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PLANNING

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Present: Councillors Roberts (Chair); Cox (Vice-Chair); K Beaney; Beaver; Bishop; Davies; Marlow-Eastwood; Scott; and Webb.

125. APOLOGIES FOR ABSENCE

Apologies received for Councillors Edwards (substituted by Councillor K Beaney); and O'Callaghan.

126. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Beaver	All items related to highways	Personal – East Sussex County Councillor
Scott	All items related to highways	Personal – East Sussex County Councillor
Webb	All items related to highways	Personal – East Sussex County Councillor
Beaver	129.3 - Land to the rear of 419 to 447 Bexhill Road	Personal - Knows the petitioner, been in rooms where application discussed but has not given opinion and comes to the meeting with an open mind

127. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 1st May 2019 be approved by the Chair as a true record.

128. PLANNING APPLICATIONS ATTRACTING A PETITION

The Chair announced that a petition had been received after the agenda had been published in relation to item 6a, Land to the rear of 419 to 447 Bexhill Road. This item was therefore moved up the agenda to become item 5c.

128.1 Harrow Lane Playing Fields, Harrow Lane (HS/OA/17/00901)

Proposal	Outline application,(seeking approval of Access) for the erection of 140 residential units (22 no. 4-bed, 61 no. 3-bed, 36 no. 2-bed, 21 no. 1-bed units) of which fifty six are 'affordable homes', public open space, access and landscaping at Harrow Lane
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	Playing Fields, St Leonards-on-sea.
Application No.	HS/OA/17/00901
Conservation area	No
Listed building	No
Public consultation	Yes – 1 petition of objection and 22 letters of objection received. Council application on Council owned land

The Principal Planning Officer, Mrs Wood, presented amendments to the requirements of the S106 Agreement in respect of the outline application for the erection of 140 residential units (22 no. 4-bed, 61 no. 3-bed, 36 no. 2-bed, 21 no. 1-bed units) of which fifty six are 'affordable homes', public open space, access and landscaping at Harrow Lane Playing Fields, St Leonards-on-sea.

The application was recommended for approval by Councillors subject to a Section 106 Agreement on 12th September 2018.

Since the Planning Committee meeting of 12th September 2018 the requirements of the S106 Agreement have been altered to include:

- removal of £5,000 financial contribution as this is dealt with by condition 15 linked to the Traffic Regulation Order (TRO).
- include description towards off-site highway works (secured by a section 278 agreement). These works would be Bus Stops (northbound and southbound), with clearways shelters, real time information and seating, ghost right turn lane and suitable pedestrian crossing point.
- amend bullet point 4 to include 'improving and maintaining existing play provision at Welton Rise play area'.

The Planning Committee was reminded that only these amendments to the S106 Agreement were being considered as a resolution to grant permission has already been approved.

The Principal Planning Officer advised that the part of the recommendation had been included in the Addendum but omitted from the conclusion to the report. Members were advised of the full recommendation.

Councillors were shown plans and photographs of the application site.

The petitioner, Councillor John Rankin, was present and spoke against the application. Councillor Rankin suggested that there was inadequate provision for children's play across the proposed development. Point 4 of the Section 106 Agreement details a financial contribution towards the improvement and maintenance of the Welton Rise play area, but Welton Rise does not form any part of the proposed

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development area. A child living in the top right-hand corner of the development would have to negotiate busy roads, perhaps for half a mile, to get to the Welton Rise play area. Councillor Rankin commented that his main concern was that children in large houses will play in private gardens, whilst children in social and affordable housing will be encouraged to play on the street and in Welton Rise. This would be against the Council's commitment to inclusive neighbourhoods.

Councillors asked questions of the petitioner.

The agent, Canan Catworthy, was present and spoke in support of the application. Ms Catworthy reminded the Planning Committee that this debate relates purely to the alteration of the Section 106 Agreement. It is appreciated that there has been contention but it is hoped the Committee understand the application is the result of detailed discussion with officers over a considerable period of time. It remains the case that the development of the site has been granted permission in principle. Ms Catworthy noted Councillor Rankin's concerns about the play facilities but stated that the application provides a workable site layout with green spaces of benefit to children.

Councillors asked questions of the agent.

The Principal Planning Officer reiterated that the Planning Committee is being asked to make a decision regarding the amendments to the Section 106 Agreement only. The location of the play space has been determined by the outline application approved at a previous committee meeting. The Local Plan commitment to informal play space remains as referenced in condition 27 of the application which provides a scheme for open space.

Councillors asked questions of the Principal Planning Officer. The officer confirmed that what has been agreed within the outline application is to provide informal play space on the site and improve and maintain the Welton Rise play area. Informal play space is not an equipped play area and the management and maintenance of that is to be decided.

Councillors debated the proposed amendments to the S106 Agreement.

Councillor Davies proposed a motion, seconded by Councillor Cox, to grant the application as set out in the resolution below.

RESOLVED – (6 for, 2 against, 1 abstention) that:

- A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:
- A financial contribution of £337,400 towards local highway improvements;

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- a section 278 agreement for off-site highway works including Bus Stops (northbound and southbound), with clearways shelters, real time information and seating, ghost right turn lane and suitable pedestrian crossing point
- A travel plan and associated auditing contribution of £6,000
- A financial contribution towards improving and maintaining existing play provision at Welton Rise play area of £110,600
- The maintenance, management and monitoring of trees, protected species and wildlife areas:
- A financial contribution to libraries of £36,820
- A financial contribution to public rights of way of £3,360
- Provision on site of 56 affordable dwellings

Unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contribution. In the event that the Agreement is not completed by 5 December 2019 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, C11, T3, EN3, EN6 and H1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan 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.

B) Subject to the above:

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and 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 layout, scale, siting, design and external appearance of any buildings to be erected, 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

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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 terms of access only, in accordance with the following approved plans: ITP 129-1-01-P2 and ITP 1219-1-02 P2. No part of the development shall be occupied until such time as the vehicular access serving the development has been constructed in accordance with the approved plans (ITP 129-1-01-P2 and ITP 1219-1-02-P2).

6. No part of the development shall be occupied until provision has been made within the site to prevent surface water draining onto the public highway, in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

7. The 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.

8. No part of the development shall be first occupied until visibility splays of 2.4 metres by 90 metres have been provided at the proposed site vehicular access onto Harrow Lane in accordance with the approved plans. Once provided the splays shall thereafter be retained, maintained and kept free of all obstructions over a height of 600mm.

9. The development hereby permitted shall not commence until details of the layout of the access roads and the specification for the construction of the access which shall include details of footways, surfaces, lighting, parking and cycle parking, have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not commence until the construction of the road link has been completed in accordance with the specification to be agreed with the Highway Authority.

10. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for this use and shall not be obstructed.

11. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routing of vehicles during construction,

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- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders, traffic management),
- details of public engagement both prior to and during construction works.

12. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

13. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document.

The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

14. Upon the occupation/commencement of use, the Applicant shall implement the measures incorporated within the approved travel plan. The Applicant shall thereafter monitor report and subsequently revise the travel plan as specified within the approved document.

15. No development shall be commenced until such time as a Traffic Regulation Order securing the provision of parking restriction on the west side of Harrow lane opposite the site access has been approved in writing by the County Council and written confirmation of this approval is made available to the Local Planning Authority.

16. (i) Construction of the development shall not commence until a drainage strategy that includes details of the proposed means of foul sewerage and surface water disposal/management, together with an implementation timetable, have been submitted to and approved in writing by the Local Planning Authority.

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

(iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary

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drainage infrastructure capacity is now available to adequately service the development.

(vi) Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

17. (i) Surface water runoff from the proposed development should be limited to a maximum of 10.5l/s, which is the rate agreed to by Southern Water for all rainfall events including those with a 1 in 100 (plus 40%) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with the detailed drainage drawings.

The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

(ii) The detailed design should also include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. This should incorporate measures to intercept and slow down overland surface water flows through the woodland south of the development.

(iii) The detailed design of the attenuation ponds should be informed by findings of additional groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the ponds and the highest recorded groundwater level. If this cannot be achieved, details of measures that will be taken to manage the impacts of high groundwater on the drainage system should be provided. Evidence of how impacts of high groundwater on the structural integrity of the tank will be managed should also be provided.

18. A maintenance and management plan for the entire drainage system should be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan should cover the following:

a) The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details.

b) Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

19. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

20. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written

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Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

21. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [20] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.

22. Safe access to footpath Hastings 142, 143 and 144 is to be maintained at all times during and following completion of the development. Details of walking and cycle links should be submitted as part of a Reserved Matters application.

23. The landscaping details required by condition 1 above (reserved matters) shall include details of open space and play provision.

24. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following;

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the local planning authority.

25. No development shall take place until an ecological design strategy (EDS).

The EDS shall include the following:

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- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring and remedial measures.
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

26. A landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to commencement of the development. The content of the LEMP shall include the following;

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery.

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The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

27. No development shall take place until a scheme for the provision of open space (including children's play area), as part of the development within the site in accordance with policy EN8 of the Hastings Local Plan and national guidance on open space provision has been submitted to and agreed by the Local Planning Authority. The scheme shall include details of the laying out and construction of the open space, a timetable for its provision and arrangements for its future maintenance. The open space shall then be provided and maintained in accordance with the approved scheme, unless otherwise agreed in writing with the Local Planning authority.

28. No development shall take place until the measures outlined in the submitted arboricultural report (titles Arboricultural Impacts Assessment and Method Statement, prepared by PJV Consultancy, dated August 2017) have been fully implemented, unless:

(i) the programme for such measures is otherwise specified within that document 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 arboricultural reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

29. The details required by Condition 1 shall include a full and adequate site investigation and soils report and work shall not proceed until and unless measures deemed to be necessary by the Local Planning Authority as a result of such report have been incorporated in the development proposals.

30. Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building(s) with dedicated off street parking, and shall thereafter be retained for that purpose.

31. The details submitted for condition 1 (reserved matters) above shall include provision of at least 2% of the dwellings to be fully adapted for wheelchair users.

32. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.

Reasons:

1. The application is in outline only.

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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 highway safety.
7. In the interests of road safety.
8. In the interests of road safety.
9. To secure satisfactory standards of access for the proposed development.
10. In the interest of highway safety and for this benefit and convenience of the public at large.
11. To the interests of highways safety and the amenities in the area.
12. In the interests of highway safety and the amenities of the area.
13. To encourage and promote sustainable transport.
14. To encourage and promote sustainable transport.
15. In the interests of amenity and road safety.
16. To prevent increased risk of flooding.
17. To prevent increased risk of flooding.
18. To prevent increased risk of flooding.
19. To prevent increased risk of flooding.
20. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
21. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
22. To maintain Public Rights of Way.
23. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
24. To protect features of recognised nature conservation importance.

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25. To protect features of recognised nature conservation importance of the site and in the interests of the amenity of the neighbouring residential occupiers.
26. To protect and enhance the ecological value of the site.
27. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
28. In the interests of the health of the trees and the visual amenity of the area.
29. To ensure a satisfactory standard of development.
30. To ensure a satisfactory standard of development.
31. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.
32. To ensure the development complies with policy SC1 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 paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that the 300 mm diameter surface water sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer.
4. The applicant is advised that the 200 mm diameter water trunk main requires a clearance of 6 metres either side of the water trunk main to protect it from construction works and allow for future access for maintenance.
5. The applicant is advised that no development or new tree planting should be located within 6 metres either side of the centreline of the water trunk main without consent of Southern Water.

All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No new soakaways should be located within 5m of a public sewer and water main.

6. The applicant is advised that noncompliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site.

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The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

7. The applicant is advised that due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

8. The applicant is advised that a formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

9. The applicant is advised that all side elevations facing access roads should be designed to a high standard and avoid blank facades and large expanse of wall.

10. The applicant is advised that the gateway 'key' buildings located either side of the junction into the site from Harrow Lane shall incorporate a design that better addresses its corner location than currently shown on illustrative plans and elevations. This amended design shall form part of the reserved matters application.

11. The applicant is advised that rear parking courts should be enclosed by brick walls and this should be shown within any subsequent Reserved Matters application.

12. The applicant is advised that parking spaces to the front of garages should have a depth of 6m. Any Reserved Matters application should incorporate this into the design.

13. 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 parcs@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

14. The applicant should contact the Sussex Police Architect Liaison Officer at the Police Station, Bohemia Road, Hastings to discuss the "Secured by Design" principles for new developments.

15. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

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16. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying the application hereby approved. Such plans have been treated as being indicative only.

17. Incentives for residents encourage them to rethink journeys from the very start of locating in a new neighbourhood to be adopted within the travel plan to be resubmitted with the reserved matters applications, to include:

- 1) 3 months of bus travel with option to renew for a further 6 months with discount
- 2) £100 for cycles or accessories
- 3) 5 supermarket deliveries
- 4) Car club vehicle dedicated space within the development
- 5) Other incentives should include as suggested in the residents' information pack plus scheduled cycle training and Bike doctor visits.

128.2 Land to the rear of 5-7 Combermere Road (HS/FA/18/00825)

Proposal	Erection of detached three storey house, including basement and formation of vehicular access onto Clinton Crescent
Application No.	HS/FA/18/00825
Conservation area	Yes – Springfield Road
Listed building	No
Public consultation	Yes – 20 letters of objection and 1 petition of objection

The Principal Planning Officer, Mrs Wood, presented the application for the erection of a detached three storey house, including basement and formation of vehicular access onto Clinton Crescent.

The Principal Planning Officer informed the Committee that an additional objection had been received since the publication of the report.

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

The petitioner, Mr Kelvie, was present and spoke against the application. Mr Kelvie informed the Committee that one of the important features of the area is its spacious and open feeling as a wide tree lined street with deep front and rear gardens. Now there is the possibility of a large property opposite which will have a significant impact on light, particularly in winter when the sun is low. Mr Kelvie said that the upper floor windows to the rear of the proposed property will overlook his garden and breakfast room, resulting in a loss of privacy and amenity. The site is insufficient in size and constitutes overdevelopment of a small garden plot. Mr Kelvie stated that the Planning

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Officer's report specified that external amenity space should be 10 metres in length, and that this was not the case for this application.

Councillors asked questions of the petitioner.

The agent, Cos Polito, was present and spoke in support of the application. He stated that no objections were raised by stakeholders. The officer's report highlights there will be no adverse impact arising from the development to neighbouring amenity. This is a sustainable development which makes efficient use of an unused garden plot and provides much needed housing stock. The Council's own officers, including the Conservation Officer are satisfied.

No questions were asked of the agent.

The Principal Planning Officer confirmed that external amenity space is required to be 10 metres in length; however it can be taken on a case by case basis. As the external amenity space of the application is 10 metres in width and nearly 10 metres in length it has been recommended for approval. This is not unusual practice. She also confirmed that only a small part of the wall was to be removed and replaced with gates.

The Principal Planning Officer informed the Committee that the words 'prior to the commencement of development above ground' should be added to the beginning of condition 9.

Councillors debated the application.

Councillor Beaver proposed a motion, subject to the amendment to condition 9, seconded by Councillor Bishop, to grant the application as set out in the resolution below.

RESOLVED – (6 for, to 3 against) that Full 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: 1809/02, 1809/03, 1809/04 REV E and 1809/05
3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

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No working on Sundays or Public Holidays.

4. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles.

5. i. No part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

ii. The access shall have maximum gradients of 4% (1 in 25) / 2.5% (1 in 40) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

iii. 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.

6. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

7. (i) Construction of the development shall not commence until a detailed drainage layout showing 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 then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed. and

(iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development, which should include evidence of agreement in principle from the asset owner/organisation

8. No development shall take place until the measures outlined in the submitted ecological statements and reports by Meyhew Consultancy dated 7 July 2018, 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), in which case the works shall be carried out in accordance with the timescales contained therein or;

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(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.

9. Prior to the commencement of development above ground samples and details of the materials to be used in the construction of the external surfaces of the proposed dwelling hereby permitted have been submitted to or made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

- Provision of samples of the roof covering. (ridges, hips, and tiles)
- Sample of Hung tiles to be used on the bays and gable ends.
- Details of all windows and doors on the building and the main gate to the site.
- Details of chimney pot
- Slate tile sample

10. 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.

11. 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.

12. Prior to works above ground, details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 should be submitted and approved by the Local Planning Authority.

13. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.

Reasons:

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1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To ensure an adequate level of off-street parking to serve the development.
5. In the interests of road safety
6. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
7. To prevent increased risk of flooding.
8. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
9. In the interests of the visual amenity of the area.
10. To ensure a satisfactory form of development in the interests of the visual amenity.
11. To ensure a satisfactory form of development in the interests of the visual amenity.
12. To ensure the development complies with Policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
13. To ensure the development complies with Policy SC1 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 paragraph 38 of the National Planning Policy Framework.
3. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and

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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 parcs@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

6. The bins must be presented on the highway on scheduled collection days.

128.3 Land to the rear of 419 to 447 Bexhill Road (HS/OA/19/00153)

Proposal	Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 residential units and proposed flood risk mitigation measures.
Application No.	HS/OA/19/00153
Conservation area	No
Listed building	No
Public consultation	Yes – 9 letters of objection Council application on Council owned land

The Principal Planning Officer, Mrs Wood, presented the outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 residential units and proposed flood risk mitigation measures.

The Principal Planning Officer informed the Committee that a petition of 52 signatures was received after the publication of the agenda. Additionally, 5 further objections were also received.

The application was refused against officer recommendation at a previous Planning Committee meeting because of concerns of flooding. The application was withdrawn by the applicant before the decision notice was issued. Further information has been submitted in respect of flood risk and drainage issues to address concerns. The applicant has addressed the issues and Southern Water and East Sussex County Council are satisfied with the scheme.

The indicative layout has been designed to address the concerns around flooding and includes raised levels, surface water pumps and a swale. With the attenuation measures all flows are away from the houses to the new proposed swale.

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

The petitioner, Rebecca Bryan, was present and spoke against the application. Ms Bryan said she was disappointed that the application was brought back and that there had been no site visits to evaluate the flood risk and the flood report authors claimed to have worked from an aerial view. There is surface water flooding at the site whenever there is any rain. Ms Bryan said that Southern Water had confirmed to her

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that sewage pipes could flood again and raising the ground level could increase the flood risk to neighbouring properties. The site is not in the Local Plan, and there are other locations in the plan without a flood risk which could be used. Amsterdam Way is an unfortunate example of the recent development in the area and developers have struggled to sell those properties. She said it would create additional traffic and that there was limited parking due to the bus lane.

No questions were asked of the petitioner.

The agent, Polly Canning, was present and spoke in favour of the application. Ms Canning informed the Planning Committee that the development is in a sustainable location and will make a valuable contribution of affordable housing. The scheme was discussed last October and Councillors raised concerns at that meeting. As a result over the past few months, work has been undertaken to examine those concerns. There are existing flood defences in place however further steps have been taken in order to prevent a worst case flood scenario. Ms Canning confirmed that there was an unfortunate accident where a sewage pipe burst underground. This was a one-off event and this is why Southern Water has a no build exclusion zone in place. She stated that criticism of the flood risk experts was unfortunate as they have no record of speaking to the petitioner and have visited the site. The measures proposed are all agreed by the Environment Agency. She stated that the applicant had undertaken a sequential test.

Councillors asked questions of the agent. In response to a question about the height difference between existing properties and the proposed development it was confirmed that there was a difference of no more than a metre.

The Principal Planning Officer informed the Committee that conditions 12-18 all relate to flooding and drainage measures. Conditions 23 and 24 make sure mitigation measures will be in place to protect wildlife in the area. Officers have no concerns about overlooking or overshadowing from the proposed development.

The Principal Planning Officer confirmed that flood risk experts had visited the site.

Councillors debated the application. Councillor Beaver announced the he had come to the conclusion that this is a bad development and raised concerns with the sequential test.

Councillor Beaver proposed a motion to refuse under National Planning Policy Framework paragraph 158, seconded by Councillor Marlow-Eastwood. The motion was not carried (3 for, 5 against, 1 abstention).

Councillor Davies noted that coastal defences are already in place to mitigate coastal flooding, and an array of flood mitigation measures have been incorporated that experts say will be effective. These measures are of such an extent that they will protect the existing properties from flooding.

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Councillor Davies proposed a motion, seconded by Councillor Roberts to grant the application as set out in the resolution below.

RESOLVED – (5 for, 3 against, 1 abstention) that:

A) the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- a financial contribution towards libraries (£4208)
- seven affordable housing units (indicated as 4 x 1 bed flats, 2 x 2 bed houses 1 x 3 bed house)
- S278 Agreement for highway works to include right turn lane, bus cage relocation and alterations to the access

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed by 6 December 2019 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3 and CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan 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.

B) Subject to the above

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and external appearance of the building(s) and the soft and hard 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 layout, scale, external appearance of any buildings to be erected and the soft and hard 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.

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5. The development hereby permitted shall be carried out in, in terms of access only, in accordance with the following approved plans:

1611/P/001, 1611/P/002, 1611/P/003/B, 1611/P/102/A, 1611/P/103,

1611/P/101, 1611/P/104/B

6. No development shall commence until the vehicular access serving the development has been constructed in accordance with details to be submitted and approved in relation to condition 1 (reserved matters) above.

7. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted and approved by the Local Planning Authority in relation to condition 1 (reserved matters) above. The parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

8. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details submitted and approved in relation to condition 1 (reserved matters) above. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.

9. Prior to demolition or construction works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, wheel cleaning facilities, contractor parking and compound for plant/machinery and materials clear of the public highway. (Given the restrictions of the access hours of delivery/collection should avoid peak traffic flow times).

10. The development shall not be occupied until cycle and car parking areas have been provided in accordance with the details which have been submitted to and approved in relation to condition 1 (reserved matters) above. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles or motor vehicles as relevant.

11. The details required by condition 1 shall include a Travel Plan Statement to be submitted and approved by the Local Planning Authority. This shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport.

12. (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.

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(ii) Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

(iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (February 2019) and the following mitigation measures detailed within the FRA section 7, critically:

1. All sleeping accommodation will be at first floor level
2. Remaining living accommodation at a raised level of 300mm (minimum) above the design flood level
3. Ground floor slab no less than 4.1m AOD
4. General flood resilience such as full port non-return valves and electrical circuitry installed at a minimum of 900mm above the ground floor slab.
5. The new proposals for the dwelling will comprise concrete suspended ground floors with appropriate voids/vents for any transmission of flood water passing through, to be detailed in the architectural drawings.
6. Sign up to the Environment Agency Flood warning service

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

14. Surface water runoff from the proposed development should be limited 3.2 l/s for rainfall events including those with a 1 in 100 (plus 40%) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features. This should include evidence that Southern Water has capacity to accept the proposed surface water discharge into its network. The detailed drainage design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely. The infiltration swale must be carried forward to detailed design and implementation.

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15. Evidence that Southern Water agrees to the proposed surface water discharge rate should be submitted and approved in relation to a reserved matters application required by conditions 1 and 2.

16. A maintenance and management plan for the entire drainage system should be submitted to the Local Planning Authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to within the maintenance and management plan.

17. Prior to commencement of development on site, the applicant should submit to the Local Planning Authority for approval, measures to manage flood risk, on the site, during the construction phase.

18. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs submitted as part of condition 11.

19. Prior to commencement of development a Site Characterisation investigation and risk assessment, must be submitted to and approved in writing by the Local Planning Authority in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates within the site. The investigation and risk assessment must be undertaken by competent persons. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes adjoining land
- groundwaters and surface waters
- ecological systems
- archaeological sites and ancient monuments

(iii) an appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11"

20. Submission of Remediation Scheme - Prior to commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be submitted in writing to and approved by

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the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental protection Act 1990 in relation to the intended use of the land after remediation.

21. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

22. Reporting of unexpected contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 20.

Long-term monitoring and maintenance - A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same, must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11"

Before the development hereby permitted commences the applicant must either:

a) Investigate the site for landfill gas to the satisfaction of the Local Planning Authority (LPA), to ascertain whether gas protection measures are required. Where measures are required, the details shall be submitted to, and approved by, the LPA. or

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b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

In either circumstance all required measures shall be installed before the development is first occupied and a building surveyors certification that the work has been done will need to be supplied to the LPA.

23. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:

- a. An indicative programme for carrying out of the works
- b. The arrangements for public consultation and liaison during the construction works
- c. Measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- d. Details of any flood lighting, including location, height, type and direction of light sources and intensity of illumination
- e. The parking of vehicles of site operatives and visitors
- f. Loading and unloading of plant and materials
- g. Storage of plant and materials used in constructing the development
- h. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- i. Wheel washing facilities
- j. Measures to control the emission of dust and dirt during construction
- k. A scheme for recycling/disposing of waste resulting from demolition and construction works

24. All ecological measures and/or works shall be carried out in accordance with the details contained in the ecological assessment report by the Ash Partnership dated December 2017 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

25. Details of sustainable construction shall be submitted as part of a reserved matters application in relation to condition 1 (reserved matters).

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26. 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.

27. The details required by condition 1 shall include details of location of bin storage and collection. A system must also be included for bin collection so that future residents must present their bins to receive their scheduled collection and that would be presented on the highway (front path) of the access road to the estate adjacent to the public car park within the site.

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 road safety.
7. To secure satisfactory standards of access for the proposed development.
8. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
9. In the interests of highway safety and for the benefit and convenience of the public at large.
10. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
11. To encourage and promote sustainable transport.
12. To prevent increased risk of flooding.
13. In line with section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to prevent flooding

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elsewhere and reduce the risk of flooding to the proposed development and future occupants.

14. To prevent increased risk of flooding.

15. To prevent increased risk of flooding.

16. To prevent increased risk of flooding.

17. To prevent increased risk of flooding during construction.

18. To prevent increased risk of flooding.

19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

22. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

23. To safeguard the amenity of adjoining residential amenities during the construction of the development.

24. To prevent harm to protected species.

25. To ensure environmentally sustainable and green development to comply with Hastings Planning Strategy (2014) policies SC3 and SC4.

26. To safeguard the amenity of adjoining residents.

27. To provide waste storage and collection facilities for the residents of the estate.

Notes to the Applicant

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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. 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.
4. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
5. The developer's attention is drawn to the committee report and the consultation responses received as part of the application. Both include comments which will be necessary to take on board when developing a detailed submission.
6. The Developer must ensure that their proposal, both during construction and after completion of works on site, does not:
 - encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary.

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The reason for the **2m (3m for overhead lines and third rail)** stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than **2m (3m for overhead lines and third rail)** and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from Network Rail Asset Protection, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to Network Rail Asset Protection. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10-20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway

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and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for approval to Network Rail Asset Protection prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's approval of their detailed proposals regarding lighting.

Noise and vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle incursion

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Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts Network Rail Asset Protection London South East at AssetProtectionsussex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.

7. Conflicts between the bus cage and the proposed access to Bexhill Road are outstanding, which could impact on the westbound visibility at the access.

This must be addressed by moving the bus cage westwards as part of a reserved matters application. Given the status of the bus corridor project, it is considered that any works including the proposed double yellow lines, right turn pocket and amended bus stops would be the responsibility of the applicant and would need to be agreed with East Sussex County Council on 01273 48225

8. The applicant is advised that the access roads must be able withstand the weight of a 26 ton vehicle and a system must be in place to prevent car parking at the front of the estate entrance to prevent overcrowding of vehicles which could block the entrance and prevent refuse collections.

9. The applicant is required to enter into a formal easement agreement with Southern Water, to protect the foul water rising mains crossing the site.

Please note no structures/building or foundation works will be permitted within the easement strips areas. Southern Water will require 24 hours a day, 7 days a week access to the land to maintain our critical apparatus.

10. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process, which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

129. OTHER PLANNING APPLICATIONS

129.1 19 Moorhurst Road (HS/FA/18/00924)

Proposal	Change of use from B1 (light industrial) to a B2 use as a welding business.
Application No.	HS/FA/18/00924
Conservation area	No

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Listed building	No
Public consultation	Yes – 8 letters of objection received.

The Principal Planning Officer, Mrs Wood, presented the application for the change of use from B1 (light industrial) to a B2 use as a welding business. She explained that the distance between the application site and residential properties was 33.7m.

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

As the report did not make clear, the Principal Planning Officer confirmed the application site is not in a Conversation Area.

Councillor Scott proposed a motion, seconded by Councillor Webb, to grant the application as set out in the resolution below.

RESOLVED – (unanimously) that Full Planning Permission be granted subject to the following conditions:

1. Within three months of the date of this permission evidence is to be submitted to the Local Planning Authority that the required 2 metre high mobile barrier, constructed with a surface density of no less than 15kg/m², has been provided on site. The mobile barrier is to then be used on site thereafter.

2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the premises shall only be used as a welding business (Class B2) and no other use as defined within Schedule 2, Part 3, Classes B2 or B8 shall be carried out on the site.

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

07.00 - 17.00 - Monday - Friday,

07.00 - 13.00 - Saturdays,

Not at all on Sundays or Bank Holidays.

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

Site Plan, Block Plan, Floorplan, Plant Noise Assessment (February 2019).

Reasons:

1. To safeguard the amenity of adjoining residents.

2. To safeguard the amenity of adjoining residents.

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

Notes to the Applicant

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

129.2 817 The Ridge (HS/FA/19/00179)

Proposal	Conversion into two dwellings and alterations including dormer extensions to front and rear
Application No.	HS/FA/19/00179
Conservation area	No
Listed building	No
Public consultation	Yes – No letters of objection received Application by serving employee in restricted post

The Principal Planning Officer, Mrs Wood, presented the application for conversion into two dwellings and alterations including dormer extensions to front and rear.

It was confirmed that the application had been brought to the Planning Committee as the applicant is an officer of the Council in a politically restricted post.

Access agreements have been agreed with the Highways Authority and the development provides in excess of the minimal floor plan size as required by government. There are no concerns from any statutory consultees.

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

Councillor Beaver proposed a motion, seconded by Councillor Roberts, to grant the application as set out in the resolution below.

RESOLVED – (unanimously) that Full 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:

4178/19/LBP, 4178/19/3, 4178/19/1-A & 4178/19/EX/A

3. The materials to be used in the external alterations and extensions hereby permitted shall match those used in the existing building.

4. 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.

5. Prior to completion of the conversion hereby permitted, details of the required cycle storage units are to be submitted to and approved in writing by the Local Planning Authority. The storage provision is to then be installed on site in accordance with the approved details, prior to occupation of the units.

6. Prior to completion of the conversion hereby permitted, the final arrangement of the proposed parking area is to be submitted to and approved in writing by the Local Planning Authority. These details shall include the following;

- The final layout, taking in to account the comments from the County Highways Authority
- The hard landscaping materials proposed
- The method for dealing with surface water run-off
- The development shall then be completed in accordance with the approved details.
-

Reasons:

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

2. For the avoidance of doubt and in the interests of proper planning.

3. To ensure a satisfactory standard of development.

4. To safeguard the amenity of adjoining residents.

5. To ensure a satisfactory standard of development.

6. To ensure a satisfactory standard of development.

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Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. 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.
4. The maximum gradient of the private drive should not exceed 1 in 9.
5. The applicant is reminded that the study within the right hand unit, at first floor level is too small to be occupied as a bedroom.

129.3 12-13 York Buildings (HS/CD/18/00487)

Proposal	Discharge of condition 4 (external windows and door details) of Planning Permission HS/FA/16/00660
Application No.	HS/CD/18/00487
Conservation area	Yes – Hastings Town Centre
Listed building	Yes – Grade II
Public consultation	No – Council application on Council owned land

The Principal Planning Officer, Mrs Wood, presented the application for discharge of condition 4 (external windows and door details) of Planning Permission HS/FA/16/00660.

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

Councillor Beaver proposed a motion, seconded by Councillor Scott, to grant the application as set out in the resolution below.

RESOLVED – (unanimously) that:

Condition 4 of planning permission HS/FA/16/00660 can be partly discharged. Joinery details for the new windows remain outstanding.

129.4 12-13 York Buildings (HS/CD/18/00490)

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Proposal	Discharge of conditions 3 (methodology statement) and 4 (details of balustrades, proposals of staircase, surfacing works, installation of ventilations, smoke vent and any other additional structural work as required. Details of new floor boards and window and door joinery details and schedule.) of Listed Building consent HS/LB/16/00661
Application No.	HS/CD/18/00490
Conservation area	Yes – Hastings Town Centre
Listed building	Yes – Grade II
Public consultation	No – Council application on Council owned land

The Principal Planning Officer, Mrs Wood, presented the application for discharge of conditions 3 (methodology statement) and 4 (details of balustrades, proposals of staircase, surfacing works, installation of ventilations, smoke vent and any other additional structural work as required. Details of new floor boards and window and door joinery details and schedule.) of Listed Building consent HS/LB/16/00661. She explained that the Conservation Officer had no objection.

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

Councillor Roberts proposed a motion, seconded by Councillor Davies, to grant the application as set out in the resolution below.

RESOLVED – (unanimously) that:

Condition 3 can be partially discharged, subject to further detail on the location of the safe storage areas and proposals regarding the protection of original features during construction works.

Condition 4 can be partially discharged, as follows:

4(a) - discharged

4(b) - partially discharged, subject to additional window, fanlight and architrave profile details

4(c) - discharged

4(d) - discharged

4(e) - partially discharged, subject to details of the sprinkler system

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4(f) - discharged

4(g) - discharged

4(h) - discharged

4(i) - discharged

4(j) – discharged

130. PLANNING APPEALS AND DELEGATED DECISIONS

The Principal Planning Officer informed the Committee that no appeals had been lost. The most significant planning appeal to be dismissed was The Malvern.

The report was noted by the Committee.

(The Chair declared the meeting closed at 8.02pm)