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PLANNING COMMITTEE

27 JANUARY 2016

Present: Councillors Street (Chair), Scott (Vice-Chair), Beaney, Beaver, Edwards, Dowling, Lee, Roberts, Rogers and Wincott

63. APOLOGIES FOR ABSENCE

None.

64. DECLARATIONS OF INTEREST

None.

65. MINUTES OF THE MEETINGS HELD ON 15 DECEMBER 2015 AND 23 DECEMBER 2015

RESOLVED – that the minutes of the meeting held on 15 December and 23 December 2015 be approved and signed by the Chair as a true record.

66. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

67. PLANNING APPLICATIONS ATTRACTING A PETITION:

68. 3 & 4 LINTON ROAD, HASTINGS

Proposal:	Change of use from residential to HMO (retrospective).
Application No:	HS/FA/15/00834
Existing Use:	Unlicensed HMO
Conservation Area:	No
National Planning Policy Framework:	
Hastings Local Plan	
The Hastings Planning Strategy:	SC1 - Overall strategy for managing change in a sustainable way H2 - Housing mix H4 - Houses in Multiple occupation FA2 - Strategic policy for central area
Hastings Local Plan	
Development Management Plan:	DM3 - General amenity DM4 - General access HC1 - Conversion of existing dwellings LP1 - Considering planning applications

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Public Consultation:

7 letters of objection and 1 petition received

The Planning Services Manager reported on a retrospective application for change of use from residential to Houses of Multiple Occupation (HMO) at 3 & 4 Linton Road, Hastings.

3 Linton Road

On the upper floors of the property there are 5 bedrooms, 2 bathrooms, a WC and a kitchen. The ground floor is currently used as a separate residential property for the applicant and his family. This use of the ground floor is proposed to continue and does not form part of the proposal for this application.

4 Linton Road

Within No. 4 there are 8 bedrooms, 1 bathroom, 1 WC and a kitchen.

Within the curtilage of No. 4 is a boiler room and ground floor WC which have been erected without planning permission. Although the retention of these extensions was not included within the application, the Agent has been advised that a retrospective application should be submitted as a matter of urgency. If no such application is submitted, Planning Enforcement will progress the matter.

Together nos.3 and 4 form a pair of semi-detached, 3-storey dwellings located on the west side of Linton Road. The properties are set back from the highway and sited in a raised position with approximately 21 steps up to the front doors. The front gardens are also terraced to reflect the topography.

The planning application was submitted further to investigation by the Planning Enforcement team and the HMO Licensing department.

Use class C4 Houses in multiple occupation (HMOs) are defined as small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom. Generally, under the Town and Country Planning (Use Classes) Order the change from a single private dwellinghouse to a class C4 HMO for up to 6 occupiers constitutes permitted development and therefore an application for planning permission is not required. The Council has implemented an Article 4 Direction for HMOs which means that planning permission will be required to change the use of a single family house into a shared house occupied by between three and six unrelated individuals. This direction came into effect on 02 July 2012 and covers the whole Borough. It is noted, irrespective of this order, that 4 Linton Road, with 8 bedrooms required planning permission for use as an HMO.

The main issues considered were the use of properties as houses in multiple occupation; living environment; loss of family sized housing; extensions/room layout; basement/lighting; refuse storage; approach to the properties and evidence of community involvement.

Having reviewed the Council's Local Plan in relation to the retention of single family

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dwellings, the Planning Services Manager considered that the proposal met the aims of the Hastings Planning Policies having regard to the previous decision issued by the Planning Inspectorate. However, due to the planning history of this site and the previous decision by the Planning Inspectorate, she felt the application must be carefully considered. Although it was considered that the change of use of these properties would result in the loss of family sized units, this was not thought harmful by the Planning Inspectorate. The report advised that if members of the Committee chose to refuse permission, if the application were to be appealed by the applicant, there is a likelihood that costs could be awarded against the Council.

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

The Planning Services Manager provided several updates to the report as follows: under the 'Previous Site History' on page 38, applications HS/FA/10/00035 and HS/FA/14/00272 of the agenda were refused on 13/10/2014 not 2015 as stated in the report. Amendments to the floor Plan which originally showed a kitchen window and side elevation have been removed to reflect what is current and proposed.

The petitioner, Ms Kate Adams, was present and spoke against the application.

The applicant, Mr Thomas Branczyk, was present and spoke in support of the application.

Councillor Beaney proposed a motion to refuse the application against the officer recommendation. This was seconded by Councillor Lee. The motion was lost by 3 votes for to 6 against, with 1 abstention.

Cllr Wincott proposed a substantive motion to approve the application as set out in the report. This was seconded by Councillor Scott. Councillor Rogers proposed an amendment to the motion by the addition of a condition for boundary treatment fencing between the rear gardens of the two properties. This amendment was not accepted by the proposer of the motion and was seconded by Cllr Roberts. The amendment was approved by the Committee by 5 votes to 3, with 2 abstentions.

The substantive motion to approve the application with the amendment as set out in condition 5 below was agreed by 7 votes to 3 against.

RESOLVED – by (7 votes to 3) that:-

- 1. Within 3 months of the grant of this permission, details of a bin storage area(s) shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be completed in accordance with the approved details and once provided the bin storage area(s) shall be used for the storage of refuse only and for no other purpose unless otherwise agreed in writing by the Local Planning Authority;**
- 2. Within 3 months of the grant of this permission, details of a cycle parking area shall be submitted to and approved in writing by the Local Planning Authority. The area shall thereafter be retained for that use and shall not**

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be used other than for the parking of cycles unless otherwise agreed in writing by the Local Planning Authority;

- 3. Within 3 months of the grant of this permission a travel plan statement for the residents of the properties shall be submitted to and approved in writing by the Local Planning Authority;**
- 4. The development hereby permitted shall be carried out in accordance with the following approved plans: DP/2641/PP/REV C/01, P/2641/PP/REV B/02 and DP/2641/PP/REV B/03; and**
- 5. Details of the side boundary treatment between the rear gardens of Nos. 3 and 4 Linton Road shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this approval. The approved boundary treatment shall then be erected within three months of the date of this approval and retained thereafter.**

Reasons:

- 1. To ensure a satisfactory standard of development that causes no obstruction to the public highway;**
- 2. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development;**
- 3. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development; and**
- 4. For the avoidance of doubt and in the interests of proper planning.**
- 5. To safeguard the amenity of adjoining and future residents in accordance with policy DM3 of the Hastings Local Plan Development Management Plan (2015).**

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 paragraphs 186 and 187 of the National Planning Policy Framework; and**
- 3. Consideration should be given to the provision of a domestic sprinkler system.**

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69. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that two planning appeals had been received. Since then it was noted that an appeal on 24 and land east of 16-24 Ironlatch Avenue, St. Leonards on Sea had recently been approved on 22 January 2016. The appeal was allowed and planning permission was granted for the demolition of existing bungalow at 24 Ironlatch Avenue and the construction of 9 dwellinghouses and a new access road on land to the east of Ironlatch Avenue.

All matters had arisen between 14th December to 22nd January 2015.

RESOLVED – that the report be noted.

70. PLANNING APPLICATIONS:

71. LAND OFF, ROBERT TRESSELL CLOSE, HASTINGS

Proposal:

Variation of condition 21 (approved plans) of planning permission HS/FA/14/00823 – amendment to front elevation and parking HS/FA/15/00805.

Application No:	HS/FA/15/00805
Existing Use:	Vacant
Conservation Area:	Yes - Blacklands
National Planning Policy Framework:	No conflict

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Hastings Local Plan –
The Hastings Planning Strategy:

DS1 (New Housing development),
FA2 (Strategic Policy for Central Area),
SC1(Overall Strategy for Managing Change
in a Sustainable Way),
SC3 (Promoting Sustainable and Green
Design),
SC4 (Working Towards Zero Carbon
Development),
EN1 (Built and Historic Environment),
EN2 (Green Infrastructure Network),
EN3 (Nature Conservation and Improvement
of Biodiversity),
H1 (Housing Density),
H2 (Housing Mix),
H3 (Provision of Affordable Housing),
T3 (Sustainable Transport)

Hastings Local Plan –
Development Management Plan:

DM1 (Design Principles),
DM3 (General Amenity),
DM4 (General Access),
HN1 (Development affecting the Significance
and Setting of Designated Heritage Assets
(including Conservation Areas),
HN7 (Green Infrastructure in New
Developments),
HN8 (Biodiversity and Green Space)

Public Consultation:

4 letters of objection received

Planning Services Manager reported on an application for variation of condition 21 (approved plans) of planning permission HS/FA/14/00823, which allowed the erection of 10no. family dwellings and associated parking and access road at Land off Robert Tressell Close, Hastings, TN34 1UP.

Condition 21 relates to a small change in the floor area and front elevations to plots 1 - 5 and 9 - 10. The change in footprint relates to the squaring off of the building without a front projection for the entrance porch area. This results in a small increase in floor area as well as a repositioning to allow for a parking space in front of the dwellings.

The site consists of an undeveloped parcel of land to the west of Robert Tressell Close. The site adjoins residential properties to the north and south and the boundary of the Blacklands Conservation Area runs along the site's northern boundary. A vacant area of land lies to the east and a parking area to the west. Mature trees run along part of the northern, southern and eastern boundaries. As set out in the previous consent, the land levels on site drop between the southern and northern boundaries.

The main issues were the residential amenity, character and appearance and

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evidence of community involvement.

The Planning Services Manager recommended that planning permission be granted subject to conditions.

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

Councillor Dowling proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Beaver.

RESOLVED – (unanimously) that planning permission be granted subject to the following conditions:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of planning permission HS/FA/14/00823;**
2. **No development shall take place until the measures outlined in the submitted ecological statements and reports (Land off Robert Tressell Close, Hastings, Ecological Impact Assessment by the Bourne Valley Consultancy dated September 2007; and the update letter from the Bourne Valley Consultancy dated 17 October 2014) have been fully implemented, unless:**
 - (i) **the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;**

unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

3.
 - (i) **Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority;**
 - (ii) **Development shall be carried out in accordance with the details approved under (i) and the dwellings hereby approved shall not be occupied until those works have been completed.**

The dwellings hereby approved shall not be occupied until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development;

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- 4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development (in accordance with BS5837 2012: Trees in relation to design, demolition and construction – Recommendations). New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme;**
- 5. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;**
- 6. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials;**
- 7. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority;**
- 8. 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;**
- 9. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development;**
- 10. Prior to the commencement of development details of the proposed surface water drainage shall be submitted to the Local Planning**

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Authority for approval. The development shall be completed in accordance with the approved details;

11. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads;
12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;
13. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
14. During development every loaded lorry shall be covered before leaving the site;
15. No development shall take place until a scheme has been submitted to and approved by the Local Planning Authority that shows works to improve pedestrian access between the site and Priory Avenue by installing dropped kerbs at junctions where necessary. The improvements shall be provided prior to the occupation of any of the dwellings hereby approved, and shall be implemented in accordance with the approved scheme;
16. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority;
17. No development shall commence until details of the size and location of any temporary structures required during the construction process, proposals in respect of the public footpath during construction, a vehicle wheel washing facility together with areas for the storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the approved details shall remain in place and in operation for the duration of the construction period;
18. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures within the approved protocol shall be carried out prior to commencement of development unless ongoing control has been approved;

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- 19. No building hereby permitted shall be occupied until it has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building;**
- 20. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details; and**
- 21. The development hereby permitted shall be carried out in accordance with the following approved plans:
2015-15-01, 50, 51, 52, 60, 61, 70, & 71, 2015-15-100, 2015-101; 1210 - 130,131,132**

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9);**
- 3. To ensure a satisfactory standard of development;**
- 4. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 5. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 6. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 7. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 8. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4);**
- 9. To ensure a satisfactory standard of development;**
- 10. In the interests of highway safety;**
- 11. In the interests of highway safety and for the benefit and convenience of the public at large;**

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12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
13. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development;
14. In the interests of highway safety and the amenities of the area;
15. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety. (Hastings Local Plan 2004 policy TR10);
16. To protect features of recognised nature conservation importance;
17. In the interests of the visual and residential amenities of the locality;
18. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9);
19. To ensure that no property is occupied until adequate access and drainage facilities have been provided;
20. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1); and
21. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. Consideration should be given to the provision of a domestic sprinkler system;
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk;
5. In the event that any sewers are found within the site the applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or

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www.southernwater.co.uk;

6. No excavation, mounding or tree planting should be carried out within 3m of the public foul sewer, and no new soakaways should be located within 5m of the public sewer without consent from Southern Water Services Ltd. The applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk;
7. The Local Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards;
8. With regard to condition 14 of this planning permission the applicant's attention is drawn to the guidance set out in the Environment Agency's booklet: "The Knotweed Code of Practice", a copy of which is obtainable at:

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>
9. This planning permission has been issued as a variation to planning permission HS/FA/14/00823. Aside from the condition that has been varied the conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible.

(The Chair declared the meeting closed at. 7.09 pm)