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PLANNING

17 MAY 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), Alexis Stanyer (Senior Planning Officer)

416. APOLOGIES FOR ABSENCE

None received

417. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Beaver	5(a,b)	Personal – East Sussex County Councillor
Cllr Webb	5(a,b)	Personal – East Sussex County Councillor
Cllr Collins	5(a)	Prejudicial – Spoken with applicant & objectors
Cllr O'Callaghan	5(a)	Personal – Has been contacted by applicant
Cllr Bacon	5(a)	Personal – Has been contacted by applicant

418. MINUTES OF PREVIOUS MEETING 19/04/23

RESOLVED – that the minutes of the meetings held on 19th April 2023 be approved as a true record

419. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

420. PLANNING APPLICATIONS

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421. PROMENADE OPPOSITE 48-49 EVERSFIELD PLACE, ST LEONARDS-ON-SEA (HS/FA/22/00967)

Proposal	To create a secure storage unit to hold green commercial waste/recycling bins associated with Store 5, Lower Promenade Bottle Alley Change of use from HMO (Sui Generis) to 11 flats (C3).
Application No	HS/FA/22/00967
Conservation Area	Yes - Eversfield Place
Listed Building	No
Public Consultation	Yes – 23 objections & 189 Support

Councillor Colins left the chamber

The Planning Services Manager updated that there were some discrepancies in the submitted plans, the applicant amended the plans. For clarity, the proposed bin store will measure 1.5m in height by 1.1m in depth by 4.88m in length, so will no longer be located within the highway. ESCC Highways were reconsulted and no longer object to the application but as the doors open into the highway then a license needs to be obtained from ESCC Highways. If councillors are minded to approve the application then an informative note will be attached to inform the applicant of their responsibilities to obtain a license from ESCC Highways prior to works.

Two further letters of objection have been received from two new objectors expanding on concerns previously raised. One petition of support and a further letter of support have also been received.

The Planning Officer showed slides of a location plan, ariel photograph and drawings of the proposed store doors were shown. Slides of photographs were shown. These included the proposed site of the bin store and the bin store at the Source Park.

The Planning officer explained the applicant is seeking planning permission for the creation of a permanent secure storage unit to hold waste recycling bins on the promenade. The Bin Store will help service store 4 which is in operation as a cafe and takeaway business and would be in the Eversfield Place Conservation area., the bin store would be near the road side to assist with their collection. This application has been re-submitted following the refusal of application HS/FA/21/00624 which also related to a proposed bin storage unit in this location. The application was refused due to its harmful impact upon the character and appearance of the conservation area, and to concerns raised in relation to designing out of crime. This application proposes

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the same bin storage unit as refused under application HS/FA/21/00624. The reasons for refusal have not been overcome. The proposed bin store will reduce natural light into the stairway and will provide restricted views creating blind spots. This will alter the existing openness of this part of the steps. The applicant has been advised of an alternative location that would need to be considered in order to not disrupt the setting of this designated heritage asset, for example, on the lower promenade close by to the café. The proposed bin store fails to provide a positive contribution towards the conservation area and the setting of the two Grade 2 listed shelters opposite numbers 43 and 63 Eversfield piece. The proposal fails to provide clear and convincing justification for the less than substantial harm the proposal would cause to the setting of this designated heritage asset.

The Petitioner Drew Brook-Mellor spoke to the committee. After moving to Hastings over ten years ago one of the first things that we did was walk the area. I walked down Bottle Alley into a conservation area that consisted of human faces, dog waste, abandoned heroin wraps and needles. That was the first and last time I walked down there for some considerable, considerably long time. It was really being kept in a disgraceful state. I'm talking about the area between the pier and as far as Goat Ledge. So I'm not just thinking about Starsky and Hutch here. There's been a considerable improvement to that area. Brought mainly, I believe, by the businesses that have had shown the imagination and flair to attract a different type of clientele and a different type of community that is perhaps more aware of their social responsibility to the people that both use it and create rubbish there. We are a seaside town where in the tourist industry and we have to attract tourism. We also need to support those businesses with local clientele. I have looked at the proposed site, the bin store between the two listed bus shelters. If you count a rusty railing that is falling apart and probably looks to me like it was built with the beam end of the budget from bits of scaffolding pole and joints. Then if that's a fine example of Art Deco Furniture, then wait, there you go. The existing area I think is already scruffy and I think the bin store that's proposed looks very similar to the one that is further down the promenade and improves the actual appearance of the road as it is. I walk up and down that promenade twice a day, I don't think a bin store on top of the promenade would do anything for the visual look of the place at all, and I think providing the Bin store that's been described in the diagrams actually meets up with the ones that are already there.

The councillors asked the petitioner what capacity of waste storage is needed? The Chair advised to ask this question to the Applicant.

The Applicant Rory Doyle the co owner of Starsky and Hutch spoke to the committee. I moved here with my wife in 2020 and we needed to open a business and find a House. We focused on Bottle Alley as a potential business, put in proposal and we won when we won it, every single person told us we were mad. It was an area that had drug dealing and drug taking going on, full of human excrement, illegal all night

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raves. We've been open for 20 months now and excluding my wife and I, we employ 8 people every year, all year round. In the summer time that goes up to 18 people, the majority of our food is sourced locally, 80% of our rubbish is recycled rubbish and bottle Alley is now a much nicer and safer place, with a busy cafe. The locals have said this and also a couple of people that have attended will contest to this as well. But we do have a problem. This amount of customers that we serve and amount of supplies that we have in, we do create rubbish but from the start of it we wanted to ensure that our way of thinking was not just to stick some bins on the side of the road that we wanted to be forward thinking. So we didn't want to compromise our recycling philosophy, so we needed to recycle our waste properly. We need to keep our busy cafe and open and we need to minimise the visual impact to the area and a well designed bin store is better than bins at the street level. Key planning principles in every application is determined by its own merit and our application is similar to a previous application for Store 2. I can question whether both applications are indeed being determined on their own merit, but I'm not going to do that our focus instead on our application and the two main concerns that are now up there. So the impact to the area and it goes against the safer streets. We accept that our proposal can cause an in planning speak less than substantial harm to the heritage asset. But the question now is how much harm in practise and how well is it mitigated the short section of railings that were going to be lost we've heard are full of rust and not worth their use. Because of this, we believe the harm is minor. Our design mitigates the harm by sympathetic design, constructed to a high standard that replicates store Source park and store 2 that have been approved. The bins are going to create a small restriction on views, but again the final outcome is going to be identical to store 2, so we believe the impact and safety is going to be negligible. We believe that report substantially overstates the extent on how the applicant might conflict with the national and local planning policy. I believe the application brings benefits, including employment, to locals, correct recycling facilities and the times that were in, and it also supports policies of the Council's own strategy planning document, which is the vision for Hastings Objective 7 policies FA6, SC1, E3. 100 years ago, the humans didn't create this amount of waste or rubbish, nor did we have the amount of people in the area, nor visitors coming to this location. Sydney Little revolutionised Hasting Sea front and he brought it up to date. And I think you would approve of small changes to help regenerate this area. Now we had to take a risk that people would come down to bottle alley and use our cafe. We had to be bold in the way we're thinking and change what was disused. What was a disused, neglected and avoided space and made it a success. We need to continue making that a success. George Bernard Shaw once said progress is impossible without change and those who cannot change their minds cannot change anything.

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Councillors asked the applicant why bring back a previous application with no changes to the application that was refused? Would refusal of this application lead to the business closing?

The applicant answered that my previous application, the Bin Store, was going to be a lot larger. There was a lot higher and it was a lot wider. There was a lot deeper in depth. This current application has reduced it to the minimal amount of size possible to fit within the boundaries of the footprint of the recessed area, so we compromised and brought everything down to the smallest possible. Now we've been able to do that by putting in the permission or asking for the permission to remove the rusty railing. Potentially yes, the business could close if there is no where to store the bins

Councillors asked what the reasons are to not use partition doors? Are the other areas an option for bin storage for your business? Has there been discussions with the conservation team?

The applicant answered that the plans can be changed to use partition doors. The bins can not be stored in bottle alley. The other suggested area by store 4 is also not suitable as it would create an obstacle that would stick out. There has been no further discussions with the conservation officer.

Councillors asked how long Starsky and Hutch has been operating and how is waste dealt with at the moment? Will there be a roof on the proposed store? The applicant answered Starsky and Hutch opened in August 2021. In the summertime, we need more bins than we do in the winter time. In the summertime we need the use of two 660 litres recycling bins and that's where the 80% of our recycled material goes. We use one food bin, which is a 240 litre of small bin and that's where all food and coffee grounds gets put into then finally, we need one 240 litre general waste bin. The design can be changed to include a roof if this is required.

Councillors asked regarding the measurements of the bin store? The applicant answered the proposed bin store will measure 1.5m in height by 1.1m in depth by 4.88m in length.

Councillors asked the applicant his view on the bin store increasing anti-social behaviour? The applicant answered that the area has become safer since the stores have been used.

The Planning Services Manager updated a roof on the bin store would mean removing the bins to open the lids which would have to be reconsulted with Highways. Store 2 Bin Store has not been built in accordance with the approved plans.

The Councillors asked if the application is approved would East Sussex Highways refuse a License? The Senior Solicitor explained that this is not a material consideration.

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The Councillors asked if the Community Safety Officer has been consulted? The Planning officer answered the Community Safety Officer was consulted on the previous application.

Councillors debated.

Councillor Edwards proposed approval of the application, seconded by Councillor Bacon.

Additional Conditions and Informatives were proposed by the Planning Services Manager. Informative no 5 was removed noting that the applicant confirmed at the meeting he was willing to accept a condition to use partition doors.

The Senior Legal Officer stated because the proposal is to go against Officer recommendation, that the committee give clear grounds for why they're going against Officer recommendation. This would be after the proposal has been voted upon quite clearly as additional conditions have been suggested and if the committee endorses those conditions, the committee can quite simply say that objections have been assuaged by virtue of the fact that the new conditions have reinforced any objections to the proposal.

The Chair discussed this with the Planning Services Manager and it was agreed that sufficient reasoning had been provided by the Councillors to explain why they considered the refuse store to be acceptable.

RESOLVED (7 votes for, 2 abstentions)

Grant Planning permission

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 location and block plan (revision B) and proposed floor plan and elevations (95-177/P06 VERSION 3).
3. The materials used in the proposed bin store hereby approved shall be as follows:
 - Walls to be rendered and painted white to match existing.
 - Doors and frames to be timber and painted black.
 - Galvanised steel door furniture with padlock to lock bin store.
4. Notwithstanding the approved plans, drawing No. 95-177/P06 VERSION 3, the applicant may use the bin store for any size of waste bin that fits within, but at no time shall any waste be stored outside the bin store.

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5. Notwithstanding the approved plans, drawing No. 95-177/P06 VERSION 3, no development shall take place until details of the doors to the proposed bin store and their opening methods are submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details are retained in perpetuity.

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 emptying of the waste must be frequent enough to prevent the bins overflowing or causing odour. The bin store must be locked at all times, other than when emptying.
4. The applicant is reminded that the contractor that collects the waste must be a licensed and registered commercial waste carrier.

**422. ROADWAYS AND FOOTPATHS AT PELHAM CRESCENT, HASTINGS
(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
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	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 support

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Councillor Colins returned to the chamber

The Senior Planning Officer updated the Committee, clarifying that Planning Services had recently received from Hastings Borough Council Estates Team a revised consultation response which stated that a s106 agreement is not required and therefore the final conclusion of the report has been amended, removing references to S106 requirement. As such the recommendation has been varied to remove reference to the S106 agreement as follows - That the Planning Services Manager should be authorised to issue planning permission, subject to the conditions listed in the report.

Slides were shown of the site location plan and slides of photographs including an aerial view, the site from the sea front and the Pelham Crescent roadway. Slides were also shown of the existing and proposed roadway and railings and their elevations. There was also a slide show of the proposed stair details.

The Senior Planning Officer explained the proposed works will include the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural faults below, and to waterproofing works over the stone bulbs and the works will also relate to the reconstruction of the road, which will include works to create new drainage system and new road contours. The works will also include the renewal of the stone and brick parameter drainage channels and the York Stone pavement, which will also be relayed. The Pelham group of buildings including the arcade are Grade II* listed and that the buildings within the Pelham Arcade are on the National Heritage at Risk Register. The proposed works have already been approved

There were no questions for the officer.

Councillors debated.

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

RESOLVED (Unanimously)

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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-)07F

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 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

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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 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;

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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

Contact details: info@naturespaceuk.com

423. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report

(The Chair declared the meeting closed at. 7.22 pm)

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