a single entity, raising similar conservation and management issues along its entire length. It is perhaps the single most important aspect of the town's heritage, yet also the place in which heritage conflicts most directly with other uses and priorities: it is literally the place where the town comes together.'

At paragraph 7.8.1, it goes on to say the following:

'The seafront is the key feature of the any seaside town and, at Hastings, it is the location of some of the town's most historic buildings and a key part of the setting of many of those inland. The topography of Hastings means that the seafront provides one of the most impressive vistas in the region, visible in its entirety from the many high points in the town. Its long, continuous sweep includes the ancient hill forts and the Norman castle, the seaward end of the medieval Old Town, the fishing beach and net huts, the Georgian and Victorian resort buildings, Burtons' St Leonards and the mid-20th century Marine Court, promenade and 'Bottle Alley'. Whilst the Council has focused significant resources on improving the appearance of the seafront in recent years, it is still marred by run-down buildings, heavy traffic, parking, inappropriate signage and unsympathetic modern developments.'

As discussed in the Hastings Heritage Report (2017), certain aspects of the existing developments along the seafront, such as the large car parks and amusement facilities, exaggerate the division between the town and the seafront and the division of the two spaces is further accentuated by the presence of the A259 and Rock-A-Nore Road, which run between the two distinct character areas. With regards to the character and appearance of the land around the application site, the immediate locality is dominated by leisure and tourist facilities. Although the application site lies to the south of a listed bus shelter, the remainder of the buildings and other structures in the immediate vicinity are in use in association with the amusement arcade. Accordingly, the area has a mixed appearance, notwithstanding the high number of historic buildings located immediately opposite the application site, on the northern side of the A259.

In this case, the development constitutes an amended version of an extension to a building

which has already been approved as part of a larger development proposal under application ref: HS/FA/18/01009. When compared to the previously approved extensions and alterations to the building, the current proposed scheme proposes changes to the external appearance of the property and it increases the scale of the building in order to increase the amount of usable floorspace at ground and first floor level. The external appearance of the building has been amended to reflect a new design which is inspired by the Ice House development on Rock-a-Nore Road. As a consequence, the size and position of the eight projecting gabled dormer windows has been altered and the 12 proposed Conservation-style roof lights have been relocated on the roof. The amount of glazing has also been enhanced at first floor level through the addition of new glazed panels within each of the gables. The new proposed design also allows for the addition of a new walkway with glazed curtain walling at ground floor level along the eastern elevation. At roof level, sections of flat roof have been created to further enhance the amount of usable space at first floor level.

With regards to the potential impact of the proposal upon the historic significance of the Conservation Area, whilst the Council do not take a prohibitive view towards contemporary design within Conservation Areas, any significant physical changes to buildings in prominent locations should be delivered to an appropriately high standard. Whilst the proposed physical changes to the building will increase the bulk and scale of the building, the height and length of the building will be largely similar to that which was approved under the 2018 scheme. In addition, the increase to the depth of the building will be largely obscured from view due to the orientation of the taller part of the extension in relation to the northern end of the building, such that it will not negatively impact the important views on the approach to the Old Town. Furthermore, the revised design results in an improved aesthetic appearance which is considered to draw more on the character and appearance of other landmark buildings in the area. The construction materials are also considered to be appropriate. As a consequence, the revised proposal is considered to better conserve and enhance the character of the Conservation Area when compared to the previously approved scheme.

Although policy HN2 of the Hastings Development Management Plan 2015 states that the Council will seek to maintain the form and appearance of original windows, doors and roofs where they contribute to the character of the building and the significance of the wider conservation area, the existing building is not considered to make a positive contribution to the character and appearance of the Conservation Area in its current form and the acceptability of extending the building, altering the windows and doors at ground and first floor level, and changing the roof form and profile has already been established via the previous planning approval.

I have consulted with the Conservation Officer regarding the proposal. Although an initial objection was raised to the scheme, the applicant has worked with the Conservation Officer and revised the plans a number of times in response to their previous feedback in order to achieve an acceptable design. The most recent set of comments from the Conservation Officer confirm that there is no objection to the proposal and that the character and appearance of the Conservation Area will not be adversely impacted, subject to condition.

ii) Impact on the setting of Designated Heritage Assets

As identified in the HER Report, due to the historic nature of the area surrounding the application site, 141 listed buildings are located within a 250-metre radius of the site. Of the listed buildings in the vicinity, those which are closest to the application site and which face directly onto it include a grade II listed bus shelter, which is immediately west of the application site, the properties at 1-20 East Parade, which are mostly grade II listed (exceptions are 3 and 4A, which are not listed), and 3, 4, and 5-7 (London Trader Public House) East Beach Street, which are also grade II listed.

Bus Shelter

The listing description in respect of the bus shelter is as follows:

'TQ 8209 SW HASTINGS EAST PARADE (South side)

15/10035 Bus Shelter

II

Bus shelter. Circa 1900. Built of wood, cast iron and glass with shingled roof. Rectangular structure with 8 cast iron columns supporting half-hipped roof with some patterned shingles. Deep eaves overhang. Columns have decorative cast iron brackets. Between the columns are wood and glazed panels with beaded panelling enclosing four original wooden benches. There is a similar bus shelter at Rock-A-Nore.'

Although the new proposed development will be located approximately 7.5 metres from the side elevation of the listed shelter, the extensions and alterations to the building will not harmfully impact the setting of the grade II listed structure. Whilst the extensions to the arcade building will increase its depth and the roof form will be altered, the views towards the taller elements of the roof extension are largely obscured by the northern side of the building, such that any potential views towards the listed structure from the town centre and from the old town will not be significantly or harmfully impacted.

1-20 (excl. 3 and 4A) East Parade

The properties along East Parade constitute a collection of grade II listed two and three storey period properties. The properties are individually designated but small clusters of the buildings, such as 18A, 19 and 20, are considered to make a significant contribution as part of a group. The properties date predominantly from the mid to late nineteenth century. The properties are individually designed but a number have common architectural characteristics such as canted bay windows, sash windows and plain tiled roofs. Externally the properties are clad either in timber weatherboard or pastel painted render. The properties occupy a prominent location and their quirky character contributes to some of the key views along the seafront.

With regards to the potential impact of the development upon the setting of the listed buildings on East Parade, although it is acknowledged that the development will be visible from the A259, the road affords sufficient separation between the town and the seafront to avoid negatively impacting the setting of the listed buildings and the historic significance of the row of listed properties will remain the same.

3, 4, and 5-7 East Beach Street

The grade II listed properties at 3-7 East Beach Street are 3 storey period terraced buildings. The properties are individual in character and are designed with tiled hipped or pitched roofs, sash windows (with canted bays to no. 4), rendered exteriors, and hung tile decoration. In a similar manner to the properties along East Parade, the buildings are sited in a prominent location at the entrance to Hastings Old Town and they contribute to the historic character of both the Old Town and the seafront front.

The development proposal is unlikely to significantly or adversely alter the setting of the listed buildings due to the scale and orientation of the development, the distance from the application site and the degree of separation afforded by the A259 and Rock-a-Nore Road. As a consequence, the historic significance of the buildings will remain unchanged.

In light of the above, the proposal is considered to meet the requirements of policy EN1 of the Hastings Planning Strategy 2014 and policies HN1 and HN2 of the Hastings Development Management Plan 2015.

c) Design and Impact on the character and appearance of the Streetscene

Policy DM1 of the Hastings Development Management Plan promotes the application of common principles to achieve high quality design within the borough. The policy states that new proposed schemes should enhance local character and show an appreciation of the surrounding neighbourhood characteristics such as its street patterns, topography, plot layouts and boundaries, plot sizes and the predominant scale, height, massing and materials of nearby properties. Any new proposed developments should be designed in accordance with best practice guidance, make efficient use of land and the properties should be orientated to achieve attractive streetscapes and take into account the effects of solar gain.

With regards to the bulk and scale of the proposal, when compared to the previously approved scheme, although the depth of the building is to be enlarged and the roof of the building will increase in size, the length of the building and the height of the building will be very similar to the proposal set out in the extant planning permission. As a consequence, the building should not appear so significantly enlarged as to render the scheme unacceptable. Notwithstanding the increase in the size of the roof extension, the multiple roof pitches and gables dormer additions should help to break up its perceived bulk. With regards to the scale of the proposal as seen from public vantage points, the proposed changes to the side profile of the building will be most apparent when viewed from the southern side of the building, which will be largely obscured by the neighbouring ghost train building. The views of the roof profile along the northern elevation will be largely obscured by the northern side of the existing building and the development should not appear excessive in its scale or bulk.

With regards to the amendments to the exterior of the building and the potential impact upon the character of the surrounding area, when compared to the extant planning permission, the proposed changes are considered to result in an improvement to the aesthetic appearance of the building overall. The style and architectural features of the new design are considered to be more in keeping with the character of the surrounding area, notwithstanding the increased bulk and scale of the building. The eastern and western elevations of the building will appear contemporary whilst incorporating some more traditional architectural features. The proposed construction materials remain appropriate and in keeping with the surrounding area.

As mentioned above, the proposal will not impede permeability through the site as the previously approved pedestrian pathway is still to be implemented.

On this basis, the proposal is considered to be acceptable from a design perspective.

d) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan 2015 states that in order to achieve a good standard of living for future users of a proposed development and its neighbours, it should be demonstrated that amenity has been considered and that appropriate solutions have been incorporated into schemes.

In line with part (a) of Policy DM3, the scale, form, height, mass and density of any buildings should avoid having any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight).

In this case, owing to the nature of the application site, the use of the surrounding buildings, and the distance between the site and the nearest neighbouring residential buildings, the proposal is unlikely to adversely impact neighbouring outlook, privacy or neighbouring access

to daylight and sunlight.

e) Ecology

The site comprised of a two-storey building within an existing amusement park.

The application is not supported by any ecological information. However, in view of the nature of the site and in view of the extant planning permission for the extension of the building, it is considered that there would be no harm to protected species or habitats.

Impact on Great Crested Newts

The development falls within the red impact risk zone for great crested newts. However, Nature Space and Natural England Newts Officer have been consulted and neither consultee has raised any objections to the proposal. An informative will be added to any future consent reminding the applicant of their obligations should Great Crested Newts be found at any point during the construction phase of the development.

f) Air quality and emissions

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

g) Lighting

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

h) Highway safety/parking

Although the site is located immediately adjacent to the A259, due to the contained nature of the application site, the proposal should not adversely impact highway safety. A condition will be added to any future consent to ensure that the applicant submits a Construction Management Plan which will detail the routing of any staff or construction and delivery vehicles to and from the site.

The application proposal does not include any allocated parking on site. However, when the previous planning approval was considered, it was deemed to be acceptable without any on-site parking provision. In view of the nature of the site, the sustainable nature of the location and the proximity of the site to several public car parks, a bus stop and to the main line station, the improvement of facilities within the existing amusement park is unlikely to result in a significant increase in traffic or in an undue amount of parking stress when compared to the previously approved scheme, particularly when considering the existing number of visitors to the area.

The proposal is therefore considered to be acceptable from a highways perspective.

i) 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.

j) Drainage

Policy SC7 of the Hastings Planning Strategy (2014) states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The application site as delineated within the red line is located outside of flood zones 2 and 3. However, the site is shown to be susceptible to surface water flooding.

The foul drainage will be via the main sewer in line with existing foul drainage. With regards to surface water, the applicant has completed the SUDs toolkit form. The new proposed development is comprised of extensions and alterations to an existing building and the extensions to the building are to be erected across existing areas of hardstanding. As a consequence, the surface water runoff rate will remain unaltered. As a consequence, the proposal should not increase flood risk within the site.

k) Archaeology

The application site is located within an archaeological notification area.

However, in view of the fact that the proposed extension to the building are to be constructed on land which has already been developed, the potential impact of the development from an archaeological perspective is likely to be limited. I have consulted with ESCC Archaeology officer, who has raised no objection to the proposal.

6. Conclusion

The acceptability of extending and altering an existing arcade building and increasing its height is already established through the planning history relating to the site. Although the scale and bulk of the building will increase when compared to the previously approved scheme, the proposal is considered to improve the design aesthetic of the building and to better conserve and enhance the character and appearance of the Conservation Area and the setting of the nearby listed buildings and structures.

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

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

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

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

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

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 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.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National

Planning Policy Framework.

3. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

4. Separate foul and surface water drains must be provided. You are advised to consult Southern Water Services Ltd. with regard to an application for connection to the public foul and surface water sewers.
5. The applicant is advised that under the terms of the lease, the Trust's consent as landlord is required to carry out any alterations.

Officer to Contact

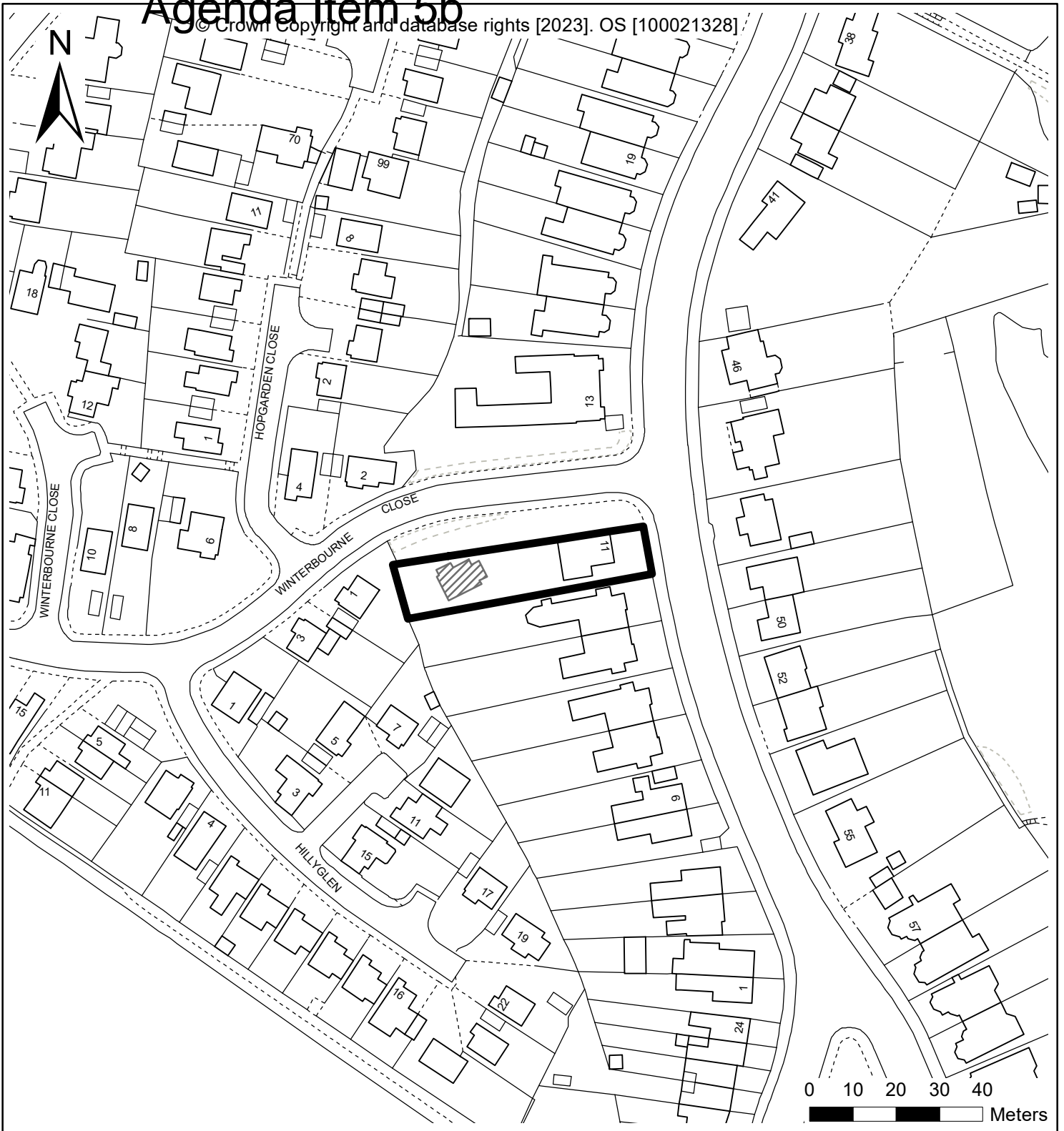
Alexis Stanyer, Telephone 01424 783274

Background Papers

Application No: HS/FA/21/00946 including all letters and documents

Agenda Item 5b

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**Land to the rear of 11 Linton Road
Hastings
TN34 1TN**

Proposed single detached dwelling at land to the rear of 11 Linton Road



Planning Services Manager
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: May 2023

Scale: 1:1,250

Application No. HS/FA/23/00131

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Report to: PLANNING COMMITTEE

Date of Meeting: 21 June 2023

Report from: Planning Services Manager

Application address: Land to the rear of 11 Linton Road, Hastings,
TN34 1TN

Proposal: Proposed single detached dwelling at land to
the rear of 11 Linton Road

Application No: HS/FA/23/00131

Recommendation: REFUSE

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

Applicant: Mr. Bartlett per Gavin Boby Planning Permissions Ltd
Out Yonder Tote Hill Lockerley, Romsey.
SO510JU

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	10
Petitions of objection received:	0
People in support:	6
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 is comprised of a rectangular parcel of garden land to the rear of 11 Linton Road. The site is currently disused and is overgrown and it contains an outbuilding, greenhouse and shed. Owing to the site topography, the site slopes upwards from the front to the rear of the site. The site is located to the west of 11 Linton Road, a substantial detached Edwardian property constructed in red brick with canted bay windows, a pitched

roof and a front facing gable feature. The property is understood to be split into two flats. Due to the location of 11 Linton Road, on a corner plot, the site is visible from Winterbourne Close. The site backs on to the rear garden serving 10 Linton Road. It also borders the site of 1 Winterbourne Close to the west, and to a strip of green amenity land to the north. The amenity land sits above the level of the pavement and it is comprised of a raised bank containing a line of trees.

The character of the surrounding area is mixed as a consequence of the varied architecture. The properties on the western side of Linton Road are mostly substantial two or three storey detached or semi-detached period houses, many of which have been converted into flats. On the eastern side of Linton Road, the properties are predominantly individually designed semi-detached and detached two storey houses dating from the inter-war and post-war periods. The properties within Winterbourne Close, to the west of the application site, constitute more modern two storey homes dating from the 1980s.

The application site lies within a predominantly residential area within the built confines of Hastings.

Constraints

SSSI Impact Risk Zone

Surface Water Flood Risk –1 in 1000 years

Great Crested Newt District Licensing Scheme – Amber Zone

Great Crested Newt 250 metre pond buffer zone

2. Proposed development

The application proposal constitutes an amendment and resubmission of an earlier refused scheme for a single detached dwelling on the site. It is proposed that an outbuilding, greenhouse and shed should be removed from the site and that a new two-storey three bedroom detached dwelling should be erected. Associated hard and soft landscaping works are also proposed within the site in order to create a pedestrian access to the front of 11 Linton Road. The proposed new property has been designed in a similar style to the nearby properties on Winterbourne Close. The access to the property is via the pedestrian side entrance serving the existing flats within 11 Linton Road. It is proposed that the property will be served by a single parking space which will be located within the existing front courtyard area serving 11 Linton Road.

The application is supported by the following documents:

- Existing and proposed plans
- Design and Access Statement
- Planning Statement
- Flood Risk Assessment
- SUDs toolkit form
- Waste Management Plan
- Preliminary Ecological Appraisal prepared by The Mayhew Consultancy Limited

Relevant planning history

Application No.	HS/FA/23/00131
Description	Proposed single detached dwelling at land to the rear of 11 Linton Road
Decision	Pending decision

Application No.	HS/FA/57/00048
Description	Change of user from Guest House to Old People's Home.
Decision	Permission Without Conditions on 12/03/57
Application No.	HS/FA/58/00265
Description	Installation of new fire screens and new fire escape.
Decision	Permission with conditions on 10/06/58
Application No.	HS/FA/72/00697
Description	Conversion from single dwelling into 3 flats
Decision	Permission with conditions on 26/05/72
Application No.	HS/FA/89/00291
Description	Construction of hard standing for vehicles.
Decision	Permission with conditions on 31/05/89
Application No.	HS/OA/89/01228
Description	Erection of 2 detached houses with double garages.
Decision	Outline Application Refused on 12/03/90
Application No.	HS/OA/18/00335
Description	Outline application (seeking approval for Access, Layout & Scale) for the erection of a detached house on land rear of 11 Linton Road, with proposed new vehicle access from Winterbourne Gardens.
Decision	Outline Application Refused on 15/10/19
Application No.	HS/OA/18/00335
Description	Outline application (seeking approval for Access, Layout & Scale) for the erection of a detached house on land rear of 11 Linton Road, with proposed new vehicle access from Winterbourne Gardens.
Decision	Appeal Dismissed on 22/05/20
Application No.	HS/FA/22/00293
Description	Proposed two new semi-detached dwellings to the rear land behind 11 Linton Road.
Decision	Refused on 10/08/22

National and local policies

Hastings Local Plan – Planning Strategy 2014

- Policy FA2 - Strategic Policy for Central Area
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy SC7 – Flood Risk
- Policy DS1 - New Housing Development
- Policy SC3 - Promoting Sustainable and Green Design
- Policy SC4 - Working Towards Zero Carbon Development
- Policy H1 - Housing Density
- Policy H2 - Housing Mix

Hastings Local Plan – Development Management Plan 2015

- Policy LP1 - Considering planning applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM4 - General Access
- Policy DM5 - Ground Conditions

Policy HN8 – Biodiversity and Green Space

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change

Policy SP1 - Directing Growth

Policy SP2 - New and Affordable Housing

Policy SP5 - Conserving and Enhancing the Natural Environment

Policy SP7 - Managing Coastal Erosion and Flood Risk

Policy DP1 - Design - Key Principles

Policy DP2 - Design - Space and Accessibility Standards

Policy DP3 - Sustainable Design

Policy DP5 - Biodiversity

Policy DP7 - Access, Servicing and Parking

Other policies/guidance

National Design Guide

Air quality and emissions mitigation guidance for Sussex (2021)

East Sussex County Council Guidance for parking at new residential development (2017)

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

Hastings Borough Council Ecology Officer – No comments received

Nature Space - No objection, subject to various informatives relating to Great Crested Newts

Tackling Climate Change Team – The plans provide insufficient detail to comment.

Hastings Borough Council Arboricultural Officer – No objection

Southern Water – No objection, subject to a series of informatives relating to existing sewers in the vicinity.

ESCC Highways Team – No comment, refer to minor application guidance

Hastings Borough Council Refuse and Streetscene Services Team - No objection:

‘There is already a waste collection service on this road and collected from domestic waste and recycle bins. The waste bins would be provided by Hastings Borough Council upon completion of the property in the form of wheeled waste bins. These bins would need to be stored on the property until the day of collection whereby they would need to be presented to the front of the property for collection. The collection day would be a Tuesday, and the bins are collected on alternate weeks, providing a fortnightly service.’

ESCC Suds Team – No comment

4. Representations

In respect of this application, a site notice was displayed adjacent to the site on both Winterbourne Close and in front of 11 Linton Road.

16 no letters of objection were received and two invalid petitions were lodged in opposition to the proposal.

6 no letters of support were also received from 6 individuals residing in separate properties.

Those raising an objection to the proposal have raised the following concerns:

- Loss of light
- The development constitutes overdevelopment
- Impact on parking
- Impact on access to Winterbourne Close
- Loss of privacy
- The development will be overly cramped
- The development will negatively impact the character of the area
- The access to the development is unsuitable
- The parking provision is inadequate and fails to provide adequate turning space
- The development will appear overbearing and overly dominant
- Negative impact on trees and biodiversity

Those in support of the proposal have highlighted the following points:

- The proposal will provide affordable low-cost housing
- The design is discreet and will fit in with the character of the area
- The new dwelling will be obscured by existing trees so will not negatively impact the character of the street
- The proposal constitutes an efficient use of land

5. Determining issues

The main issues to be considered are the principle of development in this location, the 5-year housing land supply, the design, layout density and housing mix, the impact of the development on general amenity, ecology, trees, highway safety and parking provision, waste and refuse storage, drainage matters and air quality and emissions.

a) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is located within a sustainable area with reasonable access to public transport, shops, services and facilities. As such, the development is considered to be acceptable in principle, subject to the proposal meeting the other Local Plan policy requirements as set out below.

b) 5-Year Housing Land Supply

At present the Government identified that the need for additional housing in Hastings is 481 dwellings per annum. From 1 April 2022 the 5-year requirement is 2,405 (481 x 5). As the annual Housing Delivery Test is not being met, a 20% buffer must also be added to this figure, which increases the 5-year requirement to 2,886.

The Housing Delivery Test figures published in January 2022 confirm that the Council has met only 42% of the delivery test requirement.

Housing supply figures have been updated for Local Plan Monitoring Report purposes and there is insufficient supply of deliverable housing sites to meet the 5-year housing land supply at this time.

This lack of a current 5-year housing land supply, together with under performance against the housing delivery test are two important considerations that need to be balanced against

the requirements of other planning policies. The lack of a demonstrable five-year housing land supply will be balanced against any negative aspects of the scheme. This will be discussed further on in this report.

c) Design and layout, density and housing mix

Policy DM1 of the Hastings Development Management Plan promotes the application of common principles to achieve high quality design within the borough. The policy states that new proposed schemes should enhance local character and show an appreciation of the surrounding neighbourhood characteristics such as its street patterns, topography, plot layouts and boundaries, plot sizes and the predominant scale, height, massing and materials of nearby properties. Any new proposed developments should be designed in accordance with best practice guidance, make efficient use of land and the properties should be orientated to achieve attractive streetscapes and take into account the effects of solar gain.

Policy H1 of the Hastings Planning Strategy 2014 encourages the full and effective use of land. On sites located outside of inner town centre areas, a density of approximately 30 dwellings per hectare is preferred, unless there are special local circumstances that require a lower density requirement.

Policy H2 of the Hastings Planning Strategy 2014 states that planning permission will be granted for residential development that delivers a balanced mix of housing within the site and across Hastings as a whole. It further states that the Council will seek to secure a mix of housing types and tenures in the borough in order to meet the current and projected local housing needs, taking into account existing local household characteristics. The policy guidance states that at the current time the Council seek to encourage the creation of larger homes with three or more bedrooms to address the bias in stock towards smaller dwellings and flats.

With regards to the scheme density, a single dwelling is proposed. The site measures approximately 373.9sqm (.0.3739ha) in size. In the context of the size of the site, the scheme density equates to approximately 26.7 dwellings per hectare, which is broadly in line with the preferred density of 30 dwellings per hectare in areas outside of town centre areas. The proposal is therefore considered to meet the requirements of policy H1.

With regards to housing mix, the proposed new dwelling will provide a family-sized three bedroom home. As the Council currently seek to encourage the creation of larger dwellings in order to make up the shortfall in the borough, the proposed new dwelling will make a positive contribution to the number of new family homes in the area.

With regards to the site layout and the design of the new dwelling, the scheme constitutes an amendment and resubmission of an earlier refused scheme for a new dwelling on the site. In respect of the planning history, two applications have been submitted previously for new homes on the site.

An outline application was submitted in 2018 under application ref: HS/OA/18/00335 for the erection of a single detached house with new vehicle access from Winterbourne Close, with consent being sought for the access, layout & scale. The application was refused and dismissed on appeal due to the scale and mass of the dwelling and the negative impact on the trees located on the adjacent site. At the time that the appeal was considered, the Planning Inspector commented on the application as follows:

'The development would be located in an established residential area. As such, the general principle of a residential dwelling on the appeal site is not at odds with the surrounding area. However, whilst the drawings provided show that the proposed layout would be possible on the severed plot available, the scale and mass of the development, despite the sloping nature of the site, would appear incongruous with the surrounding built environment; which in the immediate vicinity is typified by road facing dwellings with generous gardens that are separated by planting, trees or lawns. Indeed, whether some of the development would be below ground level or not, the scale of the proposal on this severed and elevated back-garden plot would be overly prominent and appear out of place in its immediate setting. Moreover, the mass of the proposal that extends across a large part of the site would result in a visually cramped development due to its limited external space on this divided garden area.'

Under application ref: HS/FA/22/00293, a second scheme was put forward for two semi-detached dwellings on the site and this application was also refused for the following reasons:

'1. The proposed development, by virtue of the position, design, scale and layout would result in a cramped, and overdeveloped scheme, that fails to respect the layout, plot sizes, scale, rhythm, landscape features and pattern of the street scene and area more generally. The proposal is therefore considered to be contrary to Policies EN3 and SC1 of the Hastings Local Plan - Planning Strategy (2014), and Policies DM1 and DM3 of the Hastings Local Plan - Development Management

Plan (2015).

2. The development would also, by virtue of the alterations to the front forecourt area, leads to loss of characteristic boundary wall, railings and piers, and result in a car parking dominated frontage that is harmful to the appearance of the host building and surrounding street scene. The proposal is therefore considered to be contrary to Policies EN3 and SC1 of the Hastings Local Plan - Planning Strategy (2014), and Policies DM1 and DM3 of the Hastings Local Plan - Development Management Plan (2015).'

The current application proposes a two-storey detached dwelling on the site and it allows for pedestrian access via 11 Linton Road.

With regards to the appearance of the new dwelling, the design of the proposed property is similar in style to the nearby residential dwellings along Winterbourne Close, and it is considered that the simple design and the architectural features associated with the new dwelling are in keeping with the surrounding area.

With regards to the site layout, paragraph 2.2 of Inclusive Mobility Documents produced by the Department of Transport (2005) discusses widths of paths and notes, *'Someone who does not use a walking aid can manage to walk along a passage way less than 700mm wide, but just using a walking stick requires greater width than this; a minimum of 750mm. A person who uses two sticks or crutches, or a walking frame needs a minimum of 900mm, a blind person using a long cane or with an assistance dog needs 1100mm. A visually impaired person who is being guided needs a width of 1200mm. A wheelchair user and an ambulant person side-by-side need 1500mm width.'* The proposed pedestrian pathway serving the development meets the minimum requirements for disabled access. Although the pedestrian access serving the property is unusual for a family sized dwelling of this nature and the site layout as proposed does not allow the property to be self-contained due to the reliance on the side access and front driveway serving the existing flats at 11 Linton Road, it is acknowledged that the Planning Inspector did not raise an issue in relation to the access when the previous applications were considered.

However, with regards to the scale and bulk of the new dwelling, although the property is set back from the neighbouring boundaries, due to the site topography and to the two-storey nature of the new dwelling, it is considered that, in a similar manner to the refused outline

application, the proposed property will appear overly dominant in the context of the streetscene. The new proposed dwelling will be highly visible from Winterbourne Close and the height of the property will be further exacerbated by the sloping nature of the site. As such, the proposal is likely to appear uncharacteristic in the context of the surrounding area.

In a similar manner to the refused scheme which was commented on by the Planning Inspector, notwithstanding the attempts by the applicant to reduce the footprint of the development and the attempts to amend the design so that the scheme is more in keeping with the style of the surrounding properties, the proposal remains incongruous with the surrounding built environment. The Planning Inspector discussed the character of the wider area and stated that the immediate vicinity is typified by road facing dwellings with generous gardens that are separated by planting, trees or lawns. The proposed new property is therefore at odds with the general development pattern in the area and, due to the open and raised nature of the site, it would be overly prominent and appear out of place in its immediate setting.

On this basis, the proposal fails to meet the requirements of policy DM1 of the Hastings Development Management Plan 2015.

d) Impact on general amenity

Policy DM3 of the Hastings Development Management Plan 2015 states that in order to achieve a good standard of living for future users of a proposed development and its neighbours, it should be demonstrated that amenity has been considered and that appropriate solutions have been incorporated into schemes.

The potential impact of the scheme on general amenity is assessed in two parts below:

i) Impact on Neighbouring Amenity:

In line with part (a) of Policy DM3, the scale, form, height, mass and density of any buildings should avoid having any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight).

With regards to the potential impact of the proposed development upon neighbouring access to daylight, the proposal is set back from the neighbouring properties and the proposal is considered to meet the requirements of the 45-degree test. With regards to the potential impact of the proposal upon neighbouring access to sunlight, based on the site orientation in relation to the sun's trajectory, the new dwelling is likely to overshadow some of the garden serving 1 Winterbourne Close during the early to mid-morning. However, at least half of the neighbouring garden should still receive in excess of 2 hours of sunlight as at 21st March in line with BRE guidance. The proposal should not block sunlight to the garden serving 10 Linton Road, although it is acknowledged that daylight levels may be impacted.

As far as neighbouring privacy is concerned, the windows and doors at ground floor level should not afford any significant or harmful views to the neighbouring gardens. Although the design of the new dwelling allows for new windows along the front, side and rear elevations at first floor level, due to the use of obscure-glazing, the proposed new windows should not result in an unreasonable loss of privacy. Initially, concerns were raised with the agent in relation to the plans due to the potential for direct overlooking into the neighbouring gardens of both 1 Winterbourne Close and 10 Linton Road. However, the applicant has since amended the internal layout at first floor level and obscure-glazed the windows at first floor level along the southern and western elevations to address the issue. Most of the obscure-glazed windows are to serve non-habitable rooms. Although one of the obscure-glazed windows serves a bedroom, and obscure glazing to a habitable room would not ordinarily be acceptable, as the bedroom contains a second window, the room will still benefit from its own source of ventilation and outlook so any future occupants will not be adversely impacted by the obscure glazing. Although the window along the eastern elevation

at first floor level will afford some direct views to the rear windows of 11 Linton Road, owing to the distance between the existing and proposed windows (approximately 19.3 metres) it is considered that an unreasonable overlooking relationship is unlikely to occur. A condition should be added to any future consent to ensure that the obscure-glazing is retained and to ensure that no new windows can be inserted into the southern or western elevations of the new dwelling without the prior written consent of the Local Planning Authority.

With regards to the potential impact of the proposal upon neighbouring outlook, although it is acknowledged that the proposed new dwelling will not unreasonably impact outlook from neighbouring windows, it is considered that the creation of a new dwelling on the site has the potential to result in a tunnelling affect as the new development will create a long expanse of built form along the neighbouring boundary. The new dwelling will be sited approximately 3 metres from the neighbouring boundary shared with 10 Linton Road and it measures approximately 11 metres in width. As the proposed new dwelling will be two storeys in height, it is considered that the proposal is likely to have an overbearing impact on the garden serving the neighbouring dwelling. The proposal will therefore materially impact neighbouring outlook within the garden and negatively impact the future enjoyment of the land.

The proposal is therefore contrary to the requirements of policy DM3 of the Hastings Development Management Plan 2015.

ii) Impact on the amenity of future occupants

In 2015, the government introduced minimum space requirements relating to the gross internal floor area of new dwellings. The minimum space requirements are set according to the level of occupancy. Minimum floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height are set out in the nationally described space requirements.

The nationally described space standards state that 4 person 3 bedroom two-storey dwelling should provide a minimum gross internal floor area of at least 84sqm. The plans provided indicate that the new dwelling will provide approximately 89sqm of internal floorspace so the new dwelling will be in accordance with minimum size requirements.

However, the nationally described space standards also state that any new proposed dwelling must provide at least one double or twin bedroom measuring at least 11.5sqm in size and that all single bedrooms should measure at least 7.5 metres in size. The largest of the bedrooms proposed within the new dwelling, bedroom 1, measures 11.3sqm in size, which is just below minimum size requirements for double rooms. The second bedroom measures 11.1sqm so would be classed as a single bedroom. The third bedroom measures 5.5sqm and it falls below minimum size requirements so it could not be used as a bedroom.

In light of the above, although the total floorspace requirements have been met, the first floor layout fails to provide adequate accommodation for future occupants due to the size of the bedrooms.

With regards to the amount of outside space afforded to the new dwelling, the dwelling has been afforded garden land around the new dwelling. Although the various sections of the garden around the property are divided so they do not measure 10 metres in depth, on balance, the overall amount of outside space is considered to be adequate and it should provide sufficient outside space for future occupants.

Whilst some aspects of the proposal are acceptable, in outlook and future amenity terms, the proposal is considered to be contrary to the requirements of policy DM3 of the Hastings Development Management Plan 2015.

e) Highway safety/parking

Access

As mentioned above, the new proposed development is to be accessed via a pedestrian walkway leading from the front driveway serving 11 Linton Road to the front door of the new property. Although the access may appear impractical, it is acknowledged that the Planning Inspector raised no issues with a similar proposed pedestrian access to the site when the previous scheme was considered. In addition, the pathway is wide enough to accommodate disabled users. On this basis, the proposal is acceptable.

Parking

Any proposed car parking arrangements for future users should be in accordance with the East Sussex County Council minor application parking guidance in respect of residential development. The parking calculator indicates that, for this type and size of dwelling in this location, a minimum of 1.58 parking spaces should be provided.

The submitted drawings indicate that a single allocated parking space is to be provided for the new dwelling within the front driveway of 11 Linton Road. A visitor space is also to be provided and a remaining third space is to be allocated to the occupants of 11 Linton Road

However, whilst the amount of parking proposed is considered to meet minimum requirements, the parking spaces as delineated on the drawings fail to meet minimum size requirements. Each parking space should measure at least 2.5 metres x 5 metres in size and an extra 0.5 metres should be added to the length or width of a space where it is located immediately adjacent to a wall or fence. In this case, the parking spaces measure approximately 1.5 metres in width and approximately 4 metres in length, which is below the minimum size requirements. In addition, the drawings indicate that the space for turning and manoeuvring within the forecourt is inadequate and that the location of the parking spaces will prevent the existing gates from being opened and closed. As a consequence, the parking arrangements are not considered to be fit for purpose.

Access for Emergency Vehicles:

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle (FSV) should not have to reverse more than 20m.

According to Manual for Streets, a 3.7m carriage way is normally required. However, this can be reduced to 2.75 over short distances

With regards to access for fire safety purposes, it is considered that the property could potentially be accessed by the emergency services via the front of 11 Linton Road or via Winterbourne Close.

f) Waste and refuse storage facilities

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and its removal. The applicant is advised that all waste storage should be secure and covered and located at the rear of the property away from public view.

Part H of Building Regulations sets out that waste containers should be sited so that residents do not have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance.

A refuse storage area is proposed within the garden of the new dwelling and it should be possible for future occupants to take refuse from the proposed store to Linton Road for collections without obstruction. I have consulted with the refuse and streetscene services team, who have confirmed that the refuse storage arrangements are acceptable.

g) Ecology

As described above, the site is comprised of a disused parcel of garden land.

The application is supported by a preliminary ecological appraisal which has been prepared by The Mayhew Consultancy Limited. The report concludes that although there is some evidence that foxes use the site, the proposed development would not cause any harm to any protected sites or priority habitats and that the proposed development would not cause any harm to protected species other than the limited potential for damaging or destroying the nests of breeding birds. However, this can be mitigated by ensuring that site clearance is undertaken outside of the bird breeding season. An informative will be added to any future consent in this regard.

The Ecology Officer has been consulted and has raised no objections to the application.

Impact on Great Crested Newts

The development falls within the amber impact risk zone for great crested newts and the ecology survey states that there is a suitable breeding pond within circa 150 metres of the application site. However, it is separated from the application site by existing development. I have consulted with Nature Space, who have raised no objections subject to a series of informatives relating to site clearance and advising the applicant of their obligations should great crested newts be located during the construction phase of the development.

h) Trees

The site adjoining the application site contains a number of trees which are considered to have amenity value. However, I have consulted with the tree officer, who has confirmed that the proposed development works are unlikely to adversely impact the existing trees on the adjacent site.

i) Flood risk

Policy SC7 of the Hastings Planning Strategy (2014) states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The application site lies outside of flood zones 2 and 3. However, the site may be susceptible to surface water flooding.

The application form in respect of the development confirms that the foul drainage will be via the main sewer. This will require the consent of Southern Water. With regards to surface water drainage, the applicant has completed the SUDs toolkit form, which identifies that the new development will result in an increased storage attenuation requirement of 2.48 cubic metres. It is proposed that rainwater harvesting devices should be used on the site.

However, the toolkit indicates that the device proposed will not be sufficient to accommodate the increase in surface water runoff from the site. A condition will therefore need to be added to any future consent to ensure that the drainage strategy meets future requirements.

j) Air quality and emissions

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

6. Conclusion

The application proposal for a new dwelling on the site is not considered to address the previous concerns raised by the Planning Inspector, who highlighted that the bulk and scale of a development in this location was likely to appear visually incongruous in the context of the streetscene and go against the general development pattern in the area. Furthermore, the proposed new dwelling is likely to have an oppressive and overbearing impact upon the garden serving 10 Linton Road, and the parking arrangements associated with the development are not fit for purpose.

Although it is acknowledged that the Council does not currently have a demonstrable 5 year housing land supply and the new dwelling will contribute to both local housing stock and boost local employment, the negative aspects of the development are not considered to be outweighed by the potential benefits of the scheme. On this basis, it is recommended that the application should be refused.

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

7. Recommendation

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 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.
-

Officer to Contact

Alexis Stanyer, Telephone 01424 783274

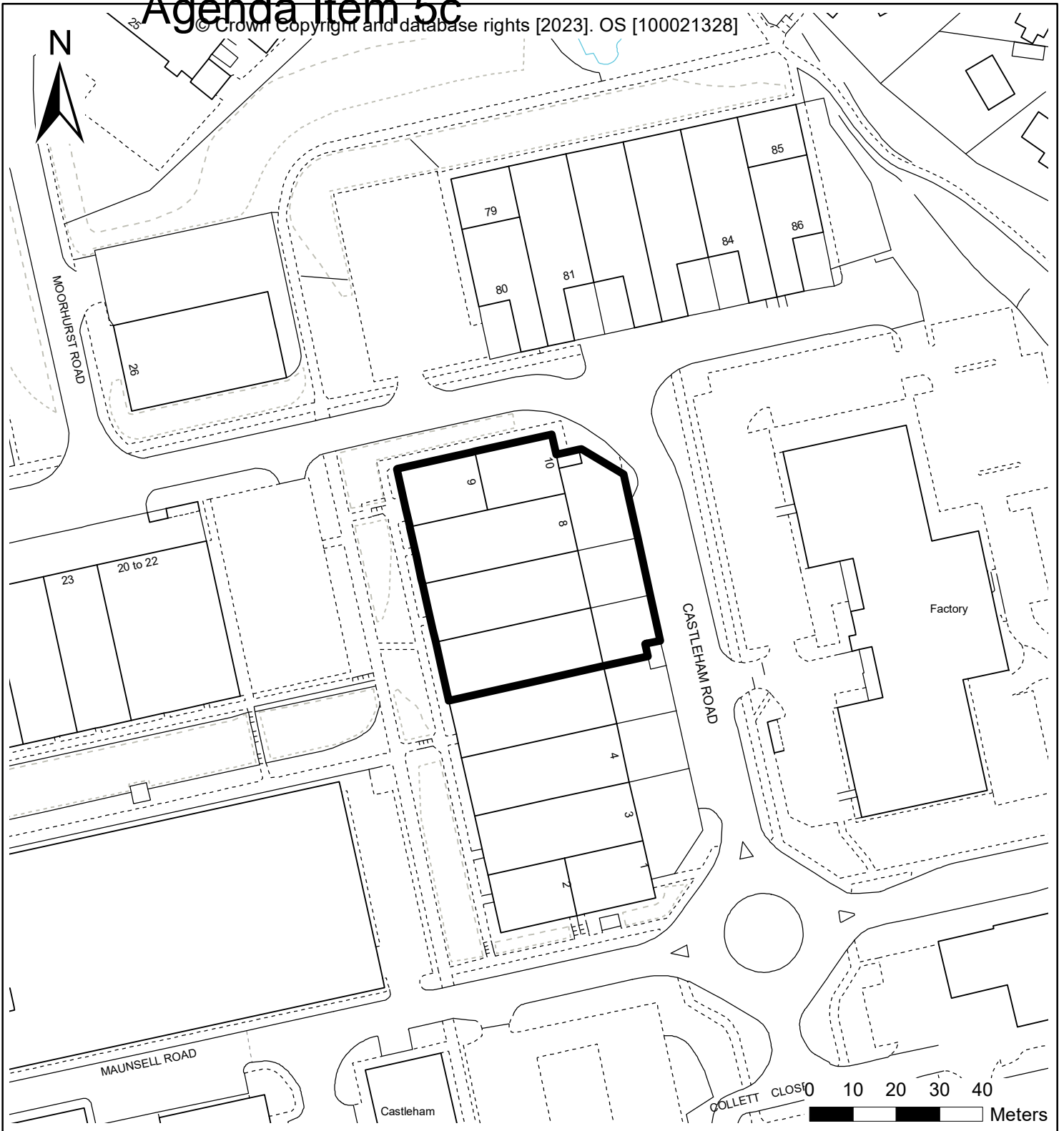
Background Papers

Application No: HS/FA/23/00131 including all letters and documents

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Agenda Item 5c

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**6-10 Castleham Road
St Leonards-on-sea
TN38 9NR**

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)



Planning Services Manager
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: May 2023

Scale: 1:1,250

Application No. HS/FA/22/01000

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Report to: PLANNING COMMITTEE

Date of Meeting: 21 June 2023

Report from: Planning Services Manager

Application address: 6-10 Castleham Road, St Leonards-on-sea,
TN38 9NR

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)

Application No: HS/FA/22/01000

Recommendation: Grant Full Planning Permission

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

Applicant: Hastings Borough Council per SHW Chantry
House 22 Upperton Road Eastbourne BN21 1BF

Public Consultation

Site notice:	Yes
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 -
Council application on Council owned land.

1. Site and surrounding area

The application site relates to No.s 6-10 Castleham Road, a 1970s industrial building located on the west side of Castleham Road. The surrounding area comprises a large industrial estate with large commercial premises separated from the road by grass verges.

Constraints

- Medium Pressure Pipeline - SGN
- Medium Pressure Pipeline - SGN 25m Buffer
- Waste & Minerals Local Plan Schedule Ind Estates
- GCN District Licensing Scheme IRZ - Red
- GCN District Licensing Scheme - Pond Buffer 250m
- Flooding Surface Water 1 in 100
- Land Owned Leased Licensed or Held by Tenancy at Will by Hastings Borough Council

2. Proposed development

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. Lining of rainwater goods (valleys).

The application is supported by the following documents:

- Design & Access Statement
- Waste Minimisation Statement
- Schedule of Works

Relevant planning history

Application No.	HS/71/01000
Description	Layout of estate and access roads and sewers for proposed development of industrial estate in Town Development area and offices for Clerks of Works.
Decision	Permission with conditions on 16/09/71
Application No.	72/01545
Description	Excavation and filling operations to form new ground levels for the development of Castleham industrial Estate, entailing earth cut of 90,536 cubic metres and fill of 39,269 cubic metres.
Decision	Permission with conditions on 16/11/72
Application No.	HS/72/01545
Description	Excavation and filling operations to form new ground levels for the development of Castleham Industrial Estate, entailing Earth cut of 90,536 cubic metres and fill of 39,269 cubic metres.
Decision	Permission with conditions on 16/11/72
Application No.	HS/OA/74/0044
Description	Erection of extension of the existing building at the rear on upper levels, and an additional storey over part.
Decision	Outline Application with Conditions on 26/01/73
Application No.	73/00472
Description	Erection of 8 units (factories) in one block
Decision	Permission with conditions on 10/05/73

Application No.	73/01009
Description	Layout and construction of section of industrial estate roads (to be known as Castleham Road and Gresley Road)
Decision	Permission with conditions on 23/07/73
Application No.	HS/73/01011
Description	Phase II excavation and filling operations, including provision of foul and surface water drainage and construction of part of highway known as Castleham Road.
Decision	Permission with conditions on 23/07/73
Application No.	74/00044
Description	Erection of 4 light industrial units of 200 sq metres.
Decision	Permission with conditions on 14/02/74
Application No.	HS/74/00044
Description	Erection of four light industrial units of 200 square metres.
Decision	Permission with conditions on 14/02/74
Application No.	HS/FA/90/00598
Description	Erection of single storey store and roof extractor vent.
Decision	Permission with conditions on 17/09/90

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

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

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

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 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 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

Environmental Health - No objection.

4. Representations

In respect of this application a site notice was displayed on a lamp post opposite the unit. No responses were received.

5. Determining issues

The main issues to consider are the impact on the character and appearance of the area, the impact on neighbouring residential amenities, safe access and pollution.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

b) Impact on character and appearance of area

Policy DM1 of the Development Management Plan (2015) seeks to ensure a good standard of design which protects and enhances the local character. SPD - Householder Development provides further guidance on what will be taken into consideration when assessing the impact of any proposed extension or alteration, and what any application should address in terms of the design of the proposal. National Design Guide, I1, requires new developments to respond to the existing local character and identity of the area.

The proposed works are to overlay the existing asbestos roof with stainless steel roofing sheets. This would complement the adjoined premises, No.s 1-5 Castleham Road who have completed similar works. Due to the height of the building and the lip of the metal fascias being higher than the roof panels, the area for the proposed works is not visible from the public realm and therefore would not be considered to have any impact on the character and appearance of the area.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

c) Impact on neighbouring residential amenities

Policy DM3 of the Development Management Plan (2015) requires proposals to achieve a good living standard for future users of proposed development and its neighbours in terms of amenity. Furthermore, the SPD - Householder Development provides further guidance on what will be taken into consideration when assessing the impact of any proposed extension or alteration, and what any application should address in terms of the potential impact on neighbouring properties from the proposal.

Outlook, Daylight, Sunlight and Overshadowing

There are no elements of the proposal that would be considered to have an effect on outlook, daylight, sunlight and overshadowing.

Privacy

The replacement rooflights will be fixed in the existing openings and so the current relationship will not be affected.

Therefore, the proposal is considered to be in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

d) Pollution

The overlay of the asbestos roof will not involve the disturbance of any asbestos, as detailed in the submitted Schedule of Works. Environmental Health have raised no objection to the application and it is considered that there are no pollution risks as a result of the proposal.

e) Great Crested Newts

The application site is located in a GCN IRZ Licensing Scheme Red Zone. However, as the site is more than 50 metres from a pond, there is no requirement to consult NatureSpace with regard to the proposed works. As the proposal contains no groundworks, it is unlikely that any habitat areas would be disturbed. An informative has been added should any Great Crested Newts be discovered during the course of the works.

f) Southern Gas Networks Medium Pressure Pipeline

The application site is located within a 25 metre buffer zone of an SGN medium pressure pipeline. As no groundworks form part of this proposal, it is not considered that there is any risk of disturbing any underground gas pipes.

g) Flooding

The application site is located in an area that has a 1 in 100 risk of surface water flooding. As the proposal involves no change to the amount of non-permeable surface area, it is not considered that any mitigation measures are necessary in this regard.

6. Conclusion

The proposed works are considered appropriate for this location and would not cause harm to the character or appearance of the area and would not harm residential amenity.

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:

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 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.

Officer to Contact

William Larkin, Telephone 01424 783250

Background Papers

Application No: HS/FA/22/01000 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	21 June 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 03/05/2023 to 31/05/2023
Recommendations:	That the report be noted

The following appeals have been received:

None

The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
18 Marina,(Flats 1 & 3), St Leonards-on-sea, TN38 0DP HS/FA/22/00233	Proposed replacement windows to rear of Flats 1 and 3	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Land South East Of Junction Of Church Street adjacent to Arlington Cottages, Victoria Avenue, Hastings, TN35 5BY HS/FA/21/01073	New build residential development comprises of 2no 3bed semi detached houses with 2no parking spaces (1no per house), cycle and refuse storage and private gardens.	n/a	Non Determination	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	48
No Jurisdiction to Determine	1
Part Granted	1
Prior approval Approved	2
Refused Permission	7
Withdrawn by Applicant	3
Total	62

Report written by
Sam Townshend– Tel: (01424) 783264
Email: planning@hastings.gov.uk