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PLANNING

22 FEBRUARY 2023

Present: Councillors O'Callaghan (Chair), Collins (Vice-Chair), Bacon, Beaney, Beaver, Cannan, Edwards, Roberts, Webb and Williams.

Officers: Eleanor Evans (Planning Services Manager), Surinder Atkar (Senior Solicitor), Louise Fletcher (Planning Officer), and William Larkin (Planning Officer).

396. APOLOGIES FOR ABSENCE

None received.

397. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Beaver	All items relating to highways	Personal – East Sussex County Councillor

398. MINUTES OF PREVIOUS MEETING 25/01/23

RESOLVED – that the minutes of the meeting held on 25th January 2023 be approved as a true record

399. PLANNING APPLICATIONS

399.1 Unit 2 Lacuna Place, Havelock Road (HS/FA/22/00865)

Proposal	Change of use of the vacant ground floor unit of Lacuna Place to Class E - Commercial, Business and Service Use
Application No.	HS/FA/22/00865
Conservation Area	Yes - Hastings Town Centre
Listed Building	No
Public Consultation	Yes

The Planning Officer, Mrs Fletcher, presented an application for a change of use of the vacant ground floor unit of Lacuna Place to Class E - Commercial, Business and Service Use.

This is a Council application on Council owned land and the site sits in the Hastings Town Conservation Area, and Academic Cultural Quarter. The application is a resubmission of the lapsed permission HF/FA/19/00814 and no external alterations are proposed under the current application.

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Councillors were shown plans and photographs of the application site.

Councillor Edwards proposed approval of the recommendations, seconded by Councillor Beaver.

RESOLVED (by 8 for, to 0 against, with 2 abstentions) 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: Location and block plans (ESAD 1883), existing ground floor plan (201) and proposed ground floor plan (201)
3. Prior to occupation of the first implemented use, opening hours must be submitted to, and approved in writing by the Local Planning Authority. The approved hours shall therefore be implemented and retained thereafter, following occupation. Should the use of the premises change from one use within use Class E to another use within Class E, further details of proposed opening hours shall be submitted to, and approved in writing by the Local Planning Authority prior to commencement of that use. The approved hours shall therefore be implemented and retained thereafter, following occupation.
4. The building shall not be occupied or brought into use until a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises (if required), shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Extraction Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the building being occupied or brought into use and these shall thereafter be operated and retained in compliance with the approved scheme.

Should the use of the premises change from one use within use Class E to another use within Class E, further details of a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises (if required), shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of that use. These approved details shall then be implemented prior to the commencement of the proposed use and thereafter maintained to an acceptable standard.

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 and future residents.
4. To ensure a satisfactory form of development in the interests of the character and 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. The Health and Safety at Work Etc. Act 1974 will apply.
4. The Food Safety Act 1990 will apply.
5. The applicant is advised that should subsequent use of the premises include matters covered by the Licensing Act 2003 a separate application will need to be made to licensing and advertised publicly for 28 days.
6. Waste generated from this premise, would need to be properly contained, emptied frequently enough to prevent any detriment to the surrounding area, with the bins to be stored off of any public highway.

399.2 10 Greville Road (HS/PR/22/00961)

Proposal	Application for a Certificate of proposed Lawful development for a loft conversion with rear dormer meeting the criteria of Class B - Permitted Development
Application No.	HS/PR/22/00961
Conservation Area	No
Listed Building	No
Public Consultation	No

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The Planning Officer, Mr Larkin, presented an application for a Certificate of proposed Lawful development for a loft conversion with rear dormer meeting the criteria of Class B - Permitted Development.

No public consultation is required for a permitted development application. Permitted development applications are not assessed against local or national planning policies and are instead assessed against the relevant provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015. This application complies on each point and is therefore recommended for approval.

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

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

RESOLVED (by 8 for, to 0 against, with 2 abstentions) that a Certificate of proposed lawful development be issued subject to the following conditions:

1. (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling house;

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be—

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

2. Any window located on a roof slope forming a side elevation of the dwelling house must be—

(a) obscure-glazed; and

(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

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Reasons:

1. To ensure that the proposed development falls within the limit of permitted development within Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
2. To ensure that the proposed development falls within the limit of permitted development within Class C of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Notes to the applicant:

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would be lawful, on the specified date and, therefore, would not have been liable to enforcement action under Part 7 of the 1990 Act on that date.
3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.
5. The conditions set out at Schedule 2, Part 1, Class B, clause B2, and, Schedule 2, Part 1, Class C, clause C2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) will need to be complied with in full.
6. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
7. 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

400. PLANNING APPEALS AND DELEGATED DECISIONS

Councillor Beaver noted the 40-41 Queens Road appeal decision and thanked officers for their work in defending the Planning Committee's decision to refuse the application.

The Committee noted the report.

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(The Chair declared the meeting closed at 6.12pm)