

# Public Document Pack

## PLANNING

20 APRIL 2022

Present: Councillors Roberts (Chair), Cox (Vice-Chair), Beaver, Bishop, Foster, Roark, Marlow-Eastwood, Williams and Sinden

### 336. APOLOGIES FOR ABSENCE

Councillor Bacon and Scott (substituted by Councillor Sinden)

### 337. DECLARATIONS OF INTEREST

| Councillor           | Item          | Interest                                 |
|----------------------|---------------|--|
| Cllr Marlow-Eastwood | 5(a)(b)(c)(d) | Personal – East Sussex County Councillor |
| Cllr Beaver          | 5(a)(b)(c)(d) | Personal - East Sussex County Councillor |

### 338. MINUTES OF PREVIOUS MEETING

**RESOLVED** – that the minutes of the meetings held on 23<sup>rd</sup> February 2022 and 23<sup>rd</sup> March 2022 be approved as a true record

### 339. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

### 340. PLANNING APPLICATIONS

#### 341. 400 HAROLD ROAD (HS/FA/21/00997)

|                     |  |
|---------------------|--|
| Proposal            | Proposed part two storey part three storey rear extension and internal improvements (amended description). |
| Application No      | HS/FA/21/00997   |
| Conservation Area   | No   |
| Listed Building     | No   |
| Public Consultation | Yes – 5 objections received  |

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The Planning Services Manager presented this application for part two storey part three storey rear extension and internal improvements.

A location plan, aerial view and photographs showing the rear boundary and the houses either side were shown. Drawings showing the elevations and proposed floor plans were also shown to the Committee. The property has a basement store area which makes this application part two and part three storey. The application is to match and complement the host dwelling. The ground floor window will be fixed shut and will be partially obscured. The application is supported by a structural engineer statement which concludes there are no issues around land stability.

Councillors asked regarding light and the impact this application could have on neighbouring properties. The Planning Officer and Planning Services Manager confirmed the proposed extension would not be beyond the extension on the neighbouring property and the application passed the daylight test.

Councillors debated.

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

### **RESOLVED (Unanimously)**

Grant 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:

Site plan, block plan (400/01C), SC/RSD.2021.71.01C,  
SC/RSD.2021.71.02E and SC/RSD.2021.71.07B

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

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

5. The side kitchen window within the lower level extension shall be obscure

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glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The development hereby approved shall not be occupied until the obscure glass is installed, and once installed, the window shall be permanently maintained in that condition.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. In the interests of the visual amenity of the area.
5. To safeguard the amenity of adjoining and future 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 paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that this notice of decision does not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land, to either construct or subsequently to maintain the proposed development.
4. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any

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stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at

[www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

### 342. **ROADWAYS AND FOOTPATHS AT PELHAM CRESCENT** **(HS/FA/21/00994)**

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

The Planning Services Manager confirmed that we do not need to notify the Secretary of State before issuing a decision and therefore:

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Final paragraph of 5g of the report is deleted (refers to the Secretary of State notification).

Also Paragraph 7A amended to remove reference to the Secretary of State notification as follows:

*“That the Planning Services Manager be authorised to issue planning permission upon completion of a Legal Agreement under S106 of the Town and Country Planning Act 1990 for the entire redevelopment site covered under HS/FA/21/00994 to secure”:* as per the remainder of the report.

The Principal Planning Officer gave a description of the site detailing its Grade II\* listing and that the site is within the Hastings Old Town Conservation Area. Slides were shown including a location plan and block plan. The buildings are on the National Heritage At Risk Register. The repair works are necessary as there is extensive water ingress into the commercial unit from the roof above. Pelham Crescent forms the roof to the commercial units below and because of the water ingress there is need for a reconstruction of the road.

The application proposes the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below and reconstruction of the road. A new waterproofing layer over the stone vaults will be constructed with a new drainage, new road contours, and the application also proposes repair and renewal of stone and brick.

The main considerations are the acceptability of the principle of development, the impact on the listed buildings, the impact on the conservation area and highway matters. It is considered that the development as proposed will preserve and enhance the designated Heritage Assets. There are no objections from ESCC Highways.

Councillors asked regarding the removal of the road service and if it includes the pavement. The Planning Services Manager answered by showing a slide of the proposed works and the Principal Planning Officer confirmed that Point 3 under proposed development states that the existing pavement is being replaced with a New York stone pavement.

Councillors debated.

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

### **RESOLVED (Unanimously)**

**A) That the Planning Services Manager be authorised to issue planning permission upon completion of a Legal Agreement under s106 of the Town and**

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**Country Planning Act for the entire redevelopment site covered under HS/FA/21/00994 to secure:**

- **The communal management of access to Pelham Crescent by the various owners.**

**In the event that the Agreement is not completed by 31 July 2022 that permission be refused on the grounds that the application does not comply with the NPPF policies, Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015, and, unless an extension of time has been agreed in writing by the Planning Services Manager.**

**B) Subject to the above**

**Grant Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

H5602-03J

1610AL(0-)03C

1610AL(0-)04C

1610AL(0-)05D

1610AL(0-)06A

1610AL(0-)07E

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

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

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

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

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

5. Prior to the commencement of the surfacing works hereby approved, a

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sample of the proposed resin bonded gravel should be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be completed in accordance with the approved samples / details.

6. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / details.

### **Reasons:**

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

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. This Authority's requirements associated with this development proposal will need to be secured through a s171 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
4. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
5. The applicant is reminded that, under the Conservation of Habitats and

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

England should be contacted for advice.  
More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

### 343. **ROADWAYS AND FOOTPATHS AT PELHAM CRESCENT (HS/LB/21/00995)**

|                   |  |
|-------------------|--|
| Proposal          | Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description). |
| Application No    | HS/LB/21/00995   |
| Conservation Area | Yes – Old Town   |
| Listed Building   | Grade II*  |



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|                     |  |
|---------------------|--|
| Public Consultation | Yes – 1 in Support<br>Council application on land part owned by the Council. |
|---------------------|--|

The Planning Services Manager gave clarification that we do not need to notify the Secretary of State before issuing a decision and therefore:

- Final para of section 5) under the heading ‘other matters’ of the report is deleted (refers to the Secretary of State notification)
- Paragraphs 7A and 7B are deleted and the recommendation is amended to state:
  - Grant Listed Building Consent subject to the following conditions:  
as per the remainder of the report

The Planning Services Manager stated that this submission is the associated Listed Building Consent for item (c) above and as such the proposed works are the same and the consideration is the same as item (c). Officers recommend approval of the Listed Building Consent subject to conditions as detailed in the report.

Councillors asked regarding the pavement outside of the application area. The Planning Services Manager stated that this application is for the area proposed.

Councillors debated.

Councillor Roberts proposed approval of the recommendation, seconded by Councillor Marlow-Eastwood.

### **RESOLVED (Unanimously)**

#### **Grant Listed Building Consent 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:

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

3. Prior to the commencement of any surfacing of the development hereby

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approved, samples of the proposed surface materials to match the existing, should be submitted to and approved in writing by the Local Planning Authority. Such samples/details should include:

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

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

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

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

5. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / details.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 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 safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.

4. To safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.

5. To safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this consent 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.

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The reason for granting this consent is:

1 National Planning Policy Framework Section 16 applies. The works proposed will not harm (or alternatively, "will positively enhance") the designated heritage asset.

### 344. LAND OPPOSITE 34-35 ST MARY'S TERRACE (HS/FA/21/01132)

|                     |  |
|---------------------|--|
| Proposal            | Construction of a raised deck for 4 parking spaces opposite 34 and 35 St Mary's Terrace (amended description). |
| Application No      | HS/FA/21/01132   |
| Conservation Area   | Yes – Old Town   |
| Listed Building     | No   |
| Public Consultation | Yes. Application by serving employee in politically restricted post.   |

The Planning Services Manager showed slides of a location plan, block plan and aerial picture of the application site. Pictures from the road of the application site were shown. Photographs also showed how vehicles are parked in St Marys Terrace. The site is located in the Old Town Conservation area and other designations are noted in the report. The application proposes the parking spaces and the associated decking large enough to comfortably accommodate parking for a modern sized car. There will be space to store bicycles and there will be four electric charging points. The Decking is supported by columns.

The Conservation Officer had queried as to why steel railings were proposed instead of a continuing the wall round, but a reasonable justification has been provided, and it is considered that that matter is satisfactorily addressed. The appearance of the parking deck is acceptable in accordance with Policy EM1 of the Hastings Planning Strategy and Policy DM1 of the Hastings Development Management Plan. Structural plans have been submitted by a suitably qualified engineer and Building Control have no objection to the application.

Councillors asked regarding where the power will come from for the electric charging points. The Planning Services Manager replied that electricity would not be supplied by the Council but by the residents of those properties.

Councillors debated.

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

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### **RESOLVED (Unanimously)**

#### **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:  
SMT048-03A, SMT048-02A, SMT048-01B and H5896/01 Rev B
3. The materials to be used must match [as closely as possible, in type, colour and texture] those listed in Section [ 7 ] of the application form.
4. All ecological measures and/or works shall be carried out in accordance with the details contained in Land opposite 34 and 35 St. Mary's terrace Hastings East Sussex: preliminary ecological assessment by Martin Newcombe, 31st March 2021 (Revised 19/12/21) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
5. The car deck hereby approved shall be constructed in accordance with the 'outline structural arrangement for parking deck' drawing no. H5896/01 Rev B by E.A.R Sheppard.

#### **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 that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
4. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
5. To ensure that the car park deck does not affect and is not affected by matters of local land stability.

#### **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

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Planning Policy Framework.

3. The applicant is advised that retaining walls in excess of 1.5m in height, taken from the lowest ground level adjacent to the retaining wall, will require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988 - Retaining Walls. The application should include detailed structural calculations. Works should not commence until the approval of any such application. The applicant is advised to contact the East Sussex Building Control Partnership at Wealden District Council on 01892 602005 or by email: [building.control@wealden.gov.uk](mailto:building.control@wealden.gov.uk) for further advice and to ascertain whether a separate Retaining Wall Act application is required.

4. 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.

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

England should be contacted for advice.

More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

6. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: [building.control@wealden.gov.uk](mailto:building.control@wealden.gov.uk)

7. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.

### **345. PLANNING APPEALS AND DELEGATED DECISIONS**

Councillors noted a correction regarding an appeal for Land adjacent to 777 The Ridge as the report reads 77.

The Committee noted the report.

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The Chair gave thanks to Councillor Scott who was standing down as a Councillor for all his work on the Planning Committee during his time as a Councillor.

(The Chair declared the meeting closed at. 6.41 pm)