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PLANNING COMMITTEE

24 MAY 2017

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

174. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Cartwright.

175. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Beaver (all Councillors)	179a – 10 Claremont, Hastings	Personal - Correspondent is a former Councillor of Hastings Borough Council
Webb	178a – 35 Tower Road, St. Leonards on Sea (5a) and 145.1 – 10 Claremont, Hastings	Personal – Knows some of the objectors

176. MINUTES OF THE MEETING HELD ON 5 APRIL 2017

RESOLVED – that the minutes of the meeting held on 5 April 2017 be approved and signed by the Chair as a true record.

177. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

178. PLANNING APPLICATIONS ATTRACTING A PETITION:

178.1 35 Tower Road, St. Leonards on Sea

Proposal: Construction of thirteen apartments comprising 3 x 1, 8 x 2 and 2 x 3 bedrooms.

Application No: HS/FA/16/00857

PLANNING COMMITTEE

24 MAY 2017

Existing Use:	Mixed uses including retail, residential, upholstery, car sales and car repairs
Conservation Area	No
Listed Building	No
Public Consultation	18 letters of objection and 1 petition and 1 letter of support received.

The Principal Planner, Mr Batchelor, presented this report for construction of thirteen units as a mix of 3x1, 8x2 and 2x3 bedrooms and 13 undercroft parking spaces (two of which are disabled parking bays).

Members were informed of an update to the report:-

- Since the publication of the Planning Committee Agenda, an additional representation has been submitted. The representation makes comments on the committee report.

Members were shown plans, photographs and elevation drawings of the application site.

The Principal Planner reminded members that a former application was submitted in 2015 under planning application reference HS/FA/14/00968, for the construction of fourteen apartments comprising 5 x 1, 6 x 2 and 3 x 3 bedrooms. The application was withdrawn on 26th July 2016 due to concerns raised about parking. The redevelopment of the site was supported in principle and the applicant was given advice in respect of parking, design and affordable housing before submitting a further application. The changes to the application include:

- Removal of one residential unit from the ground floor to allow for revised parking, refuse storage and cycle storage.
- The lowering of the proposed building by 1m (compared with the previous application).
- Changes to the layout of some flats.
- The reduction in the size of the building adjacent to 30 St. Peters Road.
- Various elevational changes including the substitution of the mostly rendered façade for a buff white-grey brick.

William Third, petitioner, spoke against the application, he raised concern regarding the forced eviction of the businesses and referred to Policy E1 regarding retention of Employment land. He said that the development of 13 flats will cause loss of amenity, increased number of vehicles, pollution and parking problems over an already stressed area. He said the overall appearance is incompatible with a Victorian terrace and felt that the affordable housing will have a negative impact. He stated that surface water flooding is a regular occurrence and he raised further concern regarding noise and disturbance and congregating youths. He recommended that planning permission be refused.

PLANNING COMMITTEE

24 MAY 2017

Mr Third said he would welcome alternative development on site; however the site behind needs light and ventilation.

Jacob Chadwick, the project architect and agent for the application, spoke in support of the application. He said they had addressed the effect of the proposals on Cornfield Terrace following the deferred application. He said he had met with local residents since the application was passed and changed the scheme by lowering the building by 1 metre, amending the garden wall and widening the pavement. The scheme offers 15 parking bays for 13 units, an increase of 3 bays. The site is set back x 2½ times. Having reviewed the scheme he said it makes positive impact.

Mr Chadwick said they undertook a site visit following the last meeting. He met two of the applicants (not residents); he was taken into No. 30 and took photos from their property. He said a lot of changes came out of the meeting.

Mr Chadwick said his consultant had looked into the drainage issues. The report he had done was very thorough to identify possible risks. He said that an intensive investigation will be undertaken later. He said they may need to divert a public sewer and that there is a statutory instrument that allows this to be done.

The Principal Planner addressed the issues raised by the petitioner, he said it was not a planning process to protect the business; it is whether the use is viable. An employment case would not be sustainable. Off-street parking needs to be balanced with other issues. Underground parking would cause no harm as the area is busy. Air pollution matters are considered by Sussex Wide Guidance. No objection was received from Environmental Health. The building is not significant enough to warrant protection. Gates near the underground parking would detract from the design of the building and shutters will attract graffiti. Passive surveillance operates in the area. The applicant has done a desk top drainage study; details will be required by HBC and the local water authority for checking. The proposal has been conditioned within daylight guidance. . The applicant has indicated up to 100% affordable housing. We agreed to 20% affordable housing for 13 flats.

The Principal Planner said Condition 6 covers planting; there will be areas of planting near Tower Road and at the rear of the site. The green roof won't be seen from street level. There will be a mixture of materials, form and texture. Everything seen as white should be rendered. The building should have modern interpretation. The Principal Planner confirmed that no development can commence until the relevant pre-commencement conditions are approved, including drainage. If they can't be approved the redevelopment won't stay as it is.

During discussion, Councillor Scott recommended a note to the applicant regarding the inclusion of a domestic sprinkler system.

PLANNING COMMITTEE

24 MAY 2017

Councillor Scott proposed a motion to approve the application as set out in the resolution below with the inclusion of note 6. This was seconded by Councillor Beaver.

RESOLVED – by (9 votes to 1 against) that the Planning Services Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure affordable housing, unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms with a reduced provision or without the affordable housing. In the event that the Agreement is not completed or the viability issue not resolved by 24 November 2017 that permission be refused on the grounds that the application does not comply with Policy H3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

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:

9729/00, 2A, 03I, 04E, 06D, 07F, 08B and 09
3. No development shall take place above ground until sample of the materials to be used and details of their location in the construction of the external surfaces of the flats hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding that shown on the approved drawings a sample of render shall be submitted in place the white-grey buff brick. Development shall be carried out in accordance with the approved details;
4. No development above ground 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; hard surfacing materials; and connection to surface water drainage;
5. 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;
6. All planting, seeding or turfing for the approved garden and planting areas, as shown on drawing no.9729/03I, shall be carried out prior to

PLANNING COMMITTEE

24 MAY 2017

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;

7. Before they are installed details of the balcony and roof terrace balustrades shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;
8. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 and in accordance with the hierarchy of policy SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;
9. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband;
10. Prior to the commencement of development, including any demolition, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. Given the restrictions of the access and/or the approach road the hours of delivery/collection should avoid peak flow times and the size of vehicles should be restricted. The development shall be carried out in accordance with the approved scheme;
11. 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.
12. The new accesses shall be in the positions shown on the approved drawing no. 9729/03I and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted;

PLANNING COMMITTEE

24 MAY 2017

13. The development shall not be occupied until the parking areas have been provided in accordance the approved drawing no. 9729/03I. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The parking areas shall also remain unallocated;
14. The building shall not be occupied until the existing accesses shown on submitted drawing no. 9729/03I have been stopped up and the kerb and footway reinstated in accordance with details to be to submitted to and approved in writing by the Local Planning Authority;
15. Prior to 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 Local Planning Authority, to prevent contamination and damage to the adjacent roads. The development shall be carried out in accordance with the approved details;
16.
 - (i) Construction of the development, including demolition, 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 no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed; and
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
17. The details required by condition 16 above shall include measures which will be undertaken to divert/protect the public sewers and water mains;
18. The details required by condition 16 above shall:
 - be based on the principle of surface water management outlined on Monson's drawing no. 8282K-01A included in their document 'Drainage strategy & sustainable drainage, management and maintenance plan', dated 01 March 2017 (Issue A);
 - ensure surface water runoff from the proposed development should be limited to 3.5 l/s for all rainfall events, including those

PLANNING COMMITTEE

24 MAY 2017

with a 1 in 100 (plus climate change) annual probability of occurrence;

- evidence the runoff rates in the form of hydraulic calculations on the detailed drainage drawings; and
 - ensure that the hydraulic calculations take into account the connectivity of the different surface water drainage features.
19. Prior to the commencement of development details of flood resilient measures to the ground floor shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures;
20. Prior to the commencement of development a maintenance and management plan for the entire drainage system should be submitted to and approved in writing by the Local Planning Authority. The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence should be provided that these plans will remain in place in perpetuity;
21. All windows shown on the approved drawings as obscure glazed shall remain obscure glazed and non-opening at all times;
22. No development, including demolition, shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority;
23. i) Prior to the commencement of development, including any demolition, a detailed Phase 2 (intrusive) contaminated land report shall be submitted to and approved in writing by the Local Planning Authority. The report should follow the recommendations listed in the Phase 1 Desk Study and Reconnaissance Report by Leap Environmental Ltd (Ref LP1171, dated 25 May 2016);
- ii) Should any contaminant pathways be identified in the Phase 2 report, prior to the commencement of development, a Phase 3 (remediation) report shall be submitted to and approved in writing by the Local Planning Authority;
- iii) The development shall be carried out in accordance with any

PLANNING COMMITTEE

24 MAY 2017

approved remediation and mitigation of the phase 3 report; and

- iv) Prior to the occupation of the development a verification report must be submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of the works undertaken and demonstrate that the works have been carried out satisfactorily and the remediation targets have been achieved.**

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;**
- 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. In the interests of the visual amenity of the area;**
- 8. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy;**
- 9. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy;**
- 10. In the interests of vehicular and pedestrian safety;**
- 11. To safeguard the amenity of adjoining residents;**
- 12. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 13. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 14. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**

PLANNING COMMITTEE

24 MAY 2017

15. In the interests of highway safety and for the benefit and convenience of the public at large;
16. To prevent increased risk of flooding;
17. To prevent increased risk of flooding;
18. To prevent increased risk of flooding;
19. To prevent increased risk of flooding;
20. To prevent increased risk of flooding;
21. In the interests of the amenity of the neighbouring residential occupiers;
22. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework; and
23. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.

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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
4. A formal application for connection to the public foul sewerage system is required in order to service this development and should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For more advice or to make the application for connection 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. The applicant is encouraged to help the existing businesses on site relocate to alternative premises; and

PLANNING COMMITTEE

24 MAY 2017

6. **Consideration should be given to the provision of a domestic sprinkler system.**

179. OTHER PLANNING APPLICATIONS:

179.1 10 Claremont, Hastings

Proposal:	Change of Use from Retail (A1) To Sui-Generis (Private Vehicle Hire Co)
Application No:	HS/FA/16/00860
Existing Use:	Vacant retail unit
Conservation Area:	Yes - Hastings Town Centre
Listed Building	No
Public Consultation	15 letters of objection received.

The Planning Services Manager, Mrs Evans, presented this report for the change of use from retail A1 to Sui-Generis (Private Vehicle Hire Co).

Members were informed of several updates to the report:-

- *For clarification, paragraph under the heading **Impact on Neighbouring Residential Properties**.*
- *For clarification purposes, the proposed opening hours should read as:*

05:00 – 00.00 – Sunday-Wednesday

05.00 – 00.00 – Thursday

00.00 – 00.00 – Friday & Saturday

Members were shown plans and photographs of the application site.

The private hire company occupies the basement and ground floor of a three storey building which is located in a commercial section within Hastings Town Centre Conservation Area. There are no proposed alterations to the exterior of the property. Internal changes involve minor alterations to the seating area for waiting customers.

No taxi waiting is proposed outside the premises apart from those picking up customers directly from the internal waiting area. Taxis will be kept at members of staff's addresses until in use and will run from one customer to the next. The road is restricted by Zone B parking restrictions which extend up until 8pm. The taxis will not have a parking space.

PLANNING COMMITTEE

24 MAY 2017

Members discussed the impact of taxis in the area and the temptation to drop off customers outside the premises. The Planning Services Manager suggested that members could grant temporary planning consent if they were so minded.

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

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

- 1. The change of use hereby permitted shall be begun before the expiration of three years from the date of this permission;**
- 2. The premises shall not be used except between the following hours:-**
05:00 - 00:00 - Sunday - Wednesday
05:00 - 00:00 - Thursday
00:00 - 00:00 - Friday & Saturday
- 3. Prior to installation, details of any proposed external CCTV cameras and external lighting shall be submitted to and approved in writing by the Local Planning Authority. The cameras shall then be installed in accordance with the approved details;**
- 4. The business shall be operated in accordance with the details set out in the Site Waste Management Plan dated 28.09.2016;**
- 5. The business shall be operated in accordance with the details set out in the letter dated 10.05.2014 and signed 11.05.2015; and**
- 6. The change of use hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 16/848A.**

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. To safeguard the amenity of adjoining residents;**
- 3. In the interests of the visual amenity of the Conservation Area;**
- 4. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 5. To ensure a satisfactory form of development in the interests of the**

PLANNING COMMITTEE

24 MAY 2017

character and amenity of the area; and

6. 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. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place; and
4. A separate application, will be required to be submitted and assessed in accordance with the Advertisement Regulations, if it is proposed to install signage or advertisements in conjunction with the proposed use of the premises.

179.2 210 Hillside Road, Hastings

Proposal:	Upper floor bedroom extension over existing single storey addition.
Application No:	HS/FA/17/00050
Existing Use:	Dwellinghouse
Conservation Area:	No
Listed Building	No
Public Consultation	6 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for an upper floor bedroom extension over existing single storey addition.

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

The Planning Services Manager explained that a number of objections had been received raising concern regarding overshadowing and loss of light. She explained that the footprint of the extension was as per the existing single storey and that the

PLANNING COMMITTEE

24 MAY 2017

extension was slightly bigger than that which would be allowed under permitted development. Should the extension be repositioned a further 0.6m (approx.) the development would fall under permitted development and not require planning. The report states that a BRE Daylight and Sunlight Assessment was undertaken which confirms that there will not be a harmful loss of light into the building. The Planning Services Manager confirmed the BRE Daylight and sunlight assessment was carried out on the 21st March in accordance with planning guidance.

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

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 this permission;
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

16-2443-01 - 07 REV A,
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.

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; and
3. 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; and
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

PLANNING COMMITTEE

24 MAY 2017

paragraphs 186 and 187 of the National Planning Policy Framework.

180. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that two planning appeals had been dismissed. She also reported on the number of delegated decisions.

All matters had arisen between 25 March to 12 May 2017.

The report was noted.

(The Chair declared the meeting closed at. 7.37 pm)