

**Public Document Pack  
PLANNING COMMITTEE**

**20 OCTOBER 2015**

Present: Councillors Street (Chair), Scott, Beaney, Beaver, Charlesworth, Lee, Roberts, Rogers and Wincott

**39. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Dowling and Edwards. Councillor Webb, the duly appointed substitute for Councillor Dowling, did not attend.

**40. DECLARATIONS OF INTEREST**

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Charlesworth	Land on south side of Victoria Avenue	Personal – When Mayor was involved with Speckled Wood
Charlesworth	35 Tower Road, St. Leonards on Sea	Prejudicial – Trustee of Applicant
Charlesworth	Bowling Green, White Rock Pleasure Gardens, Falaise Road	Personal – Attends the Doctors surgery
Rogers	Land 27-28 North Street, St. Leonards on Sea (FA)(LB)	Personal – Architect is a trustee in St. Mary in Castle of which she also Trustee
Scott	35 Tower Road, St. Leonards on Sea	Personal – Member of East Sussex County Council
Street	Land south of Victoria Avenue	Prejudicial – Campaigned against the application.
Wincott	Land south of Victoria Avenue	Personal – Donate webspace for Ore Community Land Trust who campaign to save the site.

**41. MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2015**

**RESOLVED** – that the minutes of the meeting held on 23 September 2015 be approved and signed by the Chair as a true record.

**42. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

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None.

### 43. PLANNING APPLICATIONS ATTRACTING A PETITION:

#### 43.1 Land on south side of Victoria Avenue, Hastings

Proposal:	Outline application for a residential development of 31 houses and 4 flats with garaging, car spaces and community amenity facilities
Application No:	HS/OA/13/00600
Existing Use:	Woodland
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	DS1, FA5, SC1, SC2, SC3, SC4, SC7, EN2, EN3, EN5, H1, H2, H3, CI1, CI3 and T3
Development Management Plan	LP1, DM1, DM3, DM4, DM5, DM6, DM7, HN7, HN8 and HN10
Public Consultation:	594 original letters of objection received, 2 original petitions and 3 original letters of support received

The Assistant Director, Housing and Built Environment reported on an outline application for a residential development of 31 houses and 4 flats with garaging, car spaces and community amenity facilities at Land on south side of Victoria Avenue, Hastings.

This planning application was previously brought before Planning Committee on 25 February 2014 and was resolved to be approved subject to conditions and a legal agreement. At that time the site was allocated in the local plan for residential development. Following the committee decision the progression of the legal agreement was not straightforward and was delayed due to issues relating to land ownership. Because the agreement has not been signed, no decision notice has been issued.

The delay in the completion of the legal agreement coincided with the progression of the Hastings Local Plan: Development Management Plan (DMP). By February 2015 the legal agreement had still not been completed and the DMP had progressed so much that by this time the Inspector had published his preliminary findings. This moment was a key turning point in considering this proposal as part of the Inspector's preliminary findings included the suggested deletion of the application site as a housing allocation and a proposed requirement that it be subsumed within the adjoining proposed Local Green Space designation - known locally as Speckled Wood.

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Given this significant change in the status of the site the Council sought legal advice on whether the application should be reconsidered by the Planning Committee given the significant proposed change in planning policy. Counsel advised that the application should be re-determined by the committee as the proposed changes to the DMP were a significant material consideration.

Since this legal advice was received the Inspector has published his final report and the DMP was adopted as part of the development plan by the Council on 23 September 2015. The adopted DMP now shows the application site as part the Local Green Space designation and any development on this site is now subject to policy HN10 – Amenity Green Spaces. This policy protects the land from development unless it can be demonstrated that the site no longer has any value or can be compensated with an area of equivalent size in the local area.

The application site relates to a section of woodland at the northern end of the Ore Valley. The site is known locally as part of a larger wooded area called 'Speckled Wood'.

The site is bounded to the west by Church Street, which is an unmade track providing access to the rear of properties on Greville Road. There used to be houses fronting Church Street, which were demolished in the 1960s.

The site is bounded to the north by Victoria Avenue and to the east by residential dwellings and an un-made lane which serves various dwellings and commercial properties in Old London Road.

To the south of the site is a large similarly wooded area.

There is a mixture of development in the surrounding area, which is typically made up of Victorian semi-detached and terraced dwellings between 2-4 storeys. Some more modern flats and houses are found directly opposite the site from Victoria Avenue. A local shopping centre, Ore Village, can also be found to the east of the site.

The site itself is mainly characterised by its wooded nature and the steeply sloping gradients from the west, north and east, which result in the formation of a natural 'bowl'. The site otherwise has a watercourse flowing from north to south, which is culverted at the northern end.

There has been substantial objection to this application from local residents, particularly regarding the loss of the trees and impact on wildlife. The applicant has previously been able to demonstrate that the impacts on protected species could be mitigated against and that the development would complement and add to the local mix of housing whilst providing a good place to live. However, the change in the designation of the site from housing to Local Green Space cannot be ignored and the applicant has been unable to provide any convincing supporting documentation to outweigh policy HN10 of the DMP.

The proposal will result in the destruction of land that provides visual relief and amenity value to the local area. The land is privately owned but it is known to be used recreationally and although the applicant demonstrated that impacts on protected species could be adequately mitigated, the proposal will nonetheless lead to some habitat destruction. There is no justification for this loss or proposals to provide compensation elsewhere.

Although the proposed development of the site would provide for new housing and could be accommodated without harm to neighbouring residential amenities or impacts on highway safety,

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the proposal will result in the loss of a protected Local Green Space. The applicant has been unable to demonstrate that the objectives of policy HN10 of the DMP and other policies which relate to protecting local character and green infrastructure should be set aside. These proposals are not considered to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. As such the Development Manager recommended that the application be refused.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Having raised his prejudicial interest Cllr Street was absent from the Chamber during discussion and voting. Councillor Scott (Vice Chair) took the Chair for this item.

The petitioner, Mr Ingleton, was present and spoke against the application.

The agent had been invited to attend the meeting, but was not present.

Councillor Wincott proposed a motion to refuse the application, with reasons as set out in the resolution. This was seconded by Councillor Roberts.

**RESOLVED** – (unanimously) that the application be refused subject to the following reasons:-

- 1. The proposed development will result in the loss of part of an identified amenity space (shown as Local Green Space on the Hastings Local Plan - Development Management Plan Policies Map). The applicant has been unable to demonstrate that the land no longer has any visual, recreational, amenity or ecological value nor have the provided an area of equivalent size and value in the locality as compensation for the identified loss. Because of this loss the proposal is contrary to policy HN10 of the Hastings Local Plan - Development Management Plan, which states:**

***Policy HN10 – Amenity Green Spaces***

***The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development which would result in the loss of an identified amenity green space in the following circumstances:***

- a) It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or***
  - b) An area of equivalent size and value is provided in the locality in compensation.***
- 2. The proposed development would result in the loss of part of the Local Green Space. The loss of part of this asset will harm the appearance**

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and the character of the area due to the loss of a natural visual break which contributes positively to the townscape and streetscene by providing relief between the otherwise hard urban form of development in the area. The area also provides an opportunity for recreation which if diminished would further harm local character. The proposed development would be contrary to policies FA5 parts (g) and (k), SC1 parts (i) and (k), EN7 and EN8 part (c) Hastings Local Plan - The Hastings Planning Strategy and policies DM1 parts (a) and (e) and DM3 parts (c) and (d), which state:

### ***POLICY FA5: Strategic Policy for Eastern Area***

***In Eastern Area we will also:***

***c) protect, manage and enhance the green network of nature areas and open spaces that include Hastings Country Park Nature Reserve and associated national and international designated wildlife areas such as Hastings Cliffs Special Area of Conservation and Hastings Cliffs to Pett Beach Site of Special Scientific Interest and other significant open spaces at the Ore Valley Development site, the Seafront, Hastings Country Park and West Hill***

***k) encourage local communities to access areas of open space***

### ***POLICY SC1: Overall Strategy for Managing Change in a Sustainable Way***

***Growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:***

***i) requiring high quality distinctive architecture and urban design which adds to local character and sense of place***

***k) providing an accessible greenspace network and protection and enhancement of biodiversity***

### ***POLICY EN7: Conservation and Enhancement of Landscape***

***The Council will protect and enhance the town's landscape including:***

- the distinctive landscape setting of the town, particularly the structure of ancient gill woodlands, open spaces and the relationship and clear division between the unspoilt coastline of Hastings Country Park Nature Reserve, the surrounding countryside and the built-up area***

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- *the High Weald Area of Outstanding Natural Beauty*
- *the undeveloped coast*

*The Council will have regard to the High Weald Area of Outstanding Natural Beauty Management Plan as a method of protecting and enhancing the Area of Outstanding Natural Beauty, and will work with Rother District Council to improve access to and management of urban fringe areas, in line with the shared vision for Hastings and Bexhill.*

### ***POLICY EN8: Open Spaces – Enhancement, Provision and Protection***

*The strategic policy direction for the provision and management of the town's open spaces is set out in the Parks and Open Spaces Strategy (2006). The Planning Strategy supports implementation of the Parks and Open Spaces Strategy by:*

- c) *the protection and enhancement of existing open spaces that are of town wide significance through the green infrastructure network (see Policy EN2). These are: Alexandra Park, BOS Field, Church Wood, Gensing Gardens, Hastings Cemetery, Hastings Country Park, Old Roar Gill (part of Alexandra Park), Ponds Wood, St Leonards Gardens, St Helen's Wood, Warrior Square, West Hill, Ore Valley, Summerfields Woods, Tilekiln Playing Fields, Combe Valley Countryside Park, all pedestrian-only streets, the Seafront, Bexhill Road recreation ground, Hornty Park, William Parker Sports College, Sandhurst Recreation Ground and the beach.*

*Private open spaces and allotments will be identified in the Development Management Plan as part of the green spaces network and will be protected from development which would lead to loss of their open character, biodiversity or accessibility.*

*Open space provision will be monitored in line with the Natural England Accessible Natural Greenspace (ANGst) standards, and results will be published in the Local Plan Monitoring Report.*

### ***Policy DM1 – Design Principles***

*All proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:*

- a) *protecting and enhancing local character; and*
- e) *an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key*

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*viewpoints. This is particularly important when there are potential impacts upon areas of heritage and/or landscape value as outlined in the Planning Strategy (this could include a landscape assessment where appropriate).*

*Supplementary Planning Documents provide further detail to this policy.*

### ***Policy DM3 – General Amenity***

*In order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:*

- c) there is a means of landscaping that contributes to crime prevention; a permeable and legible green infrastructure network of routes and spaces to create a public realm that is attractive, overlooked and safe; and*
- d) considerate design solutions for the spaces between and around buildings are shown. This should respect the character of the surroundings; a well-designed scheme in terms of private, semi-private and public open space, to include, where appropriate, the provision of public art.*

3. The proposed development would result in the loss of part of the Local Green Space. The loss of part of this asset will result in the loss of woodland and natural space that contributes to the Borough's green infrastructure network. The proposed development would be contrary to policies FA5 part (g), SC1 part (k), EN2, EN3 parts (b), (d), (f) and (g), EN7 and EN8 part (c) of the Hastings Local Plan - The Hastings Planning Strategy and policies HN7, HN8 and HN10 of the Hastings Local Plan - Development Management Plan, which state:

### ***POLICY FA5: Strategic Policy for Eastern Area***

*In Eastern Area we will also:*

- e) protect, manage and enhance the green network of nature areas and open spaces that include Hastings Country Park Nature Reserve and associated national and international designated wildlife areas such as Hastings Cliffs Special Area of Conservation and Hastings Cliffs to Pett Beach Site of Special Scientific Interest and other significant open spaces at the Ore Valley Development site, the Seafront, Hastings Country Park and West Hill*

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### ***POLICY SC1: Overall Strategy for Managing Change in a Sustainable Way***

***Growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:***

- k) providing an accessible greenspace network and protection and enhancement of biodiversity***

### ***POLICY EN2: Green Infrastructure Network***

***By properly valuing nature and the benefits that arise from our natural environment and green spaces, we will establish and protect a green network comprising open space and nature conservation areas, to conserve and enhance priority natural areas, and the connections between them.***

***The green network will ensure that everyone has access to natural, semi-natural and managed open space, and will maximise opportunities to conserve and enhance biodiversity. New development will contribute to this network.***

***The extent of the network will be established in the Development Management Plan, and will be clearly shown on the Policies Map***

### ***POLICY EN3: Nature Conservation and Improvement of Biodiversity***

***The town's biodiversity and geological resources will be protected and enhanced. Priority will be given to:***

- b) ensuring development contributes to the national objective of no net loss of biodiversity by requiring developers to show how their proposals will contribute positively to the natural environment, avoid harm to biodiversity, adequately mitigate for unavoidable damage, or as a last resort, compensate for unavoidable damage.***
- d) improving the integrity and biodiversity of the green infrastructure network,***
- f) meet our obligations to halting the loss of biodiversity and work with our partners to create opportunities for enhancing biodiversity both in and outside the town***
- g) protecting woodland, particularly ancient woodland and veteran trees***



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***Potential adverse effects on the Hastings Cliffs Special Area of Conservation arising from levels of new development set out in the Planning Strategy will be mitigated through improvements to the existing Broomgrove Local Wildlife Site, Combe Valley Countryside Park and the green spaces network as a whole.***

### ***POLICY EN7: Conservation and Enhancement of Landscape***

***The Council will protect and enhance the town's landscape including:***

- ***the distinctive landscape setting of the town, particularly the structure of ancient gill woodlands, open spaces and the relationship and clear division between the unspoilt coastline of Hastings Country Park Nature Reserve, the surrounding countryside and the built-up area***
- ***the High Weald Area of Outstanding Natural Beauty***
- ***the undeveloped coast***

***The Council will have regard to the High Weald Area of Outstanding Natural Beauty Management Plan as a method of protecting and enhancing the Area of Outstanding Natural Beauty, and will work with Rother District Council to improve access to and management of urban fringe areas, in line with the shared vision for Hastings and Bexhill.***

### ***POLICY EN8: Open Spaces – Enhancement, Provision and Protection***

***The strategic policy direction for the provision and management of the town's open spaces is set out in the Parks and Open Spaces Strategy (2006). The Planning Strategy supports implementation of the Parks and Open Spaces Strategy by:***

- c) ***the protection and enhancement of existing open spaces that are of town wide significance through the green infrastructure network (see Policy EN2). These are: Alexandra Park, BOS Field, Church Wood, Gensing Gardens, Hastings Cemetery, Hastings Country Park, Old Roar Gill (part of Alexandra Park), Ponds Wood, St Leonards Gardens, St Helen's Wood, Warrior Square, West Hill, Ore Valley, Summerfields Woods, Tilekiln Playing Fields, Combe Valley Countryside Park, all pedestrian-only streets, the Seafront, Bexhill Road recreation ground, Hornty Park, William Parker Sports College, Sandhurst Recreation Ground and the beach.***

***Private open spaces and allotments will be identified in the Development Management Plan as part of the green spaces network and will be protected from development which would lead to loss of their open character, biodiversity or accessibility.***

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***Open space provision will be monitored in line with the Natural England Accessible Natural Greenspace (ANGst) standards, and results will be published in the Local Plan Monitoring Report.***

### ***Policy HN7 – Green Infrastructure in New Developments***

***Where appropriate, good quality green infrastructure should be integrated into the design of new developments. Development will be permitted where opportunities for green infrastructure and landscaping have been incorporated into the proposals.***

***New green infrastructure provided as part of a development scheme should create safe links for the community and connectivity for biodiversity should be provided as far as practical, within the existing Green Infrastructure Network.***

### ***Biodiversity and green space***

#### ***Policy HN8 – Biodiversity and Green Space***

***Development should result in no net loss of biodiversity or designated green space as defined on the Policies Map. The weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites.***

***Development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be demonstrated that;***

- a) the need for the development would outweigh the nature conservation interests;***
- b) adverse impacts can be satisfactorily minimised through mitigation and compensation measures.***

***An Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include:***

- a) information of existing on-site ecology;***
- b) opportunities for connectivity between spaces and improved accessibility to them;***
- c) green space and biodiversity improvements on and off-site as appropriate;***

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- d) *opportunities for the retention or creation of green infrastructure;*
- e) *measures for the protection and management of ecology, where appropriate;*
- f) *an arboriculture assessment.*

### **Policy HN10 – Amenity Green Spaces**

***The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development which would result in the loss of an identified amenity green space in the following circumstances:***

- a) *It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or*
- b) *An area of equivalent size and value is provided in the locality in compensation.*

### **Note to the Applicant**

1. **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.

#### **43.2 35 Tower Road, St. Leonards on Sea**

Proposal:	Construction of fourteen apartments comprising 5 x 1, 6 x 2 and 3 x 3 bedrooms.
Application No:	HS/FA/14/00968
Existing Use:	Mixed uses including retail, residential, upholstery, car sales and car repairs
Conservation Area:	No
National Planning Policy Framework	Sections 6 and 7
Hastings Planning Strategy	DS1, FA2, SC1, SC2, SC3, SC4, SC7, H1, H2, H3, E1 and T3
Development Management Plan	LP1, DM1, DM3 and DM4

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Public Consultation: 42 letters of objection received  
and 1 petition received

The Assistant Director, Housing and Built Environment reported on an application for the construction of fourteen apartments comprising 5 x 1, 6 x 2 and 3 x 3 bedrooms at 35 Tower Road, St. Leonards on Sea.

The application site relates to 35 Tower Road, St. Leonards-On-Sea. This is a wedge-shaped site bounded by Tower Road, St Peters Road and Cornfield Terrace. There are a mixture of buildings on site and a mixture of uses. These uses include an existing shop unit, some flatted accommodation, a small car sales yard, a car repair centre and an upholsterers.

The site is surrounded by mostly residential development (as a mix of houses and flats) in the form of terraced buildings ranging in height from two to three and half storeys. There is a school to the southwest and a public house to the north. Other commercial uses can be found at either end of Tower Road with Bohemia Road being designated as a local shopping area.

This is an application for the demolition of the existing buildings on site and the erection of a flatted block of 14 units as a mix of 5 x 1, 6 x 2 and 3 x 3 bedrooms. The proposed building is a modern flat roof design that is part three and part four storeys tall. The proposal includes 14 undercroft parking spaces (one of which is a disabled parking bay).

Having regard to the principle of the development; impact on the character and appearance of the area, standard of accommodation proposed, impact on neighbouring residential amenities, parking and highway safety matters, and having taken into account the comments and objections of local residents and consultees the Development Manager recommended that planning permission be granted subject to conditions and a Section 106 Agreement to secure affordable housing.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

A report containing some late electronic comments had been received since the publication of the agenda. This was circulated to members of the Committee prior to the meeting.

Having raised her prejudicial interest, Councillor Charlesworth was absent from the Chamber during discussion and debate.

The petitioner, Mr William Third, was present and spoke against the application.

The agent, Mr Jacob Chadwick, was present and spoke in support of the application.

Councillor Cartwright, Ward Councillor for Gensing, was present and spoke against the application.

Councillor Beaney proposed a motion to approve the application as set out in the report and subject to the extra condition regarding contaminants. This was seconded by Councillor Street. The motion was lost by 2 votes for and 4 votes against with 2 abstentions. Councillor Scott proposed a motion to defer the application as set out in the resolution below. This was seconded by Councillor Rogers.

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**RESOLVED** – by (7 votes to 1 against) that the application be deferred for a further traffic survey and liaison with East Sussex County Council.

### 43.3 Land rear of 27-28 North Street, St. Leonards on Sea (FA)

Proposal:	Erection of a two bedroom dwelling.
Application No:	HS/FA/15/00299
Existing Use:	Vacant Yard
Conservation Area:	Yes - St. Leonards East
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	H3
Development Management Plan	DM1, DM3, HN1
Public Consultation:	31 letters of objection received, 1 petition and 10 letters of support received

The Assistant Director, Housing and Built Environment reported on an application for the erection of a single family 2 bedroom dwelling house comprising an open plan ground floor living/kitchen space with two bedrooms, a bathroom and shower room on the first floor on land previously used as a builders yard at Land to the rear of 27-28 North Street, St. Leonards on Sea.

Listed Building Consent HS/LB/15/00300 for the works associated with the residential development is reported in minute No. 43d.

The site lies on the north side of North Street. The entrance to the site is via an arched, gated access between numbers 27 & 28 North Street, which are both Grade II listed buildings. The site lies within the East St Leonards Conservation Area and is currently vacant. It was previously used as a builder's yard and is bounded by residential terraced houses/flats in Alfred Street, North Street and Gensing Road.

The building would have a maximum length of 10m, reducing to 7.7m, and a maximum width of 6.7m. The height to the top of the parapet wall around the roof would be 5.8m.

The design is contemporary with rendered walls with timber panels and a flat roof. The windows have been carefully positioned to minimise any overlooking of neighbouring properties, and there would be several roof lights to provide additional light. The ground floor would include a 3 panel sliding door opening out onto a small courtyard.

Outside there would be access to the front of the property through an arch into North Street with a small courtyard to the front of the property. To the side would be a small irregularly shaped courtyard garden between 9.2m and 11.5m in one dimension and 2.1m and 5.5m in the other.

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This submission follows the withdrawal of a previous application for 2 no. dwellings which was considered unacceptable due to overdevelopment of the site and detrimental impact on neighbouring properties.

The main issues were the potential impacts on neighbouring properties with regard to overlooking and privacy and whether there is any impact on the adjacent listed buildings and the St Leonards East Conservation Area in which the site is located.

The Development Manger felt the proposals will not adversely affect the character or appearance of the area, amenity of neighbouring properties or the parking in the area. Following assessment of the proposal and various amendments including reduction of the amount of development from 2 dwellings to one dwelling, he considered the proposal to be acceptable and therefore recommended approval.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Councillors Beaney, Beaver, Charlesworth, Lee, Roberts, Rogers, Scott, Street and Wincott attended an organised site visit prior to the meeting.

A report containing some late electronic comments had been received since the publication of the agenda. This was circulated to members of the Committee prior to the meeting.

The petitioner had been invited to attend the meeting but was not present.

The applicant, Mr Stuart Robinson, was present and spoke in support of the application.

Councillor Rogers proposed a motion to refuse the application. This was seconded by Councillor Lee. The motion was lost by 3 votes to 6 against. Councillor Scott proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Charlesworth.

**RESOLVED – by (6 votes to 3 against) that planning permission be granted subject to the following conditions:-**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
- 2. 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.**
- 3. a) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water**

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**disposal/management have been submitted to and approved in writing by the Local Planning Authority;**

- i) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed; and**
- (iii) No occupation of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.**
- 4. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;**
- 5. The first floor windows on the south elevation not be glazed other than in obscure glass;**
- 6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension or any other external alteration to the property shall take place without the grant of an additional planning permission;**
- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings shall be erected within the curtilage of the property without the grant of an additional planning permission;**
- 8. No development shall commence above ground until joinery details, including details of the timber gate, have been submitted to and approved in writing by the Local Planning Authority.**

**Works shall be carried out in accordance with the details approved and no occupation of the building shall occur until those works have been completed; and**
- 9. The development hereby permitted shall be carried out in accordance with the following approved plans:**

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**499-01-E, 499-02-D, 499-03-B, 499-04-C, 499-05-A, 499-133-A, 499-130-L,  
499-131-G, 499-132-M**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. To safeguard the amenity of adjoining residents;**
- 3. To prevent increased risk of flooding;**
- 4. In the interests of the visual amenity of the area;**
- 5. To safeguard the amenity of adjoining and future residents;**
- 6. To enable the local planning authority to control future development of the site in the interests of the amenities of the area in general and the amenities of neighbouring residents in particular;**
- 7. To enable the local planning authority to control future development of the site in the interests of the amenities of the area in general and the amenities of neighbouring residents in particular;**
- 8. To ensure a satisfactory form of development in the interests of the character and amenity of the area; and**
- 9. 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 paragraphs 186 and 187 of the National Planning Policy Framework;**
- 3. The proposed building is over or close to a public sewer and consultation with Southern Water Services Ltd. is necessary;**



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4. The applicant should consult the Building Control Section of the Regeneration & Planning Directorate with regard to the provision of adequate means of escape in case of fire and necessary fire precaution works; and
5. Consideration should be given to the provision of a domestic sprinkler system.

### 43.4 Land rear of 27-28 North Street, St. Leonards on Sea (LB)

Proposal:	Existing site to be carefully cleared with all listed elements protected and retained, a single new modern dwelling with two bedrooms to be formed. All existing listed walls will be protected and retained or adapted.
Application No:	HS/LB/15/00300
Existing Use:	Vacant Yard
Conservation Area:	Yes - St. Leonards East
National Planning Policy Framework	Part 12
Hastings Planning Strategy	No conflict
Development Management Plan	No conflict
Public Consultation:	9 letters of objection received and 1 petition

The Assistant Director, Housing and Built Environment reported on an application for listed building consent for works associated with residential development in the yard area at Land Rear of 27/28 North Street, St. Leonards on Sea.

Planning application HS/FA/15/00299 for the dwelling is reported in minute No. 43c.

The site lies on the north side of North Street. The entrance to the site is via an arched gated access between numbers 27 & 28 North Street, which are both Grade II listed buildings. The site lies within the East St Leonards Conservation Area and is currently vacant. It was previously used as a builder's yard and is bounded by residential terraced houses/flats in Alfred Street, North Street and Gensing Road. A number of properties within the vicinity are listed.

The buildings on North street are listed and while the new dwelling itself will not directly affect the

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listed buildings it will affect their setting, and works are proposed to the historic boundary walls. It is proposed to repair and stabilise the walls around the site, some of which are listed.

The proposed building is contemporary with rendered walls with timber panels and a flat roof. The windows have been carefully positioned to minimise any overlooking of neighbouring properties, and there would be several rooflights to provide additional light. The ground floor would include a 3 panel sliding door opening out onto a small courtyard.

The building would have a maximum length of 10m, reducing to 7.7m, and a maximum width of 6.7m. The height to the top of the parapet wall around the roof would be 5.8m.

Outside there would be access to the front of the property through an arch into North Street with a small courtyard to the front of the property. To the side would be a small irregularly shaped courtyard garden between 9.2m and 11.5m in one dimension and 2.1m and an 5.5m in the other.

The Development Manager considered the works to be acceptable in principle and he recommended that Listed Building Consent be granted subject to conditions to ensure that the detail of the work is acceptable.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Councillors Beaney, Beaver, Charlesworth, Lee, Roberts, Rogers, Scott, Street and Wincott attended an organised site visit prior to the meeting.

A report containing some late electronic comments had been received since the publication of the agenda. This was circulated to members of the Committee prior to the meeting.

The petitioner had been invited to attend the meeting but was not present.

The applicant, Stuart Robinson, was present and spoke in support of the application.

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

**RESOLVED – by (8 votes to 0 against, with 1 abstention) that Listed Building Consent be granted subject to the following conditions:-**

- 1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted;**
- 2. The works hereby permitted shall be carried out in accordance with the following approved plans:**  
  
**499-01-E, 499-02-D, 499-03-B, 499-04-C, 499-05-A, 499-133-A, 499-130-L, 499-131-G, 499-132-M**
- 3. No works shall commence on site until a methodology statement with photographs for works to the boundary wall has been submitted to and**

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approved in writing by the local planning authority. The method statement shall include:

- a) Documentation of all distinguishable features within the curtilage listed walls in the form of a schedule with comprehensive photographic record identifying each element, whether it is to be retained or removed, the impact the feature has on the significance of the walls -Negative, neutral or positive and proposed making good. Schedule to be cross referenced to block plan;
- b) Specification for the proposed repairs to the curtilage listed walls;
- c) Proposed capping detail for the curtilage listed walls;
- d) Cross section details of the interface between old and new to include constructed in situ planters at the base of the walls, at a scale of 1:5; and
- e) Details of any proposed underpinning, strengthening, or reinforcing of the walls.

Notwithstanding the details as submitted, the existing curtilage walls shall remain structurally independent from the proposed development. No additional loading as a result of the proposed development shall be placed upon these walls; and

4. No works shall commence until joinery details of the proposed gate have been submitted to and approved in writing by the local planning authority. Thereafter the works shall be undertaken in accordance with the approved 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 ensure the historic character of the curtilage listed walls is adequately protected; and
4. To ensure the architectural and historic character of the Grade II Listed Building is adequately protected.

### Notes to the Applicant

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1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning; and
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

#### 44. PLANNING APPEALS AND DELEGATED DECISIONS

The Assistant Director, Housing and Built Environment reported that three planning appeals that had been received and one appeal which had been approved. All matters had arisen between 14 September to 7 October 2015.

**RESOLVED** – that the report be noted.

#### 45. PLANNING APPLICATIONS:

##### 45.1 42 Beauharrow Road, St. Leonards on Sea

Proposal:	Erection of 8 no. semi detached dwellings. (outline application)
Application No:	HS/OA/14/00901
Existing Use:	Dwellinghouse
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	DS1, FA1, SC1, SC3, SC4, SC7, EN2, EN3, EN4, EN6, H1, H2, H3 and T3
Development Management Plan	LP1, DM1, DM3, DM4, HN7 and HN8
Public Consultation:	8 letters of objection received

The Assistant Director, Housing and Built Environment reported on an outline application for demolition of an existing house and the erection of 8 semi-detached dwellings (as four semi-detached pairs) at 42 Beauharrow Road, St. Leonards on Sea.

As the application is for outline planning permission the applicant has chosen to seek approval of the access only with appearance, landscaping, layout and scale all reserved matters. The information submitted in respect of these reserved matters is therefore indicative only but it is useful in establishing whether the principle of the development is acceptable.

42 Beauharrow Road is a large, detached, two-storey single dwellinghouse. The site is in an area of town with relatively low density and it has many constraints including levels changes, streams,

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trees and wildlife areas.

The existing house sits within a very large plot and is set much lower than the unadopted road from which it is served. There is a sloped access from Beauharrow Road into the site and a stream runs along the southwestern boundary which leads into the Hollington Stream to the east of the site. Because of the Hollington Stream, part of the application site falls within an identified Flood Risk Zone.

Aside from the house, access and large turning area, the site remains mostly undeveloped as a mixture of formal private garden space and unkempt natural space. The eastern end of the site transgresses over into a designated Local Wildlife Site and preserved woodland. The site also adjoins a designated Ancient Woodland.

Given the lower level of the site compared with its surroundings and its relatively natural secluded character the site is well screened.

There have been no recent planning permissions for the site with the last application being submitted in 1980s.

The applicant is only seeking approval of the access of the development so the main considerations were the suitability of the access and whether the proposal is acceptable in principle. In order to assess these matters consideration has been given to the impact on the character of the area, the impact upon neighbouring residential amenities, parking and highway matters, impact on protected species and ecological designations, impact on trees and flood risk.

Taking all of the above matters into account the Development Manager felt the proposed development was considered acceptable and he therefore recommended that planning permission be granted subject to conditions and the completion of a 106 Agreement to secure provision of an affordable housing contribution.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below and subject to the insertion of Reason 7 which was missing from the Report. This was seconded by Councillor Rogers.

**RESOLVED – (unanimously) that outline planning permission be granted subject to:-**

- A) The Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure an affordable housing contribution unless it has been conclusively shown that the development would not be viable if a contribution were made. In the event that the Agreement is not completed, or the viability issue not resolved, by 20 January 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2018.**

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### B) Subject to A) above:

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 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 the date of approval of the last of the reserved matters to be approved, whichever is the later;
5. The development hereby permitted shall, in terms of the access only, be carried out in accordance with the following approved plans:  
  
4630/200
6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the improvement of Beauharrow Road between the Battle Road junction and the proposed access to the site. Such scheme shall include details of the construction of the road to an acceptable standard, details of the drainage of the road and it will provide for the timing of the improvement works in relation to the implementing of the development. The development shall be implemented in accordance with such timing before any of the dwellings are occupied;
7. No development shall take place until the measures outlined in the submitted arboricultural statements and reports (Arboricultural Report by The Mayhew Consultancy Ltd, dated December 2014, ref AR/34014), 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 statements and reports is otherwise first

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varied, by way of prior written approval from the Local Planning Authority.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no development shall take place without the grant of an additional planning permission within the areas identified as 'construction exclusions zones' in the drawing attached at appendix B of the submitted Arboricultural Report by The Mayhew Consultancy Ltd (dated December 2014 and ref AR/34014);
9. No dwelling hereby approved shall be occupied until details of external storage space for refuse bins has been submitted to and approved in writing by the Local Planning Authority. The refuse storage space shall be provided prior to any occupation of the dwellings;
10.
  - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management (that have taken into account the recommendations of the Flood Risk Assessment by Hemsley Orrell Partnership dated June 2015 and referenced 14633/1/500) have been submitted to and approved in writing by the Local Planning Authority;
  - (xi) 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; 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.
11. The details submitted with condition 10 above shall include details of 'flow paths' to direct surface water flows away from the buildings towards the existing stream channels at lower elevations;
12. The details submitted with condition 10 above shall included details of the measures which will be undertaken to divert the public sewers crossing the site;
13. The reserved matters details submitted in accordance with conditions 1 & 2 above shall include details of the proposed finished floor levels of the dwellings hereby approved taking into account the recommendations of the Flood Risk Assessment by Hemsley Orrell Partnership (dated June 2015 and referenced 14633/1/500);

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14. The reserved matters details submitted for conditions 1 & 2 above shall include 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;
15. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband;
16. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (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; and
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority;

17. The reserved matters details submitted in accordance with conditions 1 & 2 above shall included details of biodiversity enhancements in accordance with the recommendations of the Preliminary Ecological Appraisal by The Mayhew Consultancy Ltd (dated December 2014 and referenced EA/34014);
18. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation.



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The development shall be carried out in accordance with the approved scheme;

19. 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.

20. The reserved matters details submitted with conditions 1 & 2 above shall include measures for the installation of an acoustic fence along the boundary with 44 Beaurharrow Road taking into account the need to retain trees and hedging were appropriate.

### 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. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety;
7. To protect trees and features of recognised nature conservation importance;
8. To protect trees and features of recognised nature conservation importance;
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
10. To prevent increased risk of flooding;
11. To prevent increased risk of flooding;
12. To prevent increased risk of flooding;
13. To prevent increased risk of flooding;

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14. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy;
15. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy;
16. To protect features of recognised nature conservation importance;
17. To enhance features of recognised nature conservation importance;
18. In the interests of vehicular and pedestrian safety;
19. To safeguard the amenity of adjoining residents; and
20. To safeguard the amenity of adjoining residents.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
4. The developer is advised to contact the matters of diverting the public sewer further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk);
5. 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](mailto:developerservices@southernwater.co.uk);
6. All works to trees should be carried out by a competent tree surgeon;
7. This permission does not override the rights of the owners of trees whose consent must also be obtained to carry out works to those trees;
8. Nothing in this permission, aside from the access, shall be construed as giving approval to the details shown on the plans accompanying the

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application hereby approved. Such plans have been treated as being indicative only; and

9. Consideration should be given to the provision of a domestic sprinkler system.

### 45.2 Mayfield J, Land south of Mayfield Lane, St. Leonards on Sea

Proposal:	Erection of 35 two and three bedroom houses together with access, parking and open space.
Application No:	HS/FA/15/00039
Existing Use:	Vacant Agricultural Land
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	DS1, SC1, SC2, SC3, SC4, EN3, H1, H2 and H3
Development Management Plan	DM1, DM3, DM4 and GH4
Public Consultation:	4 letters of objection received

The Assistant Director, Housing and Built Environment reported on an application for the erection of 35 two and three bedroom houses together with access, parking and open space at Mayfield J, Land south of Mayfield Lane, St. Leonards on Sea.

The application site (approx 0.78ha) is an expanse of triangular shaped open land located between Mayfield Lane, Robsack Community Centre and Bodiam Drive to the north and the wide roadside margin adjacent Crowhurst Road/Queensway to the west. The rear of residential properties in Etchingham Drive, Mayfield Heights lie to the east.

This is an application for full planning permission. The proposal comprises the erection of 24 X 2

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bed and 11 X 3 bed houses, car parking for 48 allocated spaces and 13 visitor spaces and a new access off Mayfield Lane. All properties will be semi detached apart from one which will be detached.

Outline permission was granted in February 2014 for 20 houses and 16 apartments to East Sussex County Council who were the owners of the site at the time. The permission is still extant, although the reserved matters have not been submitted. This proposal therefore represents an alternative scheme for the site.

The new development will form a cul de sac directly off Mayfield Lane. The dwellings will be two storey with a rear garden of at least 10 metres in length. Materials will vary from house to house and will include brick, weatherboarding and various colour roofing tiles.

This is a full planning application for the erection of 35 houses on a site allocated within the Hastings Local Plan (Policy GH4) for a capacity of 36 dwellings. This application follows an outline approval for 20 houses and 16 apartments in February 2014. The outline approval is a material consideration to be balanced alongside other planning related issues.

The main issues were the impacts on the highways, traffic and parking provision, affordable housing, ecology – mitigation for protected species, trees and residential amenity.

The Development Manager did not consider that the residential amenity of neighbouring properties will be detrimentally affected given the distances between dwellings and boundary treatments proposed. The need for housing within the Borough is a priority for the Council and as this is an allocated site he recommended the application be approved subject to a S106 Agreement to secure provision of an affordable housing contribution.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below, subject to the addition of condition and reason No.23 and the reworded Condition 18.. This was seconded by Councillor Roberts.

### **RESOLVED – by (8 votes to 1 against) that:-**

**A) That the Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure an affordable housing contribution. In the event that the Agreement is not completed by 20 January 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2018.**

**B) Subject to A) above to 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;**

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2. **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.**
  
3. **The development hereby permitted shall be carried out in accordance with the following approved plans:**  
  
**4307/14/LBP/A, 4307/14/1/B, 4307/14/2, 4307/14/3, 4307/14/4, 4307/14/5, 4307/14/6, 4307/14/7, 4307/14/8/A, 4307/14/9/A, 4307/14/10/A, 4307/14/11/A, 4307/14/12/A, 4307/14/13, 4307/14/14, 4307/14/15, 4307/14/16, 4307/14/17, 4307/14/18, 4307/14/19, 4307/14/20/A & 1405781/201**
  
4. **No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings 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;**
  
5.
  - (i) **Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority;**
  
  - (ii) **Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings 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.**
  
6. **No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg refuse or other storage units, signs lighting etc);**

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7. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority;
8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme;
9. 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;
10. No development shall take place above ground until full details of all boundary fences, walls or enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary fences, walls or enclosures shall be erected before the building to which it relates is occupied;
11. No development to be commenced on site until a Construction Management Plan setting out mitigation measures to protect against disruption caused during construction has been submitted to and approved in writing. All development shall thereafter be carried out in accordance with the approved plans;
12. No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority;
13. 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

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Investigation approved under Condition 10 to the satisfaction of the Local Planning Authority;

14. 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 BSI 5837 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;
15. All ecological measures and/or works shall be carried out in accordance with details contained within the submitted report Mayfield J, South of Mayfield Lane Report seeking discharge of Conditions 17 to 20 Planning Consent HS/OA/07/00895 by the Ash Partnership January 2015;
16. The new access shall be in the position shown on the submitted plan and laid out in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of development. All work shall be completed in accordance with the approved plans;
17. The new estate road shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with ESCC standards with a view to its subsequent adoption;
18. Prior to the commencement of development a desktop study for the presence of contaminants, methane and carbon dioxide in soil shall be undertaken and the results submitted to and approved in writing by the local planning authority

If the desktop study indicates that there may be contaminants, methane and carbon dioxide present in soil.

- i) A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority; and
- ii) The remediation scheme, as agreed by the Local Planning

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Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

19. No development shall be commenced until a scheme for the provision of a Sustainable Urban Drainage System (SUDS) has been submitted to and approved in writing by the Local Planning Authority. Details shall include proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and discharge of surface water from the highway onto the site. These surface water works shall be completed in accordance with the approved plans;
20. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads;
21. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles; and
22. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
23. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.

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. To safeguard the amenity of adjoining and future residents;**
- 3. For the avoidance of doubt and in the interests of proper planning;**
- 4. In the interests of the visual amenity of the area;**
- 5. To prevent increased risk of flooding;**
- 6. To safeguard the amenity of adjoining residents;**
- 7. To safeguard the amenity of adjoining residents;**
- 8. In the interests of the visual amenity;**
- 9. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 10. In the interests of the visual amenity of the area;**
- 11. To protect the amenities of local residents;**
- 12. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework;**
- 13. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework;**
- 14. In the interests of the health of the trees and to protect the visual amenity;**
- 15. To protect features of recognised nature conservation importance;**
- 16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 17. In the interest of public safety;**
- 18. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination;**
- 19. To prevent increased risk of flooding;**
- 20. In the interests of highway safety;**
- 21. To ensure the safety of persons and vehicles entering and leaving the**

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access and proceeding along the highway; and

22. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
23. In the interests of highway safety and for the benefit and convenience of the public at large.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. A formal application for connection to the public 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](mailto:developerservices@southernwater.co.uk);
4. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards;
5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
6. Highway works associated with this development proposal will need to be secured through a Legal Agreement between the applicant and East Sussex County Council; and
7. Consideration should be given to the provision of a domestic sprinkler system.

### 45.3 Bowling Green, White Rock Pleasure Gardens, Falaise Road

Proposal:

Variation of condition 1 of Planning Permission HS/FA/13/00745 – To extend temporary permission granted for 2 years for further 2 years. The original premises, Marlborough House, was badly damaged by fire & water and is yet to be repaired.

## PLANNING COMMITTEE

20 OCTOBER 2015

Application No:	HS/FA/15/00742
Existing Use:	Disused Bowling Green/ Temporary Doctors Surgery and Pharmacy
Conservation Area:	No – Adjacent to Old Town
National Planning Policy Framework	
Hastings Planning Strategy	FA2, SC1, EN1
Development Management Plan	DM1, DM3 and HN1
Public Consultation:	1 letter of objection received

The Assistant Director, Housing and Built Environment reported on an application for the variation of condition 1 of Planning Permission HS/FA/13/00745 to extend the temporary permission for approval of buildings on the bowling greens to remain for a further 2 years at White Rock Pleasure Gardens, Falaise Road, Hastings.

The application site is one of two previously disused bowling greens, west of Falaise Road. Although the site is not within a Conservation Area, it is within an area identified as a Historic Park and Garden. The site is adjacent Falaise Indoor Bowls Club. The site has been the location of the temporary Doctor's Surgery since November 2013.

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

The Warrior Square and Carisbrooke doctor's surgeries, and pharmacy were originally located in Marlborough House, Warrior Square. Following a major roof fire on 29 July 2013, which resulted in water damage to the lower floors, the building has been completely vacated until repair works have been finalised. It was originally estimated that the repairs would take a minimum of eighteen months and the temporary buildings would be on site for two years. Due to the level of time taken to commence repairs on the site and adverse weather conditions, a significant mould and bacteria infestation has occurred. As a result of this, since September 2014 no person has been allowed to enter Marlborough House without full personal protective equipment (PPE). As a result of this the Marlborough House site is clearly presently unfit for purpose as a Doctor's surgery and pharmacy.

This application seeks to vary condition 1 of planning permission HS/FA/113/00745 which states the following:

*'The permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition'.*

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This application was granted on the 28th October 2013 and is due to expire on the 28th October 2015.

The main issues were the impact on the historic parks & gardens; the street scene/design and the impact on parking and access.

The Development Manager felt that although the essence of this application remained unchanged, the overall impact of the structures on the historic park and garden could not be ignored.

Taking this in to account he was of the opinion that although the use of the site provides a critical service to local residents, it should only be allowed to continue for a maximum of 2 further years. He therefore recommended approval of the extension to time subject to conditions.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

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

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

- 1. This permission shall be for a limited period of two years from the date hereof and on or before the expiration of such period the building hereby permitted shall be removed and the use hereby permitted shall be discontinued and the site shall be restored to the condition in which it was before such building was erected and such use was commenced and left in a clean and tidy condition; and**
- 2. The development hereby permitted shall be carried out in accordance with the following approved plan: P040-PL01**

### Reasons:

- 1. In the interests of the character and amenity of the White Rock Gardens and the area in general; and**
- 2. For the avoidance of doubt and in the interests of proper planning.**

### Notes to the Applicant

- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning; and**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**

**PLANNING COMMITTEE**

**20 OCTOBER 2015**

(The Chair declared the meeting closed at. 8.00 pm)

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