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PLANNING COMMITTEE

14 DECEMBER 2017

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

19. APOLOGIES FOR ABSENCE

None.

20. DECLARATIONS OF INTEREST

The following councillors declared their interests in the minutes as indicated:

Councillor	Minute	Interest
All members	6E – Flat 1, 1 Wykeham Road, Hastings	Personal – Councillor's Partner has submitted the application
Beaver	5b – Rear of 4 Wykeham Road, Hastings	Personal – Colleague lives at this address
Beaver	6C – Carisbrooke Surgery, Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings	Personal – Has been referred to the surgery on a number of occasions.
Roberts	6C – Carisbrooke Surgery, Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings	Personal - Has been referred to the surgery.
Rogers	5b – Rear of 4 Wykeham Road, Hastings	Prejudicial – Owner of 4 Wykeham Road is a friend
Rogers	6a – Former Observer Building, 53 Cambridge Road, Hastings	Personal – As the Ward Councillor she was copied into emails, but did not take part in any discussion.

21. MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2017

RESOLVED – that the minutes of the meeting held on 15th November 2017 be approved and signed by the Chair as a true record.

22. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

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23. PLANNING APPLICATIONS ATTRACTING A PETITION:

23.1 8 Amherst Road, Hastings

Proposal:	Approval of all reserved matters relating to the Access, Appearance, Landscaping, Layout and Scale of Outline Permission HS/OA/14/00806 - Erection of three detached dwellings with access.
Application No:	HS/DS/17/00416
Existing Use:	Partially completed dwellinghouses
Conservation Area:	No
Listed Building	No
Public Consultation	15 letters of objection and 1 petition of objection received.

The Principal Planner, Mr Batchelor, presented this report for the approval of all reserved matters relating to the access, appearance, landscaping, layout and scale of outline planning permission HS/OA/14/00806 – Erection of three detached dwellings with access at 8 Amherst Road, Hastings.

This application was deferred from the previous meeting so that the Borough Arboriculturalist could attend and Members could ask questions of the Arboriculturalist.

The site, formerly 8 Amherst Road, was a two-storey detached property which had been demolished since outline planning permission was granted in 2011. The site now contains three partially completed dwellings and includes substantial planting and protected trees around its boundaries. The site measures 0.3 hectares in total.

Outline permission was granted in 2011 (with all details reserved) for the redevelopment of the site for 3 detached dwellings and amendments to existing access. The permission was initially refused but granted on appeal. This permission lapsed but was granted outline consent in 2014 (ref HS/OA/14/00806).

Approval has been given under reference HS/DS/16/00285 for the external appearance, layout and scale of the development with the landscaping being approved under HS/DS/17/00024.

Reserved matters from the outline planning permission had been approved, this reserved matters application was submitted to resolve an issue regarding damage to protected trees that has occurred on the site. Since the last reserved matters were approved, the developer commenced works on the site, damage two protected oak trees (shown to be retained in the previous permissions).

Since the application was submitted, it had been amended to show details of the retaining wall and planting area along the boundary with 14 Amherst Road and a slight

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amendment to the layout to show the protection of the remaining oak tree to the west of the proposed driveway and adjacent to no. 14 Amherst Road.

The main considerations of this application relate to the layout of the development in relation to plot 3 and protected oaks T1, T2, T3 and the landscaping proposals which include the removal of two of the protected oaks (T2 and T3) and a significant planting scheme. The Principal Planner advised that the tree numbering for the respective trees changed between this application and the previously approved one.

The Principal Planner stated that the relationship between the development and trees had changed, therefore the development was acceptable.

Members were shown plans and photographs of the application site.

Alexandra Hudson, petitioner, urged the committee to reject the application and save the larger of the damaged trees, tree T3. She referred to the comment made by the Tree Officer earlier in July, stating that with pruning and cabling, the tree could be saved. The main issue she said is to avoid severance of the roots. She questioned why the trees had been left for 8 months if they were deemed unsafe, endangering residents who back onto the site. She felt the council should have issued a stop notice and the developer fined £20,000.

Councillor Wincott asked Ms Hudson if the development would be acceptable to her if the tree T3 was saved. She confirmed it would be.

Karl Elliot (agent acting on behalf of the applicant), said it was unfortunate that 2 trees had been damaged during construction. He said his client had paid the consequences and was unable to sell the property and that he had worked tirelessly with both the Planning and Tree Officers to salvage the tree and he would do his best to save it and provide more robust planting.

Councillor Beaver asked Mr Elliot how the trees were damaged given the size of them. Mr Elliot said the trees were incorrectly located on the original application which was approved. Once on site there had been a clash between the development and trees. Councillor Beaver asked Mr Elliot why he did not notice the discrepancy between the location of the trees on site and on the original plan. Mr Elliot acknowledged this oversight.

Mr Wilkin, Borough Arboriculturalist, explained that both oak trees had significant root damage. He said there were ways to retain the trees with root damage by reducing the overall size of the tree; the crown and reducing the stress of the roots that keep the tree upright. Erring on the cautious side, he said his report recommends removing the trees because there are houses within a couple of metres of the tree.

Councillor Street asked Mr Wilkin if tree T3 could be saved. Mr Wilkin said he had spoken with the applicant and tree consultant and agreed how much the tree could be reduced.

Mr Batchelor advised Members how this application could be handled by committee. He suggested two options, the first being that Members could defer the application

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until revised details had been submitted; the second option is to amend the recommendation so that approval is subject to a specifically worded condition which makes reference to retaining and protecting one of the oak trees.

Councillor Clarke asked if there were any other ways to ensure the safety of the trees. Mr Wilkin said the trees could be braced, but felt the most effective way would be to reduce the crown of the tree.

Councillor Wincott said the height and size of the tree had already been significantly reduced. Councillor Dowling asked if the work was carried out because of damage or undertaken as a prelude to building works. Mr Wilkin explained that under the previous consent, 30% of the tree had already been reduced. The works were not crown reduction, a large branch had been removed in order to implement planning permission. Mr Batchelor added that the works were necessary and appropriate.

Members discussed this item at length and considered the options to protect the tree and potential for further delays if they deferred the application.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below, subject to the amendment to Conditions 1 and 6. This was seconded by Councillor Rogers.

RESOLVED – (Unanimously) grant Approval of Reserved Matters subject to the following conditions:-

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

22803A_10, 22803A_100 REV. L, 22803A_200 REV. B, 22803A_210 REV. A, 22803A_501 REV. B, 22803A_502 REV. A, 22803A_503 REV. A, 22803A_505, 22803A_5001 REV. A, and 22803A_TG_1.

2. **No development shall take place until the measures outlined in the submitted ecological statements and reports *Land at 8 Amherst Road, Hastings, East Sussex: Badgers* by Martin Newcombe (dated 03 November 2016 and amended 04 August 2017) 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;**
- (ii) **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;**

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3. **Before they are laid samples/details of the permeable block paving and paving slab materials to be used for the hard landscaping hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;**
4. **Before they are installed details of the entrance gate and supporting pillars, as shown on drawing no. 22803A_100L, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;**
5. **The area identified as a 'wildlife protection zone', at appendix 5 of the submitted report 'LAND AT 8 AMHERST ROAD, HASTINGS, EAST SUSSEX: BADGERS by Martin Newcombe, dated 03 November 2016 and amended 04 August 2017, shall not form part of the curtilage of the dwellinghouses approved under HS/OA/14/00806 and, notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted, no development shall take place without the grant of an additional planning permission within the area identified as a 'wildlife protection zone';**
6.
 - (i) **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 (which shall include retention of oak tree T2 as shown in letter from Connick Tree Care, dated 30 May 2017) together with measures for their protection in the course of development. 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.**
 - (ii) **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.**

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7. Prior to the occupation of the dwellinghouses hereby approved details of a replacement fence along the front (Amherst Road) boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be no higher than 1m unless otherwise agreed in writing. The fence shall be installed prior to the occupation of the first unit.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning;
2. To protect features of recognised nature conservation importance;
3. In the interests of the visual amenity of the area;
4. In the interests of the visual amenity of the area;
5. To protect features of recognised nature conservation importance;
6. In the interests of the health of the trees and to protect the visual amenity; and
7. 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 paragraphs 186 and 187 of the National Planning Policy Framework;
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works; and
4. Consideration should be given to the provision of a domestic sprinkler system.

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23.2 Rear of 4 Wykeham Road, Hastings

Proposal:	Construction of eight apartments on land at the rear of 4 Wykeham Road
Application No:	HS/FA/16/00002
Existing Use:	Vacant land allocated for residential development.
Conservation Area:	No
Listed Building	No
Public Consultation	11 letters of objection and 1 petition of objection received

Having declared her prejudicial interest, Councillor Rogers was absent from the Chamber during discussion and voting of this item.

The Planning Officer, Ms Ranson, presented this report for the construction of eight apartments on land at the rear of 4 Wykeham Road, Hastings

The site is located on land to the rear of 4 Wykeham Road. Public access is from the end of Wykeham Road down to Braybrooke Road via a set of steep narrow steps that run to the west side of Wykeham Heights. Vehicle access is from Braybrooke Road up to No. 59 Braybrooke Road via a shared steep sloping drive that terminates at the turning area to the front of No.59, short of the application site. To the front of the application site there is double-yellow line parking restriction, on the opposite site there is a residents' parking scheme. The adjacent neighbouring site has recently been developed for a similar block of flats scheme.

The proposed new eight-apartment block of flats will be situated to the front of the site fronting Braybrooke Road. The proposed block would fill the full width of the site as a detached building. It would be four storeys high (ground, first, second and third floor) viewed from the front but only three storeys high viewed at the rear due to the steep sloping topography of the site. The third floor would be in the roof space designed as a mansard style roof with inset dormer windows to both front and rear.

This application follows previous planning application reference HS/FA/11/00794 for the erection of 6 two bedroom flats with off-street parking. Allowed on appeal in 2012 (APP/B1415/A/12/2171885), this new application would be an increase from 6 flats up to 8 flats.

The current proposal is an increase of around 20-25% of the volume. The roof ridge height would be increased by some 1.2m, from the previously approved height of 11.6m up to 12.8m. The rear (north) elevation would extend in depth by a further 1.5m (the depth of the building approved on appeal was approximately 10m and the depth of building for this application is 11.5m).

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The 8 flats proposed will comprise: 1 bedroom flat and five 2 bedroom flats.

Parking at ground floor level shown on the previously approved scheme (HS/FA/11/00794) has been replaced in this application with accommodation. This proposal does not include car parking provision. There is a cycle shed built into the front of the flats at ground floor level. A built in refuse store is located within the footprint of the building with doors opening adjacent to Braybrooke Road.

Members were updated on further information:-

2 late representations received. Further issues raised:

- Inadequate internal space of the flats.
- Raises issues of affect upon the locality and our residential property and this development has not been clearly communicated.

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

Ms Ranson referred to the key points of the application:-

- The proposal is for 8 flats and policy SAP8 of Hastings Development Management plan allocates this site for residential development.
- There has been earlier planning approval HS/FA/11/00794 for flat development of this site allowed by planning appeal.
- Geotechnical Reports have been submitted that satisfy that any land instability may be overcome.
- The flats would provide dwellings that meet the national space standards and are considered to provide an acceptable living standard and good general amenity for future occupants.
- The scale of the proposed flat building while approximately 20% larger than the previously approved flats are considered to be of an acceptable scale and height and would not cause unacceptable loss of amenity to neighbouring dwellings.
- The proposal is for a car free development and in this sustainable location within walking distance of the town centre, served by good facilities and local transport this is considered acceptable.
- There will be loss of trees (14), but most are of only low or moderate value.

Bruce Grant, petitioner, spoke against the application. He stated the application was below the national minimum space standards and that the applicant had submitted false information. The ground investigation was for a 3-storey development, not 4-storey boring to 2m in depth. A full site investigation is still required. He said parking is the most emotive issue, the applicant admits parking has got worse since 2014, it is 100% saturated. The area is notorious for anti-social behaviour. It has been suggested that residents park ½ mile away, residents need to park where they feel safe. The development has no external space and the dwellings fail to complement the character of area. Access is too narrow for vehicles to access.

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Adam Slater (agent acting on behalf of the applicant), spoke in support of the application; he said this application was the same as that approved on appeal. Additional amendments to the application includes: 2 additional units of accommodation; lift and internal cycle store to include feature and increased footprint of development. He said there was no requirement for affordable housing, it is in the Development Plan and is supported by consultees. He said the development met with approval from the Highways Authority. The site is in a substantial location and will provide a shared amenity space.

Councillor Beaver stated the original planning application in 2011 was refused and allowed on appeal. He asked Mr Salter why the planning application submitted in 2012 was withdrawn. The Salter explained the appeal was won before it was determined. Councillor Beaver asked why Mr Salter had applied for 8 apartments when 6 had been granted on Appeal. Mr Salter said the development was not financially viable with 6 apartments.

Councillor Clarke queried the matter of ground stability and uncertainty regarding the survey. Mr Salter said the Council had appointed an independent specialist to correspond with the parties. The consultant was happy with the proposals.

The Planning Services Manager referred to page 24 of the officer's report regarding the ground stability report submitted by VKHP Consulting. She said the concerns of the Council's Geotechnical Consultant, Keith Gabrielle, were addressed and he did not raise an objection. This application, she said, is about the additional flats and bulk of the building, the principal of the development has been approved.

In addition, Mrs Ranson said the Planning Inspector dealt with the matter of parking and highways at appeal and said the site was acceptable for car less development.

Councillor Beaver questioned the opposing opinions on whether the apartments met with the national space standards. Mrs Ranson confirmed the internal space area met with the national space standards – (Plan: Rev J).

Councillor Beaver said the site will be overdeveloped. For this reason, he proposed a motion against the officer's recommendation to refuse the application for the following reasons: DM1, Part B and E. The motion was not seconded and fell.

Members discussed at length the parking difficulties in the area and possibility for the applicant to increase the number of apartments. Councillor Scott said it would be difficult for the Planning Officer to defend on appeal.

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

RESOLVED – by (6 votes to 1 against, with 1 abstention) 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;**

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

P1001 Rev I; P1002 Rev J; P1003 (dated 20.11.17); P1004 (street scene and site section dated 20.11.17).

- 3. i) Construction of the development shall not commence until details of the proposed final land drainage scheme including means of foul sewerage and surface water disposal/management and have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water;**

ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings / flats hereby approved shall take place until those works have been completed;

iii) No occupation of any of the dwellings or flats hereby approved shall take place 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;

- 4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping. 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 otherwise 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 or mitigation features 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. Prior to occupation of the dwellings hereby approved a method statement for creation of new wildlife and habitat features, e.g. bespoke bat roosts structures, erection of bird boxes in buildings/structures; creation, restoration and enhancement of semi-natural habitats; tree, hedgerow, shrub and wildflower planting/establishment. The content of the method statement shall include the following:**

a) purpose and objectives for the proposed works;

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- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);
7. No occupation of the dwellings hereby approved 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. Submitted details shall include finished levels of contours; means of enclosure; pedestrian and cycle access; hard surfacing materials and proposed and existing functional services above and below ground including their positions (e.g. drainage, power, communications cables, pipelines, manholes);
8. Prior to construction works starting on site ground investigation must be undertaken and the findings submitted to and approved in writing by the Local Planning Authority;
- i) these investigations are required:
- to obtain parameters for foundation design purpose;
 - before any further slope analyses are undertaken, a suitable ground investigation must be undertaken to assess whether there are any sub-horizontal shear faces in the clays below the site;
 - any sub-horizontal shear faces in the clays below the site should be modelled in slope stability analyses;
- Continuous undisturbed sampling or coring is required in the clays in order to enable an adequate assessment of the presence of any pre-existing shear surfaces by a suitably experienced engineering geologist or geotechnical engineer;
9. Prior to construction works starting on site further Contractors Method Statement must be submitted to and approved in writing by the Local Planning Authority to include but not limited to:
- The adequacy of the temporary piling platforms;
 - The use of temporary support on the flank boundaries (where not supported by the bored pile walls (BPWs));
 - Allowance for 8 separate stages of excavation in the rear part of the site, such that each row of anchors is installed and “locked” before

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the ground is excavated down to the level for the next row of anchors;

- The design of the bored pile walls (BPWs) and associated ground water control system, to ensure no loss of ground can occur between the piles from the adjoining land;
- The final design of the excavated slope behind the proposed building (where the excavations will be approximately 9m deep) including associated slope stability analyses;

The Method Statement as approved must be fully implemented and adhered to;

10. 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.

11. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwelling flats hereby permitted have been submitted to/made available* on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
12. The developer must provide details to the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development;
13. Prior to commencement of development a Traffic Management Plan (TMP) for management of removal of site waste and movement / parking of construction vehicles throughout the development works must be submitted to and approved in writing by the Local Planning Authority (LPA). The approved plan must be fully implemented unless otherwise first agreed in writing with the LPA;
14. No additional windows shall be inserted or alterations made to the windows hereby approved unless application has first been made to and approved in writing by the Local Planning Authority; and
15. The cycle storage provision hereby approved shall be retained for cycle storage use at all times.

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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 proper planning to help prevent risk from flooding and/ or land instability because adequate land drainage is fundamental to the stability of the excavated slope;**
- 4. To safeguard the amenity of adjoining residents and the character of the area;**
- 5. To safeguard the amenity of adjoining residents, occupants and the character of the area;**
- 6. To protect and/or mitigate the loss of features of recognised nature conservation importance;**
- 7. To safeguard the amenity of adjoining residents and the character of the area;**
- 8. In the interests of proper planning to ensure land stability of the site in compliance with policy DM5 of Hastings Development Management Plan (2015);**
- 9. Reason In the interests of proper planning to ensure land stability of the site in compliance with policy DM5 of Hastings Development Management Plan (2015);**
- 10. To safeguard the amenity of adjoining residents;**
- 11. In the interests of the visual amenity of the area;**
- 12. In the interests of proper planning and to help prevent increase in flood-risk;**
- 13. In the interests of residential amenity and highway safety;**
- 14. To protect local amenity; and**
- 15. To provide for modes of sustainable transport.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**

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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 extent of the temporary piling platforms required for safe operation of the piling rig shown on Temporary Works drawings 235517 - SK01 & SK02, do not extend sufficiently beyond each of the steps in the capping beams to allow safe installation of all the pipes. Use of scaffold staging may be required in some locations to enable the safe installation of the bored pile walls (BPW) profiles shown on these drawings. You are referred to the Gabriel Geo Consulting Letter Report on Land Stability Assessment, dated 8th September 2017 paragraph 2.5;**
4. **Your attention is drawn to the guidance in paragraph 120 of the National Planning Policy Framework:**

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner;
5. **Your attention is drawn to the requirements of the Party Wall etc. Act 1996;**
6. **Formal application to Southern Water for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk;**

The foundation for the proposed development must be agreed with Southern Water before work can commence; and
7. **Due to the nature of the highway in the vicinity of some locations, construction traffic has the potential to damage the carriageway and/or verges. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact the Area Highway Manager on 0345 60 80 193 to arrange a photographic survey and joint inspection of the local highway network.**

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23.3 Former Observer building, 53 Cambridge Road, Hastings

Proposal:	Proposed change of use and roof extension to existing building. To provide mixed use development comprising Artist Studio (Lower Ground), Shared Residents Gymnasium (Mezzanine), Restaurant & Shop (Ground) and 50 flats with private roof terrace. Proposal includes ancillary reception, common facilities and cycle storage/ shared car parking with ancillary plant and servicing facilities and external alterations.
Application No:	HS/FA/16/00367
Existing Use:	Former printworks and newspaper offices
Conservation Area:	Yes - Hastings Town Centre
Listed Building	No
Public Consultation	68 letters of objection; 2 letters of support and 1 neutral comment received

Members were advised that a petition had been received in respect of this item before the deadline; the date 12/12/17 printed on the petition was in error.

The Principal Planner, Mr Batchelor, presented this report for the change of use and roof extension to existing building. To provide mixed use development comprising Artist Studio (Lower Ground), Shared Residents Gymnasium (Mezzanine), Restaurant & Shop (Ground) and 50 flats with private roof terrace. Proposal includes ancillary reception, common facilities and cycle storage/shared car parking with ancillary plant and servicing facilities and external alterations at the Former Observer Building, 53 Cambridge Road, Hastings.

The Observer Building was formerly a printing works and offices for the Observer newspaper and has been vacant for almost 30 years. It is a multi-storey building located on the south side of Cambridge Road. It is located within the Hastings Town Centre Conservation Area.

Since becoming vacant the building had fallen into substantial disrepair although recent temporary uses (HS/FA/15/00641) have seen the internal state of the building improved.

The building is built with a strong reinforced concrete frame with front-facade details of Hathernware terracotta. It has a large footprint; it is four storeys in height at the

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Cambridge Road frontage with an added attic storey and lower ground levels accessed from Claremont; it has large windows to its eastern and western faces; and its eastern face has service pipes and chimney stands that provide the structure with an industrial character. All of these features contrast heavily with the small scale (two-storey) buildings in the locality.

The property is not listed but it is considered a non-designated heritage asset, principally for its interesting industrial façade, location close to the seafront and within a conservation area, and its history related to the local press and printing firm which all contribute to its strong local interest.

When originally submitted the application was for a proposed change of use, alteration and extension to the existing building. The extension consisted of 2 full storeys with additional roof top 'pavilion' buildings providing a further (third) storey of accommodation with rooftop garden area. The pavilion additions included a mezzanine level. The proposal was to provide:

- 49 flats
- Artist studio (lower ground floor)
- Shared residents' gymnasium (mezzanine within existing building)
- Restaurant and shop (ground floor)

The proposal also provided for ancillary reception space, common areas/facilities, cycle storage, parking for shared vehicles and plant and servicing areas.

The proposal was heavily criticised upon submission by members of the public and suggestions about improving the scheme were provided to the applicant following consultation and discussion with Historic England and the Conservation Officer. The applicant subsequently amended the proposal as follows:

- Reduction in height of the scheme - overall height reduced by 5m and eaves/parapet of full two-storey element reduced by 2.6m.
- Despite the height reduction the number of additional storeys remained, but, the seventh floor roof pavilion buildings and roof garden area have been removed and replaced with an inset seventh storey.
- Change in appearance of extension due to changes in materials proposed, building massing and windows.
- Internal layout amended which has resulted in the provision of an additional flat (total 50 flats proposed).

During the course of the application, the applicant has also provided updated viability information, revised ownership certificates, highway improvement details, a revised sunlight and daylight study and a further noise report.

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Members were updated on further information:-

- Petition received.

Members were shown plans and photographs of the application site.

The main considerations are the principle of the development; the impact on heritage assets and whether any harm has been sufficiently minimised before subsequently weighing up the benefits of the scheme against that harm; the impact on the character of the area; the quality of the proposed residential accommodation; the impact on neighbouring residential amenities; and the impact on highway safety and parking related matters.

Jess Steele, petitioner, was present and spoke against the application, he said they objected to proposal as it fails to maximise harm: No affordable housing contributions, the owner is a wealthy man and is experienced. It fails to provide affordable housing; lack of employment space, impact on neighbouring amenity. We ask you to defer application and create affordable housing and reconsider the use of the lower floor.

Councillor Wincott said he could not take into account the owner, as the site could be sold tomorrow. He stated that it is the impact of the application that is considered. Ms Steele said she wanted to see affordable living/workspace protected and put into the scheme.

Councillor Beaver asked if the application was deferred and applicant minded to adjust the lower floor and put in affordable housing. Ms Steele said some parts impact on the alley and impact on affordability. Glazing on east elevation makes it impossible to put affordable housing on Rock House.

Councillor Scott asked Miss Steele to clarify her comment regarding heritage. Ms Steele said this had been detailed in writing. She said there were potentially good benefits, but it is yet to be good enough.

Paul Koopman (agent acting on behalf of the applicant), spoke in support of the application; he said the building had lain derelict for 30 years. They had applied for a residential scheme that meets local and national policy subject to a S106 agreement. The core matters have been dealt with. The report accords with local / national policy. It is not a viable scheme with affordable housing. We ask you to grant planning permission.

Councillor Beaver asked Mr Koopman if 50 units were not affordable, whether that is the only way the scheme is viable. Mr Koopman said it was barely viable at this level.

Councillor Rogers said if windows were put down the side of Rock House, affordable housing cannot be built on top. Either take away the window or put in obscure glazing. Mr Koopman said there was no planning permission. It was difficult to envisage what might come through.

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The Principal Planning Officer said the application had been assessed by District Valuer on behalf of the Council. It had been shown that the development proposed is within the minimum amount of development to make redevelopment possible. We cannot dictate who lives in the building; it is not a planning consideration. Any extension to what is already a tall building will impact on local heritage. Buildings in the Town Centre are not too dissimilar eg commercial/residential bars at ground floors with offices and residential above. There must be expectation for people to accept the relationship of the building; it does not mean it is harmful.

Councillor Edwards referred to the petition, he asked whether it was valid on the grounds of harm minimised or public benefit maximised. The Principal Planning Officer said the petition was valid and must be taken into consideration. The test was not about maximising public benefit, it does outweigh harm.

Councillor Dowling asked how many car parking spaces were proposed. The Principal Planning Officer confirmed there are 5 electric vehicles which were part of shared driving scheme.

Members discussed the issues raised at length.

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

RESOLVED – (by 7 votes to 2 against) that the Planning Services Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure a Travel Plan and Travel Plan audit fee. In the event that the Agreement is not completed by 14 June 2018 that permission be refused on the grounds that the application does not comply with policies T3 and T4 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:**

A-0001G, 0002G, 1001F, 1002F, 1003F, 1004F, 1005F, 1006F, 1007F, 1008F, 2001F, 2002F, 2003H, 2004F, 3001F, 3002F, 1101H, 1102H, 1103H, 1104H, 1105H, 1106H, 1107H, 1108H, 1109H, 1110H, 1112H, 2101H, 2102H, 2103H, 2104H, 3101H and 3102H;

- 3. Before they are installed full joinery details (1:10 elevations and 1:2 or full size horizontal and vertical cross sections) or, alternatively, sample units of all new and replacement windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved**

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details;

4. No development of the extension hereby approved or replacement of materials on the existing building shall take place until samples (in the form of sample board(s) measuring at least 1m x 1m) of the materials to be used in the construction of the external surfaces of the extension or the existing building have been made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
5. The samples required by condition 4 above shall include options for the tile cladding of the extension with the agreed tile being approved in writing by the Local Planning Authority. The sample panel of the agreed tile shall show how the tiles will be fixed and how they will be configured at window reveals and at the corners of the building. The development shall be carried out in accordance with the agreed details;
6. Before the development hereby approved is brought into use the existing faience tiles to the front elevation of the building shall be restored. Before this restoration is begun a full schedule of works covering the tile repairs and any related structural works needed to secure the tiles in place shall be submitted to and approved in writing by the local planning authority for approval. The works shall be shall be carried out in accordance with the approved schedule of works and completed prior to the building being brought into use;
7. At any time prior to or during the restoration, as approved under condition 6 above, it should become necessary to replace any of the existing faience tiles on the building frontage then, before such replacement, samples of the proposed replacement tiles shall be submitted to and approved in writing by the Local Planning Authority. The replacement shall be carried out in accordance with the approved details;
8. Prior to the commencement of development, including any internal alterations to facilitate the conversion of the existing building, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the 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 traffic flow times). The development shall be carried out in accordance with the approved scheme;
9. The development shall not be brought into use 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;
10. The development shall not be brought into use until parking areas for

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the electric vehicles 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 electric vehicles;

- 11. No development shall take place until there has been submitted to and approved by the Local Planning Authority schemes for the construction of a controlled crossing on Cambridge Road and improved crossing points on Cornwallis Gardens. Such scheme shall provide for the timing of the works in relation to the implementing of the development, and shall be implemented in accordance with such timing before the approved development is brought into use;**
- 12. B) Prior to the commencement of development a remediation scheme relating to contamination including suitable monitoring and verification methodologies shall be submitted to and agreed in writing by the Local Planning Authority.**
 - i) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval;**
 - ii) On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.**
- 13. Prior to the commencement of development, including any works to facilitate the conversion of the existing building, a detailed sound attenuation assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment shall include measures to attenuate noise as necessary. The development shall be carried out in accordance with the approved details;**
- 14. No activities that could result in disturbance to bats (such as internal works, demolition, roof stripping, excavations, building works or associated operations) shall be carried out between the dates of 01 December and 01 April in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed;**
- 15. The retail and restaurant premises hereby approved shall not be used except between the following hours:-**

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**7am to 11pm Monday - Saturday,
7am to 10pm Sunday and Bank Holidays.**

- 16.**
 - 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 development shall not be brought into use until those works have been completed;**
 - iii) The building shall not be brought into use 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. No development shall commence until 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 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details;**
- 18. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband;**
- 19. Before the development hereby approved is commenced a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include hours of building work, measures to control noise, dust and other potential sources of pollution relating to construction. The development shall be carried out in accordance with the approved plan;**
- 20.**
 - i) No development shall commence on site until a local labour strategy has been submitted to and approved in writing by the local planning authority;**
 - ii) The strategy approved by the local planning authority under part (i) shall be implemented in its entirety and distributed to all contractors, sub-contractors, agents and employers engaged in the construction of the development; and**
 - iii) Within three months of development commencing and quarterly thereafter until the development is complete, evidence shall be submitted to demonstrate compliance with the approved strategy and monitoring information submitted to the local planning authority in writing, giving the social and demographic information of all contractors, sub-contractors, agents and employers engaged**

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to undertake the construction of the development.

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 character and amenity of the Hastings Town Centre Conservation Area;**
- 4. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 5. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 6. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 7. In the interests of the character and amenity of the Hastings Town Centre Conservation Area;**
- 8. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 9. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development;**
- 10. In order that the development site is accessible by non-private car modes and to meet the objectives of sustainable development;**
- 11. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 12. To protect those redeveloping the site and any future occupants from potential contamination;**
- 13. In the interests of the amenity of the future occupants and neighbouring residential occupiers;**
- 14. To protect features of recognised nature conservation importance;**
- 15. In the interests of the amenity of the neighbouring residential occupiers;**
- 16. To prevent increased risk of flooding;**

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17. To ensure the development complies with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy;
18. In order that the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy;
19. In the interests of the amenity of the neighbouring residential occupiers; and
20. In order that the development complies with the requirements of policy E2 of the Hastings Local Plan: The Hastings Planning Strategy.

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 applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works;
4. Consideration should be given to the provision of a domestic sprinkler system;
5. Your attention is drawn to the requirements of the Party Wall etc. Act 1996;
6. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
7. 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;
8. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water: Developer Services, Southern Water, Southern

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House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk in to order to progress the required infrastructure; and

9. A formal application for connection to the water supply 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.

Councillor Scott left the Chamber for the remainder of the meeting.

With the agreement of the Chair, the Committee resolved to change the order of items on the agenda. Item 6(f) Castlemaine, 4 Avondale Road, Castlemaine Cottage, 5 Gillsmans Hill, St. Leonards, was considered next on the agenda.

24. OTHER PLANNING APPLICATIONS

24.1 **Castlemaine, 4 Avondale Road and Castlemaine Cottage, 5 Gillsmans Hill, St. Leonards on Sea**

Proposal:	Outline application,(seeking approval of Access), for erection of up to 7 dwellings and a replacement dwelling together with access and parking
Application No:	HS/OA/17/00522
Existing Use:	
Conservation Area:	Yes - Springfield Road
Listed Building	No
Public Consultation	19 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for an outline application (seeking approval of Access only) for erection of up to 7 dwellings and a replacement dwelling together with access and parking at Castlemaine, 4 Avondale Road and Castlemaine Cottage, 5 Gillsmans Hill, St. Leonards on Sea.

The proposed development is in the grounds of an existing 2-3 storey large detached care home. Castlemaine is partially screened from the road to the front elevation by tree and hedge planting.

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This outline planning application was for the erection of up to 7 dwellings with a replacement dwelling at the side of Castlemaine Cottage. Indicative plans show the following units:

Plot 1 – 1x2 bed detached dwelling

Plot 2 – 1x3 bed end of terrace dwelling

Plots 3 and 4 – 2x2 bed mid and end of terrace dwellings

Plots 5 & 6 – 2 bed semi-detached dwellings

Plots 7 – 1x3 bed detached dwelling

Plot 8 – 1x4 bed detached chalet style dwelling (in place of existing Castlemaine Cottage).

Plots 1-7 are located in the rear portion of the application site, behind the existing care home, to the east of the replacement dwelling at Castlemaine Cottage. Plot 8 is located in the north-west corner of the site in the same position as Castlemaine Cottage, which is to be demolished.

Bin storage areas are proposed at either the front or rear of the houses. Bike storage is proposed in the rear gardens. A communal waste storage / collection area is proposed to be located to the east of the turning head on the eastern boundary of the site next to the care home.

A communal parking area is proposed, providing 17 parking spaces, enabling 2 per dwelling and 1 visitor space. The parking area is to be located on either side and at the end of the proposed access road. The access enters the site between 6 Avondale Road and Castlemaine Care Home and incorporates a turning head within the site to allow vehicles to enter and leave the site in forward gear.

New planting is proposed at various locations to provide additional screening, predominantly on the eastern boundary of the site; the front of Plots 1-7; on the rear boundary of the care home and to the east of the access road and on the boundary with the care home. There are several TPO trees located within the grounds of the care home. The indicative layout plan identifies the trees which are to be retained on the site, as well as the relevant root protection zones.

All matters are reserved except for the access. Full details relating to the appearance, layout and scale of the proposed housing will be submitted once approval has been granted. There is sufficient information to establish the principle of the development at this site for the proposed development.

Members were informed of several updates to the report:-

- Condition 20: Prior to the commencement of development on site, detailed drawings, including a new pedestrian footway to link eastwards to the existing footway network, site levels, sections and constructional details of the proposed access road, surface water drainage, outfall disposal, on-site turning, and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the development.

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- Additional Informative No. 8: The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

Members were shown plans and photographs of the application site.

The Planning Services Manager advised of a number of changes since the last application: plot 7 had been moved away from the boundary, refuse bins re-sited correctly and additional information on ecology submitted. Neither the Highways Officer, nor the Tree Officer had raised objection to the principle of this outline application.

Councillor Lee, Ward Member for Maze Hill, referred to the objection submitted by the Conservation Officer. He believed that reducing the density of buildings on site was not sufficient and that repositioning plot 7, meant that it almost touched No. 1 Southwood Close. Due to the height of the parking spaces on site, he said exhaust fumes will go into nearby residents' gardens. Furthermore, parking at the rear of 4 Wykeham Road was very sensitive due to lack of parking available to them. Refuse and larger vehicles have practical difficulties driving down the narrow roads. He advised the committee to reject the application, stating that it was ill thought out; it did not fit in with the historic character of the area and will create further traffic problems.

The Planning Services Manager confirmed the case officer had regard to all consultee comments and what weight to give them. She referred to the boundary treatment condition and did not believe the exhaust fumes will go into the gardens of the neighbouring properties. She said the refuse vehicles will continue to travel along Wykeham Road. The waste collection consultee had said the proposal was acceptable.

Councillor Beaver asked if the Conservation Officer was opposed to the density of the site. The Planning Services Manager said the area has character and a substantial building in the plot. Government guidance states it should not be below 30 dwellings per ha.

Councillor Clarke asked what the additional landscaping will look like. The Planning Services Manager said this was an outline application for access; the landscaping plan will form part of a detailed application.

Members discussed at length the impact of traffic and density of the site.

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

RESOLVED – (by 6 votes to 2 against) that outline planning permission be granted subject to the following conditions:-

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- 1. Approval of the details of the layout, scale, external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced;**
- 2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, parking, cycle storage and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved;**
- 3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;**
- 4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;**
- 5. The development hereby permitted shall be carried out in accordance with the following approved plans:**

4970/16/LBP
4970/16/EX
4970/16/1/D
4970/16/2/B
4970/16/3/A
4970/16/4/A
- 6. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority;**
- 7. (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, in consultation with Southern Water;**
(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed;
(iii) No occupation of the dwelling 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.

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8. The reserved matters details submitted for conditions 1 and 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy 2014. The details 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. 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;
11. During any form or earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site. Details of this equipment should be submitted to and approved in writing by the Local Planning authority prior to the commencement of development;
12. 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. New soft landscaping details shall include planting plans (including replacement trees for those lost); 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;
13. 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;
14. 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

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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; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant;

- 15. 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;**
- 16. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwelling 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;**
- 17. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal, Land at Castlemaine Care Home 4 Avondale Road St Leonards on Sea TN38 0SA prepared by The Mayhew Consultancy and dated February 2016 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination;**
- 18. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed;**
- 19. No part of the development shall be occupied until such a time as the vehicular access serving the development has been constructed in accordance with details to be submitted and approved by Local Planning Authority, to include the reposition of the lamp column;**
- 20. Prior to the commencement of development on site, detailed drawings, including a new pedestrian footway to link eastwards to the existing footway network, site levels, sections and constructional details of the proposed access road, surface water drainage, outfall disposal, on-site turning, and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the**

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development;

- 21. The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater, and 11% (1 in 9) thereafter;**
- 22. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use;**
- 23. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles;**
- 24. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.**

Reasons:

- 1. The application is in outline only;**
- 2. The application is in outline only;**
- 3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 5. For the avoidance of doubt and in the interests of proper planning;**
- 6. In the interests of the visual amenity of the area;**
- 7. To prevent increased risk of flooding;**
- 8. To ensure a satisfactory standard of development in accordance with Policy SC3 of the Hastings Planning Strategy 2014;**
- 9. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014;**
- 10. To safeguard the amenity of adjoining residents;**

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- 11. To prevent contamination and damage to the adjacent roads;**
- 12. In the interests of the visual amenity;**
- 13. In the interests of the visual amenity;**
- 14. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 15. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 16. In the interests of the visual amenity of the area;**
- 17. To protect features of recognised nature conservation importance and to secure ecological enhancements;**
- 18. To protect the retained trees within the site and adjacent the site boundary;**
- 19. In the interests of road safety;**
- 20. In the interests of highway safety and for the benefit and convenience of the public at large;**
- 21. To ensure the safety of persons and vehicles using the access and/or proceeding along the highway;**
- 22. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 23. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development;**
- 24. In the interests of road safety.**

Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;**
- 3. The applicant is advised that the reserved matters details should show the house at plot 7 sited further from the shared boundary than shown on the indicative layout, to safeguard the amenities of the neighbouring**

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properties. The applicant is advised to contact the planning department prior to the submission of the reserved matters to discuss this matter in greater detail;

4. Southern Water advise that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk;
5. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water;
6. In respect of condition 7 the applicant is advised that surface water management proposals should be supported by detailed hydraulic calculations;
7. The proposed access and footway will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council; and
8. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

24.2 Proposed Catering Unit, Upper Promenade, Marina, St. Leonards on Sea

Proposal:	Change of use of land to concession site for stationing of catering vehicle (non permanent)
Application No:	HS/FA/17/00885
Existing Use:	Public Pavement
Conservation Area:	Yes - Burtons' St. Leonards
Listed Building	No
Public Consultation	None. Application on Council owned land.

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The Senior Planner, Mrs Meppem, presented this report for the change of use of land to concession site for stationing of catering vehicle (non permanent) at Upper Promenade, Marina, StLeonards on Sea.

The site consists of 30m² area of land located on the promenade on the St Leonards seafront. The pavement is approximately 18m in width with a cycle track running parallel to the pavement. The site is accessed from the public highway via a barrier on the Marina.

The Planning application had been brought to the Planning Committee for determination because the site is on Council owned land.

This application seeks permission for the change of use of an area of the promenade to be used for the stationing of temporary catering vehicles such as 'The Little Vintage Tea Box'. There is to be one catering unit at any one time and these are to be removed from the site at the end of each day. The site has been used during the summer 2017 for such a use, and due to its popularity, it is proposed for this to continue.

The hours proposed are:

Monday to Friday – 09:00 – 20:00

Saturday – 09:00 – 20:00

Sundays and Bank Holidays – 09:00 – 20:00

The Senior Planner stated there had been no local objections or any from consultees.

Councillor Wincott raised concern regarding the appearance of the vehicle and the potential for it to look like a greasy spoon. The Planning Services Manager said they would add an informative to request the mobile unit be of a design standard suitable for the locality.

Councillor Edwards asked if the application included tables and chairs. The Chair confirmed this was not included, but said there were benches nearby.

Members were shown plans and photographs of the application site.

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

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

- 1. Only one catering unit shall be stationed on the site at any one time and any associated vehicles required to move the unit shall only be on the promenade at drop-off and collection times and at no point parked on the promenade;**

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- 2. The catering unit shall only be located on site during the following times :-**

09.00 - 20.00 Monday to Friday

09.00 - 20.00 Saturdays

09:00 - 20:00 Sundays or Public Holidays.

- 3. Upon removal of the catering unit each day the site shall be left clear of litter and refuse associated with the use.**

Reasons:

- 1. To ensure a satisfactory form of development in the interests of the character and amenity of the conservation area and surrounding listed buildings;**
- 2. To ensure a satisfactory form of development in the interests of the character of the conservation area and surrounding listed buildings and the amenities of the local residential properties; and**
- 3. To ensure a satisfactory form of development in the interests of the character of the conservation area and surrounding listed buildings and the amenities of the local residential properties.**

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 the Local Planning Authority 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. Any proposed catering unit is strongly advised to contact the Environmental Health Division for advice on satisfying the requirements of food safety law;**
- 4. The Food Business Operator will be required to register the food establishment with the Hastings Borough Council 28 days prior to opening. The registration form can be found online at http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/**
- 5. Any proposed catering unit is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law; and**

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6. All trade business must have the correct commercial waste disposal receptacle and contractor in place To fulfil their 'duty of care' (sec 34 EPA 1990).

INFORMATIVE:

The applicant is advised that the mobile unit(s) should be of a suitable standard of appearance that enhances and is sympathetic to the character of the area.

24.3 Carisbrooke Surgery, Bowling Green, White Rock Pleasure Gardens, Falaise Road, Hastings

Proposal:	Variation to condition 1 of Planning Permission HS/FA/15/00742 - To extend the temporary permission granted for 2 years for a further 2 years.
Application No:	HS/FA/17/00827
Existing Use:	Bowling Green and associated car park
Conservation Area:	No
Listed Building	No
Public Consultation	None. Application on Council owned land

The Senior Planning Officer, Mrs Meppem, presented this report to extend the temporary permission granted for 2 years for a further 2 years at Bowling Green, White Rock Pleasure Gardens, Falaise Road.

The site is one of two disused bowling greens, west of Falaise Road. The site is adjacent to Falaise Indoor Bowls Club to the north and there are various recreational areas including tennis courts; ball court, bike/skate board ramp, etc to the south. The site has been the location of the temporary Doctors' surgery since November 2013.

The temporary buildings consist of three 'portakabins' linked together providing a pharmacy with consulting room and kitchenette, doctors' surgery with 6 consulting rooms, 3 nurse rooms, one minor operations room, associated administration rooms and WC facilities.

This application seeks permission to the continued use of the Carisbrooke Surgery buildings on the Bowling Green at White Rock Pleasure gardens for a further 2 years. This was originally approved in 2013 and again in 2015, each time for a temporary period of 2 years.

Previously located at Marlborough House, both Carisbrooke and Warrior Square

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doctors' surgeries were affected by a major roof fire in 2013. Due to the level of repairs and time taken to commence the repairs due to weather, mould etc Marlborough House is presently unsuitable for a doctor's surgery and pharmacy.

Members were shown plans and photographs of the application site.

The Planning Services Manager advised that meetings had been held with East Sussex County Council regarding a potential development of a Medical Centre at an alternative site in the borough. She said the agent had advised that they are formally under offer for the purchase of a site. It is hoped that contracts will be exchanged by the end of January 2018.

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

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

1. **This permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition; and**
2. **The development hereby permitted shall be carried out in accordance with the following approved plans:**

P040-PL01

Reasons:

1. **In the interests of the character and amenity of the White Rock Gardens and the area in general; and**
2. **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; 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 paragraphs 186 and 187 of the National Planning Policy Framework.**

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24.4 Bowling Green Pavilion, Alexandra Park, St. Helens Road, Hastings

Proposal:	Change of use from a ladies changing room to a food and drink kiosk (A1 use).
Application No:	HS/FA/17/00342
Existing Use:	Bowling pavilion
Conservation Area:	Yes - Blacklands
Listed Building	No
Public Consultation	21 letters of objection

The Planning Services Manager, Mrs Evans, presented this report for Change of Use from a ladies changing room to a food and drink kiosk (A1 Use) at Bowling Green Pavillion, Alexandra Park, St. Helens Road, Hastings.

The site comprises a small, single storey bowling green pavilion to serve the Alexandra and Clive Vale Bowls Clubs, situated in the heart of Alexandra Park. Alexandra Park is Council owned land.

It is proposed to change the use of the existing attendant's room (also used as a ladies changing room) to a food and drink kiosk within an A1 use. The kiosk is to face out from the north-western side of the building facing towards St Helens Road, which runs to the north of the park. The kiosk will sell tea, coffee, soft drinks, ice creams and sandwiches only, and not be used for the cooking of sale of hot food.

External alterations to the building involve the removal of the existing mullions and casements of the existing casement window on the north-western elevation (leaving the frame in situ) and display of new signboards on either side of this opening. A new paved area will form the frontage to the kiosk and railings to match the existing perimeter fencing around the bowling green will be installed at the front of the kiosk providing its enclosure.

Members were informed of an update to the report:-

- 1 additional representation received
Makes comments regarding changing facilities and lack of equipment storage space (already considered)
Note that ladies changing room is an attendants room, used as a ladies changing room

Members were shown plans and photographs of the application site.

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Councillor Rogers said she was disappointed the changing room would be lost. She said the main reason it was difficult to encourage girls to take up sport was the lack of changing facilities.

The Planning Services Manager advised that Bowling England did not have a minimum requirement for changing facilities.

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

RESOLVED – (by 7 votes to 1 against)–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:

SD/573/02D,SD/573/03;

3. No development shall commence until the following details of materials have been submitted to and approved in writing by the Local Planning Authority:
 - External block paving
 - Perimeter fencing

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed;

4. The premises shall not be used except between the following hours:-

**08.00 - 17.30 Monday - Friday,
08.00 - 18.00 Saturdays,
10.00 - 16.00 Sundays or Bank Holidays.**

5. If at any time the use of the cafe intensifies to include the provision of hot meals and more complex catering a scheme for the fitting of odour control equipment and its sound insulation to the building shall be submitted to and approved by the Local Planning Authority prior to the use commencing. The odour control equipment and sound insulation shall be maintained thereafter to the satisfaction of the Local Planning Authority in accordance with the manufacturers instructions and records of cleaning/replacement of filters/fans etc. shall be kept available on the premises for inspection.

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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 ensure a satisfactory form of development in the interests of the character and amenity of the registered park and wider conservation area;**
- 4. To safeguard the amenity of nearby residents; and**
- 5. To safeguard the amenity of nearby 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. 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 Health and Safety at Work Etc. Act 1974 will apply. The applicant is advised to contact the Environmental Health Division before services, fixtures and fittings are installed for advice on satisfying the requirements of Health and Safety Law;**
- 4. The Food Safety Act 1990 will apply. The applicant is advised to contact the Environmental Health Division before services, fixtures and fittings are installed to the kitchen and other food rooms/areas for advice on satisfying the requirements of food safety law; and**
- 5. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at https://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/**

24.5 Flat 1, 1 Wykeham Road, Hastings

Proposal: Conversion of existing outbuilding to summerhouse/annexe.

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Application No:	HS/FA/17/00751
Existing Use:	Garden building.
Conservation Area:	No
Listed Building	No
Public Consultation	None. The applicant is related to a Councillor

The Planning Services Manager, Mrs Evans, presented this report for conversion of existing outbuilding to summerhouse/annexe at Flat 1, 1 Wykeham Road, Hastings.

1 Wykeham Road is a large four-storey property, currently in use as flats. The outbuilding which is the subject of this application, is located adjacent the rear / western boundary of the site. Planning permission was sought to convert the outbuilding into an annexe / summerhouse to be used in conjunction with the host dwelling / flat. The internal floor space would be utilised as a bedroom / living space with a small en-suite shower. No external alterations or extensions are proposed to the building.

The Planning Services Manager advised the application had been brought to the Planning Committee for determination because the applicant is related to a councillor.

Members were shown plans and photographs of the application site.

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 development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
- 2. The conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Flat 1, Wykeham Road, Hastings, TN34 1UA; and**
- 3. The development hereby permitted shall be carried out in accordance with the following approved plans:**

17.128/01

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**

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2. **The building is not capable of functioning as an independent dwellinghouse and to safeguard the amenity of neighbouring residents and future occupants of the building; and**
3. **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; 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 paragraphs 186 and 187 of the National Planning Policy Framework.**

24.6 Underground Car Park, Carlisle Parade, Hastings

Proposal:	Redecoration of the car park with adjustments to the existing decoration as follows: 1) Concrete wall and ceiling surfaces to be painted white to replace existing cream colour 2) Old sea wall to have decorative coatings removed back to original natural stone. 3) Removal of timber used for gutter support.
Application No:	HS/LB/17/00721
Existing Use:	Car Park
Conservation Area:	Yes - Hastings Town Centre
Listed Building	Yes
Public Consultation	None. Application on Council owned land

The Planning Services Manager, Mrs Evans, presented this report for Listed Building Consent for the redecoration of the underground car park with adjustments to the existing decoration as follows: 1) Concrete wall and ceiling surfaces to be painted white to replace existing cream colour. 2) Old sea wall to have decorative coatings removed back to original natural stone. 3) Removal of timber used for gutter support at the Underground Car Park, Carlisle Parade, Hastings.

The site is located beneath the A259 seafront road and is accessed underground from Carlisle Parade.

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The Grade II Listed Building is owned by East Sussex County Council and leased by Hastings Borough Council. In accordance with Part 8 of the Council's Constitution, this application was required to be determined by the Planning Committee because it had been submitted by Hastings Borough Council.

Members were shown plans and photographs of the application site.

Councillor Rogers proposed a motion to grant Listed Building Consent as set out in the resolution below. This was seconded by Councillor Roberts.

RESOLVED – (Unanimously) that Listed Building Consent be granted subject to the following conditions:

1. **The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted;**
2. **The works hereby permitted shall be carried out in accordance with the following approved plans:**

7105-01
3. **Prior to commencement of development a detailed specification and method statement for the removal of existing paints and decorative coatings from walls, ceilings, and piers, including the method and materials to be used, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be completed in accordance with the approved details; and**
4. **Prior to commencement of the development details of the paint to be used on concrete ceiling, wall and unpainted block work, including colour and manufacture, shall be submitted to and approved in writing by the Local Planning Authority. The paint shall be water-based and micro-porous.**

Reasons:

1. **This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990;**
2. **For the avoidance of doubt and in the interests of proper planning;**
3. **To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected; and**
4. **To ensure the architectural and historic character of this Grade 2 Listed Building is adequately protected.**

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Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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 paragraphs 186 and 187 of the National Planning Policy Framework.

The reason for granting this consent is:

- 1 National Planning Policy Framework Section 12 applies. The works proposed will positively enhance the designated heritage asset.

25. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that three planning appeals had been received; two planning appeals that had been dismissed. None had been allowed. She also reported on the number of delegated decisions.

All matters had arisen between 6 November and 1 December 2017.

The report was noted.

(The Chair declared the meeting closed at. 8.44 pm)

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