

Planning Committee Agenda

Wednesday, 8 October 2014 at 6.00 pm

Town Hall, Queens Road, Hastings, TN34 1QR

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Present: Councillors Street (Chair), Dowling, Roberts, Rogers, Scott (Vice-Chair), Beaney, Beaver, Edwards, Lee and Charman

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Wincott.

28. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Dowling	31a – 9 St. Margarets Terrace	Prejudicial – Lives in close proximity to the site.

29. MINUTES OF THE MEETING HELD ON 13 AUGUST 2014 (ATTACHED)

RESOLVED – That the minutes of the meeting held on 13 August 2014 be approved and signed by the Chair as a true record.

30. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

31. PLANNING APPLICATIONS ATTRACTING A PETITION:

31.1 9 St Margarets Terrace, St Leonards-on-sea

Proposal:	Proposed additional extension to 2nd floor over existing property to form new bedroom.
Application No:	HS/FA/14/00551
Existing Use:	Residential
Hastings Local Plan 2004	DG1, C1, C9
Conservation Area:	Yes - Magdalen Road

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National Planning Policy Framework No Conflict
Hastings Planning Strategy SC1, EN1
Development Management Plan
Proposed Submission Version: DM1, DM3, HN1
Public Consultation: 1 petition; 6 letters of objection and 1 letter of support received.

The Development Manager reported on an application for a proposed additional rear extension to the 2nd floor over an existing property to form a new bedroom at 9 St. Margarets Terrace, St. Leonards on Sea.

The site forms part of a period terraced three storey building within the Magdalen Road Conservation Area. The area is densely built up with similar style buildings along Magdalen Road.

The footprint of the extension measures 3.2 by 3.5 metres with a height of 3 metres. It would be built on the boundary with No.8 St Margarets Terrace to the south. There will be no windows in the south or rear elevation. To the north, the distance to the boundary is 2 metres, in this elevation there will be a window, however it would look out over an extension at No.10.

The Development Manager felt the impact on the Conservation Area and the impact on residential amenity would be minimal, he therefore recommended the application be approved subject to conditions.

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

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

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

The applicant, Mr Simon Goodsell, was present and spoke in support of the application.

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

RESOLVED – (unanimously) 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. The development hereby permitted shall be carried out in accordance with the following approved plans:**

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157-P-02A & 157-S-01-C, 157-P-03;

3. No development shall take place until

- samples of materials and finishes
- details of rainwater goods
- details of flues and extracts

have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;

4. The flat roof shall not be used as a roof terrace for sitting out on; and

5. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the extension hereby approved.

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. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1);
4. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1); and
5. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1).

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.

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31.2 The Crown, 64-66 All Saints Street, Hastings

Proposal:	New extraction flue/stack at the rear.
Application No:	HS/FA/14/00277
Existing Use:	Public House
Hastings Local Plan 2004	DG1, DG3, DG4, C1
Conservation Area:	Yes - Old Town
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	FA5, SC1, SC4, EN1
Development Management Plan	
Proposed Submission Version:	DM1, DM3, DM6, HN1
Public Consultation:	1 Petition and 7 letters of objection received

The Development Manager reported on an application for a new ventilation system at the rear of the premises to serve the public house kitchen at The Crown, 64-66 All Saints Street, Hastings.

The site is located in the Old Town Conservation Area at the northern side of Crown Lane at the junction with All Saints Street. The surrounding area has a varied character defined by a mixture of two-three storey terraced dwellings.

The site consists of a two storey public house which adjoins 9 Starr's Cottages. Due to the topography of the area the yard area is at a lower level than the adjoining properties and is enclosed by boundary walls.

The proposal involves the formation of a new ventilation system for the kitchen of the public house. The ventilation system is to involve both fresh air supply and extractor fans with an attenuator to reduce noise and a charcoal filter to control odours. A large part of the ductwork is to run internally with a new external duct from the flat roof along side an existing chimney at the rear of the building. The extract duct will have a painted finish.

The main issues considered were impacts of the proposal on the amenity of neighbouring residents and the character and appearance of the area. Through the use of conditions, the Development Manager considered the proposal would not result an adverse impact and therefore recommended approval.

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

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

The applicant, Mr Steve Derhun, was present, but chose not to speak.

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

RESOLVED – (unanimously) 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. Noise levels from the ventilation system measured at neighbouring noise sensitive premises shall at all times be 10db below background noise levels;
3. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - (a) a detailed plan showing the location of all plant and ductwork;
 - (b) detailed drawings of the location and design of any grilles or louvres proposed;
 - (c) details of the paint colour and finish for the ductwork.

The works shall be carried out in accordance with the details approved and the ventilation system shall not be brought into use until those works have been completed;

4. The charcoal filtration system shall be maintained in a sound working condition in perpetuity unless otherwise agreed in writing by the Local Planning Authority; and
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

SD/328/28B

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 and future residents;
3. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
4. To safeguard the amenity of adjoining and future residents in relation to cooking odours; and

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5. 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.

32. PLANNING APPEALS AND DELEGATED DECISIONS

The Development Manager reported that one appeal had been received and one appeal had been dismissed. He also reported on a number of delegated decisions. All matters had arisen between 4 August 2014 to 29 August 2014.

RESOLVED – that the report be noted.

33. PLANNING APPLICATIONS:

33.1 The Barn, Fairlight Place, Barley Lane, Hastings

Proposal:	Variation of condition 11 (approved drawings) of planning permission HS/FA/13/00691 - Conversion of existing barn to form live/work unit, including re-construction of sections of external walls as indicated. (Minor material amendment showing new emergency exit, new secondary wall, changes to external walls, removal of tree and new vehicular access).
Application No:	HS/FA/14/00465
Existing Use:	Converted barn (unoccupied)
Hastings Local Plan 2004	DG1, DG3, L2, NC3, NC5
Conservation Area:	No
National Planning Policy Framework	No Conflict
Hastings Planning Strategy	SC1, EN2, EN3, EN4

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Development Management Plan

Proposed Submission Version: DM1, DM3, DM6, DM7

Public Consultation: 6 letters of objection received

The Development Manager reported on an application for a minor material amendment to the previous planning consent HS/FA/13/00691 for the conversion of the existing barn to form a live/work unit at The Barn, Fairlight Place, Barley Lane, Hastings.

The site is set among a range of agricultural cottages and farm buildings which previously formed part of the farm complex at Fairlight Place Farm. The farm and buildings are located just outside Hastings Country Park, but within a Local Nature Reserve and the High Weald Area of Outstanding Natural Beauty.

The application is for a minor material amendment to a previous permission HS/FA/13/00691 for the conversion of the existing barn to form a live/work unit. The amendments relate to: new emergency exits, new secondary wall, changes to external walls, removal of trees, new vehicular access.

The Development Manager felt the latest alterations were acceptable, these comprised: the form and step arrangements for the decking on the south side of the barn; the replacement of the shingle areas at the north side of the barn with block pavings; the omission of the planting areas within the front parking area and the introduction of a handrail and steps at the south end of the front parking area.

The Development Manager believed this application would not have a detrimental visual impact on the building or the surrounding Area of Outstanding Natural Beauty subject to details being submitted. He therefore recommended that planning permission be granted subject to conditions.

The Human Rights considerations had 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. This was seconded by Councillor Rogers.

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

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

13.644/04D;**
- 2. The replacement silver birches shall be planted as heavy standards, 14-16cm girth. The trees should be planted between November and March;**

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3. The emergency exits shall be used for this purpose only and shall not be opened at other times;
4. Notwithstanding what is shown on the approved drawing, the planting areas within the front parking area shall be retained in accordance with drawing 13.644/04C;
5. No development shall take place until details of the materials to be used for the decking, block paving and the handrail and steps have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
6.
 - (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 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.

In particular, the surface water drains must not open to allow other liquids to be poured into them and more details are required;
7. 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;
8. 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;
9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows

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and doors other than those expressly authorised by this permission shall be constructed;

10. No development shall commence until details of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority (LPA). This shall include:

- Ecological enhancements to be realised as part of the building design.**
- A management plan (for the future short and long term management of both retained and created habitats).**
- Landscaping specifically designed to mitigate against the effects of artificial lighting and increased human access/disturbance.**

Ecological enhancements may include; the provision of bird and bat boxes, bricks and tiles, the planting of ecological features as part of a landscape plan, green/brown roofs and green facades.

No development shall take place until full details of a protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) Surveys at agreed periods by an agreed expert to determine the possible presence of particular protected species previously specified by the local planning authority.**
- (b) Details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing to breed, (ii) in the process of breeding or (iii) rearing young.**

The surveys, mitigation and contingency measures shall be implemented in accordance with the approved plan, unless otherwise approved in writing by the local planning authority;

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

12. All recommendations outlined in the Contamination Assessment Report and remediation Strategy and Verification Plan shall be undertaken;

13. The proposed work shall be carried out in accordance with the remediation strategy and verification plan. The development shall not be occupied until the remediation verification report is approved in

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writing by the Local Planning Authority; and

14. If during remediation, other contamination not previously identified is found to be present, the applicant should submit a method statement to the Local Planning Authority that details how the unsuspected contamination will be dealt with.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning;
2. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1);
3. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1);
4. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1);
5. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1);
6. To prevent increased risk of flooding;
7. To ensure a satisfactory standard of development;
8. To ensure a satisfactory standard of development;
9. To safeguard the character of the buildings in their particular context;
10. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
11. To ensure an adequate level of off-street parking to serve the development;
12. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1);
13. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1); and
14. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1).

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Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework; and
 3. This planning permission has been issued as a variation to planning permission HS/FA/13/00691. The pre-commencement conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible. There may also be informatives from the previous permission which still apply.
34. ADDITIONAL URGENT ITEMS (IF ANY)

(The Chair declared the meeting closed at. 6.27 pm)

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Agenda Item 5a

AGENDA ITEM NO: 5(a)

Report to: PLANNING COMMITTEE

Date: 08 October 2014

Report from: Development Manager

Application Address: Land Rear Of, 38-40 Nelson Road, Hastings
TN34 3RZ

Proposal: Erection of a pair of semi-detached
houses.

Application No: HS/FA/14/00660

Recommendation: Grant Full Planning Permission

Ward: CASTLE

File No: NE15038R

Applicant: Mr Elphick per CLM Planning Limited 14 Magpie
Close Bexhill on Sea East Sussex TN39 4EU

Interest: Owner

Existing Use: Vacant Land

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA2, SC1, EN1, EN3, EN7, EN8, H1, H2, H3,
T3

Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, HN5, HN7, HN8, HN9

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 6

Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

The proposal is for the erection of a pair of two bedroom semi detached houses on land to the north east of Nelson Road. The site is currently vacant and the main issues are the impact of the proposal on the character and appearance of the area and the amenity of neighbouring residents. After considering all matters, I recommend the proposal for approval subject to conditions.

The site consists of a vacant parcel of land located at Nelson Road. The land is higher than the road and is divided from it by a brick retaining wall. The site adjoins a public right of way (Admiral Steps) to the north west and the rear of 38 - 40 Nelson Road to the north, both of which have been divided into two flats. To the east, the site adjoins a four storey block of flats at a lower level. The site is opposite a row of three storey terraced dwellings.

Nelson Road is of a 'hair pin' type configuration. The topography of the area rises from south to north. The area is residential and is defined mainly by three storey terraced buildings. The majority of neighbouring properties are built of facing brick but some include rendered and part rendered elevations. Although the area is not designated as a conservation area the vertical emphasis and uniform fenestration of the well-preserved Victorian terraces give it a distinctive historic character and appearance

The topography of the area means that the three storey dwellings opposite the application site have a two storey appearance (with basement level) and the dwellings to the rear appear taller.

Details of the Proposal and Other Background Information

Several applications have been made to develop the site for residential accommodation (please see Relevant Site History below) but most have been refused and some dismissed at appeal. With the majority of the previous applications the reasons for refusal have included amenity space for future occupants, overdevelopment, privacy, character and appearance and overbearing.

Most recently planning application: HS/FA/12/00649 was refused for an eco home to be built of transport containers. A subsequent application for a revised scheme (Reference: HS/FA/12/00832), also involving the use of transport containers, was also refused and later dismissed at appeal. In both cases the main issues were the impact of the proposal on the character and appearance of the area and the amenity of neighbouring residents and future occupants of the proposal.

The current scheme is for a pair of semi-detached dwellings which are to be built of facing brick with roof tiles and UPVC windows. Each dwelling is to be two bedroom with private amenity space to the side and rear.

The site is occupied by a Sycamore Tree and is within close proximity to an Oak Tree which lies to the north east of the site's boundary. Both trees are covered by Tree Preservation Order (TPO) No 212. The proposal involves the removal of the sycamore tree and its replacement with two trees either side of the proposed dwellings.

Relevant Site History

- HS/OA/74/00904 Erection of one dwelling and garage.
Refused 13 November 1974.
- HS/OA/75/00670 Erection of one dwelling.
Refused 19 November 1975.
- HS/OA/88/00174 Erection of 3 storey building to provide maisonettes and garages.
Refused 02 June 1988.
- HS/OA/88/00857 Erection of 3 terraced houses with integral garages
Granted 05 December 1988.
- HS/OA/98/00601 Erection of two town houses with integral garages.

Refused 04 December 1998.
 HS/OA/99/00301 3 new 3 bedroom town houses (terrace) with off road parking space & integral garages.
 Refused 09 July 1999. Subsequent appeal dismissed.
 HS/TP/99/00493 Fell one multi-stem sycamore tree (T2).
 HS/TP/12/00412 Fell 1 x sycamore.
 Refused 21 June 2012. Subsequent appeal dismissed.
 HS/TP/12/00599 Prune lower branches and crop top of 1 x sycamore.
 Granted 13 December 2012.
 HS/FA/12/00649 Erection of selfbuild eco home.
 Refused 18 October 2012.
 HS/FA/12/00832 Erection of selfbuild eco home.
 Refused 17 December 2012. Subsequent appeal dismissed.

Details of Consultations

The **Waste and Streetscene Services Team** have advised that bin storage space at the front of each property will need to be provided (Condition 2).

The **Borough Arboriculturalist** is of the opinion that the proposed replacement trees compensate for the loss of the existing sycamore tree.

Comments have been received from **Southern Water** who have provided general advice and recommended the use of an informative regarding the need for a sewer (Informative 3 & 4).

The **Transport Development Control Team** have raised no objection on the basis that 6 additional permit holder spaces are to be provided in the area and the site's location in relation to shops/service and public transport links

A total of **6 letters of objection** and **1 petition of objection** have been received. The main issues raised include: character and appearance, loss of open space, impact on protected trees, quality of living environment (garden length), privacy, loss of parking spaces, drainage (water run-off/natural drainage), ecology, precedent and privacy.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Character and Appearance

The proposed dwellings are to front onto Nelson Road with small front gardens and the dwellings are to be two storeys in height. It is considered that the proposals relationship to Nelson Road is similar to other properties in the area. The topography of the area also means that the two storey height of the proposal reflects that found on the opposite side of Nelson Road.

The proposal includes a brick wall with metal railings across the site's frontage and the dwellings are to be built of facing brick with pitch roofs and feature bay windows with front facing gables. It is considered that these features draw on those found in the surrounding

area and create a vertical emphasis. It is therefore considered that the scheme is in keeping with the broad characteristics found in the locality and that it will preserve the historic character and appearance of the area.

Protected Trees

The protected sycamore tree at the site and the protected oak tree to the east make an important contribution to the streetscene and character of the area. A recent application to fell the sycamore tree (HS/TP/12/00412) was dismissed at appeal. At the time of considering the appeal the Inspector was of the opinion that the tree made an important contribution to the character and appearance of the area. The sycamore tree is to be removed as a result of the proposal but is to be replaced by 2 x Turkish hazel trees either side of the proposed dwellings.

The existing oak tree is to be retained and the supporting arboricultural report confirms that development will be outside the root protection area of the oak tree. Having regard to the comments received from the Borough Arboriculturalist and that the scheme is otherwise considered to be in keeping with the character of the area, it is considered that the replacement trees will ensure that the character and appearance of the streetscene is preserved.

The provision of additional soft landscaping and sympathetic boundary treatments (including the boundary with Admiral Steps) will also help to enhance the appearance of the area and this can be dealt with by way of conditions.

Living Environment

Having regard to the positioning of the proposed dwellings, site levels and the topography of the area, it is considered that the proposal will not result in unacceptable overbearing impacts, sense of enclosure or loss of light.

As the design makes use of the topography of the area, the first floors of the proposed dwellings will be lower than the rear windows of neighbouring properties to the north. Side facing windows are proposed but are to serve bathrooms and will therefore be obscure glazed. This can be dealt with by way of a condition. The proposal will have a conventional relationship with the properties opposite and will not result in adverse impacts on privacy.

The topography of the area ensures that views of the proposed dwellings from the existing 38-40 Nelson Road will be limited. The situation can be further improved by providing a screen along the site's rear boundary, the details of which can be controlled through the recommended boundary enclosure condition. This condition will also ensure that any boundary enclosures do not result in unacceptable overbearing impacts on neighbouring residents

The proposed rear gardens are to be 5.5m in length. Whilst this falls short of the 10m length required by Policy DG11 of the Hastings Local Plan 2004 (HLP) and Policy DM3 of the Hastings Development Management Plan Revised Proposed Submission Version 2014 (DM Plan), the unit to the south east has a garden of at 10.5m in width and the unit to the north west has a garden of 9.5m in width. Having regard to the overall size of the gardens and their positioning to the rear of the proposed dwellings it is considered that they are suitable for family use and therefore acceptable.

The distances from the rear of the proposed dwellings to the rear boundary will only measure 5.5m but only the bedroom at first floor level will face to the rear. The recommended

boundary enclosure condition will ensure that any boundary treatments do not have an oppressive impact on future occupants of the proposal. The living space at ground floor level is located at the front of the property with doors to the side ensuring that future occupants will experience good levels of outlook and light.

It is recommended that permitted development rights for extensions, outbuildings and windows are removed in order to protect the amenity of neighbouring residents.

Loss of Open Space

In accordance with national and local planning policies there is a requirement to protect open space. In this case the site is not designated as open space in either the HLP or the Hastings Planning Strategy 2011-2028 (the Strategy), the land is privately owned and is not accessible for recreational purposes. However, as mentioned above, the sycamore tree makes an important contribution to the streetscene. It is therefore considered that the site does make a contribution to visual amenity. Through the use of conditions to secure the replacement trees, suitable soft landscaping and boundary enclosures, I am of the opinion that the site will continue to make a contribution to visual amenity and the character of the area and that the proposal is therefore acceptable.

Housing Type and Affordable Housing

Both the HLP and the Strategy advise that there are large numbers of small units across the Borough. The proposed dwellings are 2 bedroom and the garden areas are considered to be suitable for families. The proposal will therefore help to address imbalances in the housing stock as required by Policy H2 of the Strategy.

In accordance with Policy H3 of the Hastings Planning Strategy the applicant has agreed to pay a contribution towards affordable housing which will need to be secured by a legal agreement.

Drainage

Having regard to the comments received from Southern Water, it is considered that a condition requesting drainage details to be submitted for approval will be adequate to ensure that surface water is adequately controlled.

Highway Safety and Parking

The proposal does not include any off road parking and therefore there is no requirement for a dropped kerb. The existing on street parking along this section of Nelson Road will therefore remain unaffected by the proposal.

Having regard to the comments of the Transport Development Control Team (TDCT), and that the proposal makes provision for cycle storage, it is considered that the scheme will not result in unacceptable levels of inconvenience or highway safety issues. It is recommended that a condition is imposed requiring cycle parking to be provided.

Ecology and Biodiversity

An ecological report has been submitted with the application which concludes that no additional survey work is required but does make a number of recommendations for

precautions/enhancements which can be made. Subject to a condition to secure the recommendations made it is considered that the proposal will not result in adverse impacts on ecology or biodiversity.

Other Matters

With regard to precedent, it should be noted that each planning application is dealt with on its merits. Whilst the development of a former garden area may be acceptable in one location it may not be in another.

A bin storage condition can be imposed to ensure that a suitable bin store is provided for each dwelling.

Conclusion

It is considered that the proposal will preserve the character of the area and, through the use of conditions, will not result in adverse impacts on its surroundings. I therefore recommended the application for approval subject to conditions and a legal agreement to cover affordable housing and the formation of additional permit parking bays.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

Recommendation

That the Development Manager be authorised to issue planning permission on the completion of a Unilateral Undertaking to secure the provision of a financial contribution towards affordable housing. In the event of the agreement not being completed by 8 April 2015 that the Development Manager be authorised to refuse permission on the grounds that adequate provision has not been made for the provision of affordable housing.

(B) Subject to (A) above grant permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins has been provided to the satisfaction of the Local Planning Authority.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been made available for inspection at the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. 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.

5. 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.
6. No development shall take place until full details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected before the building to which it relates is occupied.
7. The side facing windows at first floor level shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no extensions to the dwellings or outbuildings shall be formed/erected without the grant of an additional planning permission.
9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed.
10. The development shall be completed in accordance with the submitted arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree Protection Plan Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated June 2014 and Supplementary Planting Plan Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated September 2014 prepared by the Mayhew Consultancy Ltd) unless otherwise agreed in writing by the Local Planning Authority.
11.
 - (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.

- (iii) No occupation of any of the dwellings 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.
12. No development shall take place until the measures outlined in the submitted ecological statements and reports (Preliminary Ecological Appraisal Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated July 2014 prepared by The Mayhew Consultancy) have been fully implemented, unless:
- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), 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 ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
13. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development.
14. The development hereby permitted shall be carried out in accordance with the following approved plans:
- Site plan, NR.1124.10 & NR.1124.11
15. The development shall not be occupied until cycle parking areas has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 2. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
- 3. In the interests of the character and amenity of the Conservation Area.
- 4. To ensure a satisfactory form of development in the interests of the visual amenity.
- 5. To ensure a satisfactory form of development in the interests of the visual amenity.

6. To ensure a satisfactory form of development in the interests of the character and amenity of the area and to safeguard the amenity of adjoining and future residents.
7. To protect the amenities of adjoining residential properties.
8. To safeguard the amenity of adjoining and future residents.
9. To safeguard the amenity of adjoining and future residents.
10. In the interests of the visual amenity of the area and to ensure a satisfactory standard of development.
11. To ensure a satisfactory standard of development.
12. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
13. To ensure a satisfactory standard of development.
14. For the avoidance of doubt and in the interests of proper planning.
15. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

Notes to the Applicant

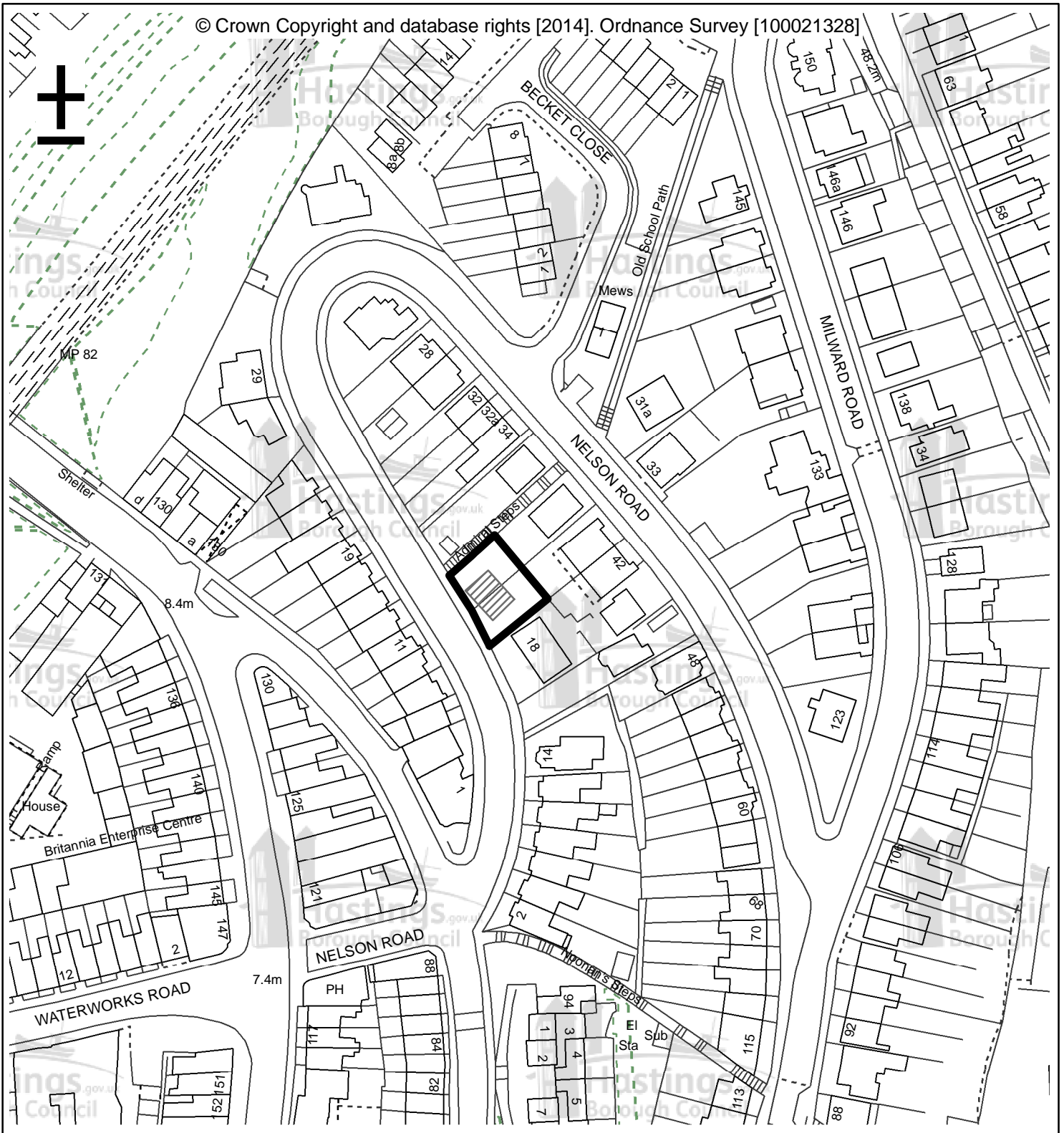
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Consideration should be given to the provision of a domestic sprinkler system.
4. 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.
5. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.

Officer to Contact

Mr T Tanner, Telephone 01424 783336 Page 21

Background Papers

Application No: HS/FA/14/00660 including all letters and documents



**Land Rear Of, 38-40 Nelson Road
Hastings
TN34 3RZ**

Erection of a pair of semi-detached houses.



Development Manager,
Hastings Borough Council,
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 781090
email: dcenquiries@hastings.gov.uk

Date: Sept 2014

Scale: 1:1,250

Application No. HS/FA/14/00660

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Agenda Item 5b

AGENDA ITEM NO: **5(b)**

Report to: PLANNING COMMITTEE

Date: 08 October 2014

Report from: Development Manager

Application Address: **Site of former 18 to 32 (evens) and Land Adjoining, Upper Broomgrove Road, Hastings, TN34 3PH**

Proposal: **Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission HS/OA/11/00311 for residential development (12 flats)**

Application No: **HS/DS/14/00647**

Recommendation: **Approve Reserved Matters**

Ward: BAIRD
File No: BR94000X
Applicant: Park Lane Homes (South East) per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Freeholder
Existing Use: Previously residential now open land

Policies

Hastings Local Plan 2004: NC8, NC9, DG1, DG2, DG3, DG21, DG26 and DG27

Conservation Area: No

National Planning Policy Framework: Sections 4, 12, 7 and 11

Hastings Planning Strategy: FA5, SC1, SC2, SC3, SC4, SC7, EN2, EN3 and T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: LP1, DM1, DM3, DM4, DM5, HN7 and HN8

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 1

Petitions Received: 1

Application Status: Not delegated - Petition received

The application site relates to the site of former 18 to 32 (evens) and land adjoining Upper Broomgrove Road, Hastings. This is an application for reserved matters following the approval of outline planning permission, ref HS/OA/11/00311, for 12 flats. The details submitted with the application include the layout, scale, external appearance, access and landscaping of the development.

The main issues are the impact the development would have on the character of the area, the impact on neighbouring amenities and highway safety concerns. The development has been designed to fit in with surrounding development and the topography of the site. The development is suitably distanced from neighbouring properties to ensure that there will be no harm to residential amenities. The development also provides for sufficient parking.

A petition against the scheme has been submitted but none of the objections raised are considered sufficiently material in order to outweigh the benefits of the development.

I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to the site of former 18 to 32 (evens) and land adjoining Upper Broomgrove Road, Hastings. This site is bounded by Upper Broomgrove Road to the west, Chiltern Drive to the south, and Southdown Avenue to the east. A high voltage power line traverses the site in a north-south direction. The area is characterised by ex Local-Authority housing and the site was formerly occupied by a 1960s block of flats which has been demolished.

The site itself is fairly level, though Chiltern Drive and Southdown Avenue are at a lower elevation, with the land to the south falling much more sharply into the valley bottom. There are bungalows on the Chiltern Drive frontage, outside the application site, and there is a four storey block of flats to the north, as well as the flank wall of 34 Upper Broomgrove Road, though this is set some distance from the site boundary.

Details of the Proposal and Other Background Information

Outline planning permission for 12 flats (compared with the 8 which previously stood on the site) was granted on 23 August 2011. As all matters were reserved that planning permission only established the principle of the proposed development. This application is the reserved matters application and seeks permission for the outstanding details, which include:

- layout;
- scale;
- external appearance;
- access; and
- landscaping.

Previous Site History

HS/OA/11/00311 Residential development
Granted 23 August 2011

HS/OA/06/00546 Residential development (outline application)
Granted 22 December 2006

Details of Consultations

The **Hastings & Rother Building Control Partnership** has raised no objection.

The **Waste & Streetscene Officer** has raised no objection and does not foresee any issue with the refuse collection service.

UK Power Networks has raised no objection.

The **Local Highway Authority** has raised no objection subject to a condition (condition 2).

Southern Water has raised no objections subject the conditions recommended as part of the outline planning permission.

The **Environment & Natural Resources Manager** has raised no objection.

The **Borough Arboriculturalist** has raised no objection.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The main policies/guidance that apply are policies DG1, DG2 and DG3 of the Hastings Local Plan 2004 (HLP); policies SC1 and T3 of the Hastings Local Plan: The Hastings Planning Strategy (HPS); and policies DM1, DM3 and DM4 of the Hastings Local Plan: Development Management Plan (DMP). Others apply and are listed above. The main issues to consider are the impact on the character of the area, the impact on neighbouring residential amenities and impact on highway safety in the context of the following reserved matters:

- layout;
- scale;
- external appearance;
- access; and
- landscaping.

There have been two letters of objection and one petition received against the development. Concerns include:

- Antisocial behaviour and noise disturbance from the flatted block.
- Increased traffic and noise from traffic.
- Impact on local parking provision.
- Impact on road safety.
- Loss of privacy to neighbouring residents.
- Concerns regarding flooding and subsidence.
- Allocation of site as play space.
- Scale out of character with area.
- The site is adjacent to a Site of Nature Conservation Importance (SNCI).
- The site is covered by policy CN3 of the HLP.

Layout

The proposed flatted block is shown in a position similar to the indicative plans submitted with the outline planning permission. Although forward of the building line established by the semi-detached properties north of the site on Upper Broomgrove Road the development sits within a large plot and will be well distanced from other developments. There is also opportunity for a significant landscaped setting.

The position of the block is somewhat constrained by the overhead power lines that cut through the site, so there is little opportunity to move the building to better align it with existing properties. Taking this into account, along with the landscaped setting, I consider that the layout is acceptable and will not cause harm to the character of the area.

The building is closest to 34 Upper Broomgrove Road, adjoining its side boundary. The distance between the existing house and the proposed flatted block is on average 17-18m. Given the change in levels between the two sites and the distances involved it is not considered the layout of the building will have any impact on the neighbouring residential amenities of 34 Upper Broomgrove Road. In addition to its position the windows in the side elevation of the flatted block, which face towards no.34, will be obscure glazed to avoid any concerns related to overlooking.

The flatted block is otherwise suitably distanced from residential properties and will not impact on any other neighbouring residential amenities.

Scale

The proposed development is three storeys tall. The majority of development in the area consists of two storey semidetached properties, with a row of four small bungalows (underneath the overhead power lines) on Chiltern Road and a four storey block of flats immediately north of the site.

In this context a three storey flatted block is acceptable in principle but there does need to be some consideration as to how the development flows along Upper Broomgrove Road given the differences in the size of the proposed block and the existing semidetached properties. Here, the applicant has used the changes in site levels to ensure that the proposed building will not be much higher than 34 Upper Broomgrove Road and will step down further as the site begins to slope down towards the railway line. This design approach is good and will ensure that the large flatted block reads well with development in the rest of the area. The scale of the building will not harm the character of the area.

Given the distances between 34 Upper Broomgrove Road and the proposed development, and the change in levels, the flatted block will not be overbearing towards 34 Upper Broomgrove Road.

The development is suitably distanced from other residential properties to ensure that its scale will not harm any other residential amenities.

The scale of the development allows for suitably sized flats. On average the two bedroom properties would be 65sqm and the one bed properties would be 49.5sqm. Both of these floor space figures are slightly smaller than the floor space requirement of policy DM3 of the DMP - by between 1-2sqm. Despite this shortfall the properties would still provide decent accommodation and given that policy DM3 is yet to be adopted, I do not consider it appropriate to enforce the floor space requirements of policy DM3 so rigidly.

External appearance

The proposed building is a neat, simple design which is compatible with the local area. Some of the semi-detached houses in the area have interesting gable features but otherwise buildings are similarly designed- being mostly brick built with a mixture of gable ended and hipped roofs.

The proposed building includes a hipped roof, mostly brick elevations with some tile hanging and the windows are similarly proportioned to the existing houses.

The proposed external appearance is considered acceptable and will not harm the character of the area.

Access and parking

The indicative plans submitted with the outline planning application showed a meandering vehicular access from Southdown Avenue leading to a car park behind the proposed flatted block. The applicant has decided to change this to a row of parking spaces each directly accessed from Chiltern Drive.

This is a much more sensible approach to parking provision for the development and means that much of the site can now be soft landscaped rather than being taken up with an unnecessarily long road.

The proposed level of parking and the accesses to the individual parking spaces are considered acceptable to Local Highway Authority (LHA).

The petition received raises concerns with highway related matters but there is no substantive evidence submitted that would outweigh the opinion of the LHA. As such it is not considered that the development would result in any highway safety concerns.

Landscaping

The applicant has indicatively shown the basic landscaping for the development. As explained above, much of the site will now be soft landscaped and although full details of this have not been provided as part of this application a full hard and soft landscaping scheme is required as part of the conditions of the outline planning permission.

I am satisfied that the submission of details at a later date is acceptable and that subject to these there will be no harm to the character of the area.

Other matters

The petition submitted with the application claims that the flatted development is likely to lead to anti-social behaviour and noise disruption due to apparent historical problems with the flatted block that occupied the site before. It is not appropriate to assume that future residents would cause any antisocial problems based on a perceived historical problem and, as the development is otherwise not considered an overdevelopment leading to an over concentration of residents that may cause a disturbance the proposed development is considered acceptable.

The petition and objection correspondence raises concerns about flooding claiming that the

site forms part of a flood plain. The site does not form part of a flood plain nor is it part of a flood zone. There not considered to be any unusual flooding or surface water risks associated with this development.

The petition and objection correspondence raises concerns with land instability. From the information submitted by the objectors, it would appear that there has been a misunderstanding about instability and whether subsidence is a significant local problem. The evidence submitted against the application includes a copy of the environmental search likely undertaken as part of a property purchase. There is nothing within this information to prove it relates to the application site or a site nearby and I do not consider that the information within it actually identifies that the site is at significant risk from land instability, especially to a degree that would suggest more detail is required or that the application should be refused.

A local objector specifically quotes from the environmental search that planting trees, changing drainage or building work could cause some subsidence; however, this is a general caveat of the company that provided the search results. The same could be said for any site and as already stated the submitted information does not identify any particular problems with this development site that would suggest permission should be refused or that more detailed land stability information should be required. I am satisfied that the construction of the development would be adequately controlled under the building regulations.

The site is adjacent to an SNCI and Local Wildlife Site. Given the sites proximity to these local biodiversity designations, the application is accompanied by an ecological survey. This survey confirms that there will be no harm to the biodiversity designations and, although badgers are likely to use the site, this proposed development will not preclude the continued use of the site by them or prevent their movements in the local area.

A local objector has included their land charges search results with their objection and specifically notes that policy CN3 of the HLP applies to the area. I am not sure what point is being made here but to clarify the land charges search just identifies possible policies that could apply to new development and policy CN3 requires that large residential developments (50+ units) provide a percentage of new housing units designed for people with restricted mobility. This policy does not apply to this planning application.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I therefore recommend that the reserved matters be granted subject to conditions.

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

Recommendation

Approve Reserved Matters subject to the following conditions:

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

4545/100, 200, 300, 400 and 500

2. The new accesses shall be in the positions shown on the approved drawing

no. 4545/100 and shall be laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior any occupation of the development hereby approved.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.

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 developer is reminded that the conditions of outline planning permission HS/OA/11/00311 still apply and should be complied with in full.

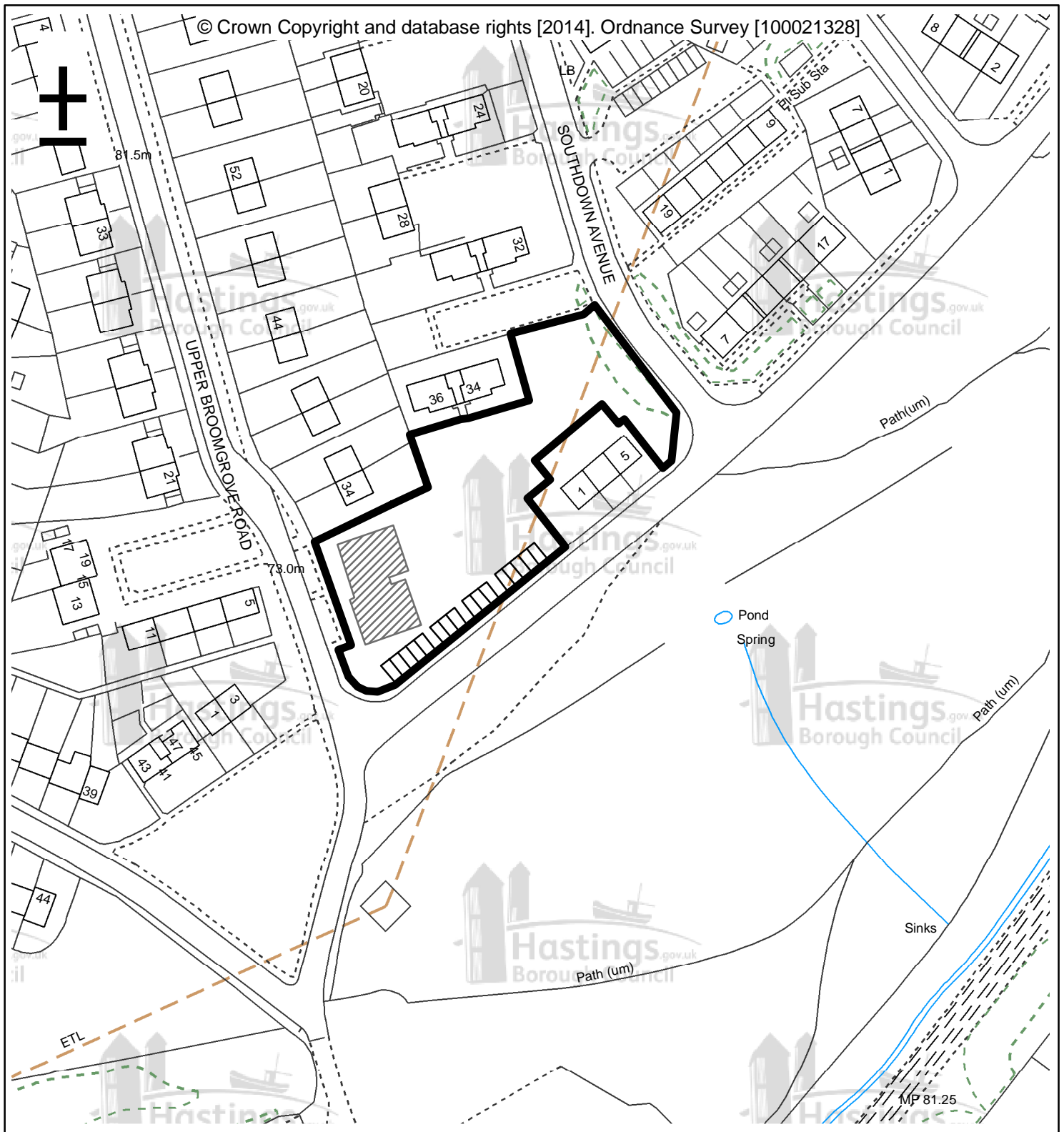
Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/DS/14/00647 including all letters and documents

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**Site of former 18 to 32 (evens) and
Land Adjoining Upper Broomgrove Road
Hastings
TN34 3PH**

Approval of reserved matters (access, appearance, landscaping, layout and scale) of outline planning permission HS/OA/11/00311 for residential development (12 flats)



Development Manager,
Hastings Borough Council,
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 781090
email: dcenquiries@hastings.gov.uk

Date: Sept 2014

Scale: 1:1,250

Application No. HS/DS/14/00647

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Agenda Item 6

Agenda Item: 6

Report to: Planning Committee

Date: 8 October 2014

Report from: Development Manager

Title of report: **PLANNING APPEALS & DELEGATED DECISIONS**

Purpose of report: To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 1 September and 27 September 2014

Recommendations: That the report be noted

Address	Proposal	BPO's Rec.	Where the decision was made	Type of Appeal
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The following appeals have been received

114 Marina, St Leonards-on-sea	Formation of new dormer and replacement of front entrance doors	Refusal	Delegated	Planning
13 Harold Road, Hastings	Conversion of workshop into dwelling house with private garden.	Refusal	Delegated	Planning

There are no appeal decisions this month

Type of Delegated Decision	Number of Decisions
Granted	48
Refused	5
Prior Approval not required	1
General PD (Conditional)	1

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

Mandy Botting - Tel: (01424) 783264 Email: dconquiries@hastings.gov.uk

Agenda Item 7a

AGENDA ITEM NO: 7(a)

Report to: PLANNING COMMITTEE

Date: 08 October 2014

Report from: Development Manager

Application Address: 37 Charles Road West, St Leonards-on-Sea, TN38 0RT

Proposal: Proposed demolition of existing dwelling and erection of 10 new dwellings with 15 parking spaces on land at and adjacent to 37 Charles Road West

Application No: HS/OA/06/00694

Recommendation: Grant Outline Planning Permission (Amend resolution to include affordable housing provision and remove condition 12)

Ward: GENSING

File No: CH28037

Applicant: Mr & Mrs J Frencer

Interest: Freeholder

Existing Use: Nursery/Garden Centre

Summary

This is an outline planning application for the erection of 10 dwellings on the site of the Filsham Nursery in Charles Road West where only the details of siting are to be determined.

The Planning Committee resolved to grant planning permission for this development subject to a Section 106 Agreement for highway improvements on 08 November 2006 (see attached committee report below).

Since that time the Section 106 has remained unsigned and the site has not been sold for redevelopment.

Following recent enquiries from the owner of the site, it has become apparent that should an application such as this be submitted now, Policy H3 of the adopted Hastings Local Plan: The Hastings Planning Strategy would be applicable, and 20% on site affordable housing provision would be required as part of a Section 106 Agreement.

The application is therefore being brought before the Planning Committee again to amend the resolution to include the requirement for affordable housing.

A financial contribution towards junction improvements at the Green was also required as part of the original resolution to grant planning permission.

I understand that some of these works have now been completed. However, a highways

contribution towards further improvements is still required. Reference to this contribution in the Section 106 Agreement should remain.

Condition 12, however, was a duplication of what the highways contribution would pay for and as such is no longer required. The resolution should therefore also be amended to remove reference to condition 12.

The Human Rights considerations have been taken into account fully in balancing the planning issues: Article 8 - right to respect for private and family life and Article 1 of the first Protocol - protection of property; peaceful enjoyment of possessions and property (including commercial).

Recommendation

A) That the Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure the provision of 20% Affordable Housing and contributions towards Highways Improvements. In the event of the agreement not being completed by 8 April 2015 that the Development Manager be authorised to refuse permission on the grounds that adequate provision has not been made for the provision of affordable housing and parking bays.

B) Subject to A) above

Grant Outline Planning Permission subject to the following conditions:

1. 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.
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. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
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. No building hereby permitted shall be occupied until drainage works have been completed, in accordance with details of foul and surface water drainage which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

6. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building.
7. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) within splays, details of which shall be submitted with the details specified in Condition 1.
8. No development shall take place until details of the proposed parking arrangements have been submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the occupation of the building and shall thereafter not be used for any purpose other than the parking of vehicles.
9. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.
10. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the occupation of the houses which they serve.
11. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
 - (i) An appropriate scale plan showing 'wildlife protection zones' where all construction activities are restricted and where protective measures will be installed or implemented.
 - (ii) Details of wildlife features of importance such as ancient woodland, Sites of Nature Conservation Importance and protected species.
 - (iii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures such as the covering of trenches and manholes, during construction; the safeguarding of badgers setts, runs and foraging area, especially relating to the throughput of construction and other vehicular traffic, timing of operational activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas.
 - (iv) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed, such as the bird nesting season and other wildlife breeding seasons.
 - (v) Persons responsible for:
 - (a) Compliance with legal consents relating to nature conservation;
 - (b) Compliance with planning conditions relating to nature

conservation;

- (c) Installation of physical protection measures during construction;
- (d) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
- (e) Provision of training and information about the importance of 'wildlife protection zones' to all personnel on site.
- (f) Species monitoring

This list to be updated whenever necessary to keep the contact list current. All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
2. To safeguard the amenity of adjoining residents.
3. The application is in outline only.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. In order to secure a satisfactory standard of development.
6. To ensure a satisfactory standard of development.
7. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
8. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
10. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
11. In the interests of the safety and wellbeing of any wildlife on the site

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.

2. The applicant is advised to design the houses so as to avoid overlooking at 35 Charles Road west.

Officer to Contact
Ms K Phillips, Telephone 01424 783250

Background Papers
Application No: HS/OA/06/00694 including all letters and documents

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**PLANNING BOARD
6 DECEMBER 2006**

92. 37 CHARLES ROAD WEST

Proposal:	Proposed demolition of existing dwelling and erection of 10 new dwellings with 15 parking spaces on land at and adjacent to 37 Charles Road West
Application No:	HS/OA/06/00694
Existing Use:	Nursery/Garden Centre
Hastings Local Plan 2004:	Policy H3 is applicable
County Structure Plan:	No Conflict
Conservation Area:	No
Public Consultation:	12 letters of objection received

This was an outline application for the erection of 10 dwellings on the site of the Filsham Nursery in Charles Road West. Only the details of siting were to be determined at this stage.

Although 12 letters of objection have been received it was considered that the proposed layout was acceptable. Although the site lies in a low density area it was not considered the proposed density of approximately 40 dwellings per hectare would be excessive and the development was an efficient use of land as set out in Government Guidance PPG3. On balancing all issues, it was recommended for approval.

The Human Rights considerations have been taken into account fully in balancing the planning issues: Article 8 - right to respect for private and family life and Article 1 of the first Protocol - protection of property; peaceful enjoyment of possessions and property (including commercial).

A revised wording of Condition12 was circulated at the meeting.

RESOLVED (by 6 votes to 3)

- A) That the Borough Planning Officer be authorised to issue planning permission on completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the payment of a commuted sum *which is of an amount which is to be agreed* by the local planning authority towards improvements to the junction of Charles Road West and The Green.**
- B) Subject to (A) above grant permission subject to the following conditions:**
- 1. 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;**

**PLANNING BOARD
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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. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved;**
- 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. No building hereby permitted shall be occupied until drainage works have been completed, in accordance with details of foul and surface water drainage which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development;**
- 6. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building;**
- 7. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) within splays, details of which shall be submitted with the details specified in Condition 1;**
- 8. No development shall take place until details of the proposed parking arrangements have been submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the occupation of the building and shall thereafter not be used for any purpose other than the parking of vehicles;**
- 9. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times;**
- 10. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the**

**PLANNING BOARD
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occupation of the houses which they serve; and

11. **No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:**
- (i) An appropriate scale plan showing 'wildlife protection zones' where all construction activities are restricted and where protective measures will be installed or implemented.**
 - (ii) Details of wildlife features of importance such as ancient woodland, Sites of Nature Conservation Importance and protected species.**
 - (iii) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures such as the covering of trenches and manholes, during construction; the safeguarding of badgers setts, runs and foraging area, especially relating to the throughput of construction and other vehicular traffic, timing of operational activities; the erection of protective fencing at agreed distances from sensitive habitats and wildlife areas.**
 - (iv) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed, such as the bird nesting season and other wildlife breeding seasons.**
 - (v) Persons responsible for:**
 - (a) Compliance with legal consents relating to nature conservation;**
 - (b) Compliance with planning conditions relating to nature conservation;**
 - (c) Installation of physical protection measures during construction;**
 - (d) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;**
 - (e) Provision of training and information about the importance of 'wildlife protection zones' to all personnel on site.**
 - (f) Species monitoring**

This list to be updated whenever necessary to keep the contact list current. All construction activities shall be implemented in accordance with the approved details Page 45 of the plan unless otherwise

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approved in writing by the Local Planning Authority.

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 2. To safeguard the amenity of adjoining residents;**
- 3. The application is in outline only;**
- 4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990;**
- 5. In order to secure a satisfactory standard of development;**
- 6. To ensure a satisfactory standard of development;**
- 7. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 8. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 9. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 10. To ensure a satisfactory form of development in the interests of the character and amenity of the area;**
- 11. In the interests of the safety and wellbeing of any wildlife on the site;
and**
- 12. To ensure that the proposed development has a minimum impact upon the existing traffic flow through Charles Road West.**

Notes to the Applicant

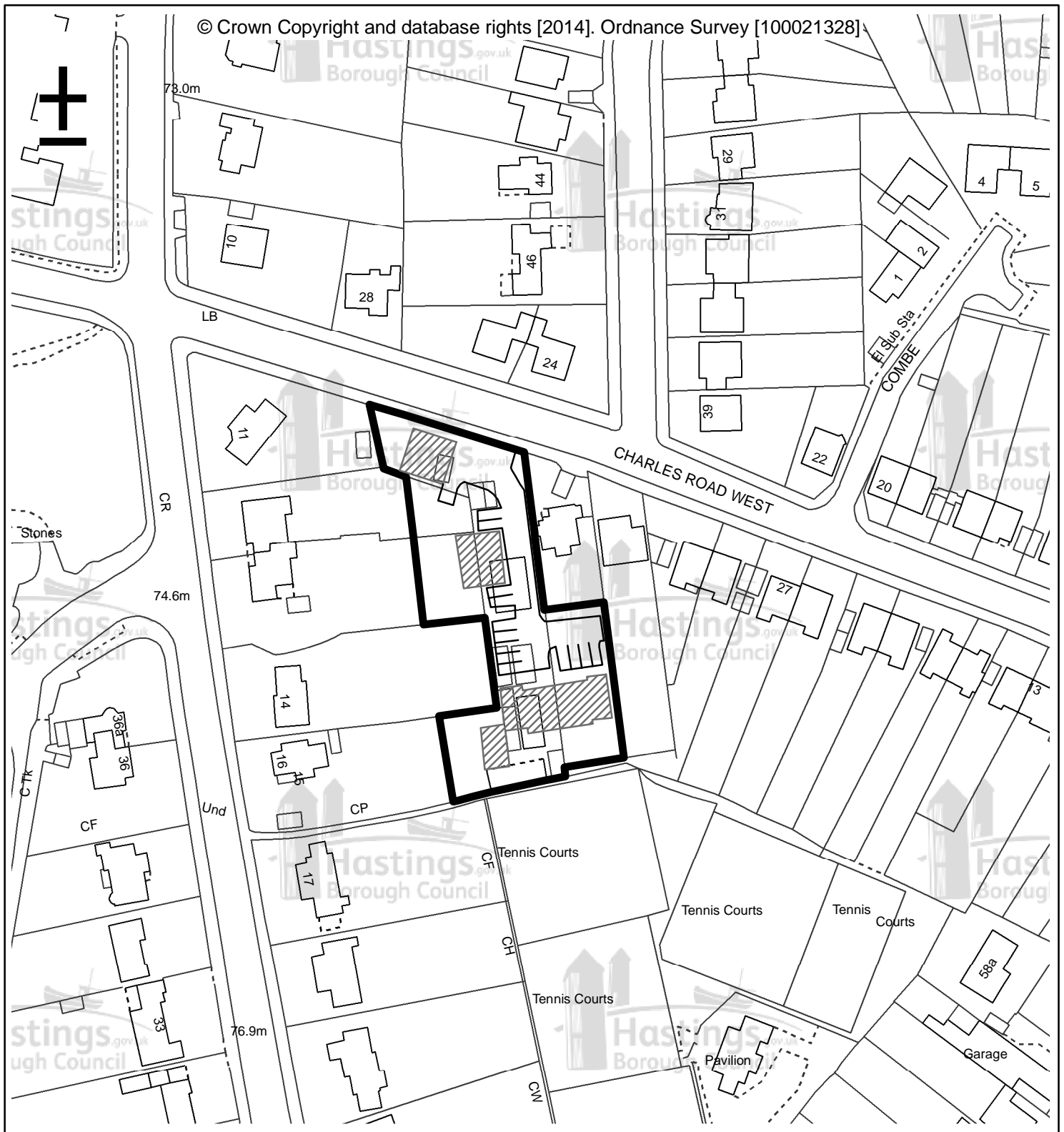
- 1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;**
- 2. The contribution to be negotiated as set out in Condition 12 should be in the region of £8,000;**
- 3. The applicant is advised to design the houses so as to avoid overlooking at 35 Charles Road west; and**
- 4. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).**

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The reason for granting this permission is:

- 1. Having regard to local plan policy and to all other material considerations and taking account of comments and objections from local residents (and other interested parties) the proposed development is considered to be acceptable. There will be no material harm to the neighbourhood in general or to adjoining residents in particular. The character and amenity of the area will not be adversely affected.**

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**37 Charles Road West
St Leonards-on-Sea
TN38 0RT**

Proposed demolition of existing dwelling and erection of 10 new dwellings with 15 parking spaces on land at and adjacent to 37 Charles Road West



Development Manager,
Hastings Borough Council,
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 781090
email: dcenquiries@hastings.gov.uk

Date: Sept 2014

Scale: 1:1,250

Application No. HS/OA/06/00694

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Agenda Item 7b

AGENDA ITEM NO: 7(b)

Report to: PLANNING COMMITTEE

Date: 08 October 2014

Report from: Development Manager

Application Address: Land to rear of Site of former Hurst Court,
316 The Ridge, Hastings, TN34 2RA

Proposal: Erection of detached five bedroom house
and detached double garage

Application No: HS/FA/14/00394

Recommendation: Grant Full Planning Permission

Ward: ST HELENS
File No: RI55316V
Applicant: Hurst Developments (Mauhart) Ltd per Town &
Country Planning Solutions Sandhills
Farmhouse Bodle Street Gre HAILSHAM East
Sussex BN27 4QU

Interest: Freeholder
Existing Use: Grounds of former Hurst Court

Policies

Hastings Local Plan 2004: NC8, NC9, L2, DG1, DG2, DG11 and C6
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: FA2, SC1, SC3, SC4, EN1, EN2, EN3, EN7,
H1, H2, H3 and T3

Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: LP1, DM1, DM3, DM4, HN4, HN7, HN8 and
NN9

Public Consultation

Adj. Properties: Yes
Advertisement: No
Letters of Objection: 3
Petitions Received: 0

Application Status: Not delegated - More than 2 letters of
objection received

Summary

The application site relates to a rear northern part of the former Hurst Court grounds, 316 The Ridge, Hastings. The applicant is proposing to build a new detached house on this land, which will adjoin the 6 detached houses currently under construction.

The main issues to consider are the impact on the character of the area, neighbouring residential amenities, biodiversity, trees, the AONB and highway safety. Having looked into these matters it is considered that the proposed development is acceptable.

The development will not harm the character of the area or the AONB as it is designed to fit in with the existing spacious character of the area and will be relatively well screened from the AONB. The applicant has carried out sufficient work in relation to badgers and proposes appropriate mitigation, including a badger protection area. A suitable amount of trees are being retained in line with local character. And, the development does not involve any highway safety concerns.

Having considered the relevant material matters I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to the rear or northern part of the grounds of the former Hurst Court building at 316 The Ridge. The application specifically relates to the north-western part of the site which adjoins the residential development at Hurst Way and is to the west of the 6 new houses that are being built as part of planning permission HS/FA/13/00970.

Densities are lower in this area of the Borough and the site and its surroundings include a number of trees all adding to the sub-urban / semi-rural character that exists on the transition out of the town.

Details of the Proposal and Other Background Information

The applicant proposes to erect a new dwelling to the west of the new houses that are currently under construction as part of planning permission HS/FA/13/00970.

The house proposed is a detached five-bedroom property with detached double garage. Access is proposed from the new road being built as part of the 6 recently approved houses to the east.

The proposals also include the removal of some trees and mitigation measures in relation to the substantial badger sett to the north and east.

Previous Site History

Aside from applications for the more comprehensive redevelopment of the whole site or larger parcels of land, there have been no recent applications for this particular piece of land.

As mentioned planning permission HS/FA/13/00970 relates to the site in as much as it approves the development of 6 houses immediately to the east of the application site. The adjacent development of six houses includes the access road which allows access to this application site.

Details of Consultations

The **Local Highway Authority** has raised no objection but requests that provision be made for the storage of cycles.

Rother District Council has raised no objection subject to suitable tree retention to screen the development from the High Weald Area of Outstanding Natural Beauty (AONB) and

safeguards to the badger sett.

The **Environment & Natural Resources Manager** has raised no objection subject to conditions.

The **Borough Arboriculturalist** has raised no objection.

There have been three objections to the proposal. Concerns include:

- The quality and breadth of the ecology surveys is considered poor.
- The ecology information is considered out-of-date.
- The position of the house – it should be moved further south to avoid conflict with badgers.
- Drainage infrastructure and the impact on badgers.
- Badger exclusion zones should not form part of the residential curtilage.
- Insufficient drainage information has been submitted.
- Impact on the privacy of Hurst Dene East.
- Licence required from Natural England in relation to badgers.
- Inadequacy of the badger mitigation measures.
- Impacts on vehicular and pedestrian safety.
- Lack of information regarding the provision of services (including superfast broadband) to the dwelling.
- Land instability.
- Lack of information regarding heating of the property.
- No details regarding boundary fencing/walling and the impact this would have on land stability.
- No pre-application advice was sought.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

The main policies/guidance that apply are policies SC1, EN3, EN7 and T3 of the Hastings Local Plan: The Hastings Planning Strategy (HPS); policies DG1, NC8 and NC9 of the Hastings Local Plan 2004 (HLP); and policies DM1, DM3, DM4 and HN8 of the Hastings Local Plan: Development Management Plan (DMP). Others apply and are listed above.

The main issues to consider are the impact on the character of the area, neighbouring residential amenities, biodiversity, trees, the AONB and highway safety.

Impact on the character of the area and the AONB

The proposed single dwelling will read quite neatly as an addition to the 6 houses that are currently under construction to the east of the site. Likewise, the proposed house will fit in with the general pattern of development in the local area which consists of bungalows or detached houses within relatively spacious plots. Materials proposed are considered consistent with the local area. The application is not considered to cause harm to the character of the area.

The proposals will require the removal of some trees but many are retained – particularly along the northern/north-eastern boundary which will screen the development from the neighbouring AONB. Retained trees are proposed to be safeguarded during development . Given the level of tree retention I am satisfied that there will be limited views of the site from the AONB and vice versa. With this in mind I consider that there will be no harm to the AONB.

Impact on neighbouring residential amenities

The proposed development will bring built form closer to existing residential properties - particularly 2 Hurst Way and Hurst Dene East, Stonestile Lane. Saying this, the proposed dwelling is suitably distanced from these neighbouring properties to cause no harm to neighbouring amenities.

In respect of Hurst Dene East, this property is approximately 40m away from the proposed development at a slight angle. Due to this relationship the proposed development is not considered to be overbearing nor will it result in the loss of any light or unacceptable levels of overlooking.

2 Hurst Way is the closest property to the development site. Whilst closer the proposed development is positioned at an obtuse angle to this property and as such I do not consider that there will be any harm to amenities due to loss of light. I am concerned that the vegetation that has established itself along the boundary with 2 Hurst Way is proposed to be removed which would expose the new development slightly, however, due to the angles and distances involved I do not consider that the bulk of the proposed building would cause a sense of overbearing. The proposed building is not orientated to face directly towards the house or garden of 2 Hurst Way and as such it is not considered that the proposed development would cause any unacceptable levels of overlooking.

Whilst the new dwellings to the east are still being constructed it is necessary to consider the possible harm that may come to these properties. Like the assessment above the proposed development is suitably distanced so as to cause no harm to these properties.

Overall it is considered that the proposed development will not cause harm to neighbouring residential amenities.

Impact on biodiversity

The impact on biodiversity and in particular the impact on the substantial badger sett within and adjacent to the site, is the most contentious planning consideration. Essentially, those objecting to the application have raised concerns about the quality of the ecology information submitted and questioned whether the assessment of the extent of the badger sett is sufficient. In turn this has resulted in concerns regarding harm to badgers caused by the development and suitability of the proposed mitigation measures.

It is clear from the information submitted that the applicant's ecologist has been involved with the site over a number of years and as such there is a very good understanding of badger activity in the local area. I understand the concerns of the residents but the fact of the matter is the applicant's ecologist has undertaken a substantial amount of work in relation to the local badger population and has a very good understanding of it. Given the nature of the sett - i.e. its size the length and depth of the tunnels and the ever-changing nature of badger activity - it would always be difficult to account for the full extent of the sett. However, I am satisfied that the applicant has carried out sufficient work to assess the significance of the local badger sett and that suitable mitigation measures are proposed.

One of the mitigation measures includes the provision of substantial badger protection area. Those objecting to the application raise concerns about whether the area is large enough, whether the underground and overground fencing proposed is sufficient to protect both badgers and the house and whether the construction of the fencing will actually cause harm to badgers. Again, I appreciate the concerns raised but the applicant's ecologist and the Council's own ecology expert are satisfied with the proposed level of mitigation. In addition all works will need to be carried out under licence by a suitably qualified ecologist and, if during these works badger habitat not previously known is discovered, appropriate action will be taken in accordance with the recommendations of the ecologist. I consider the proposed mitigation acceptable.

The Environment & Natural Resources Manager considers that the badger matter has been appropriately addressed but to safeguard their welfare he recommends additional conditions be attached to any planning permission to ensure badgers are protected during the construction of the development.

I also recommend a condition stating that the badger protection area must not be used as private garden space and that the badger protection fencing shall remain in situ.

The applicant's ecologist has confirmed that there will be no harm to other protected species.

Trees

The proposed development will include the removal of a number of trees but also includes the retention of many others. In consultation with the Borough Arboriculturalist these works are considered acceptable. There will be no harm to the character of the area or the AONB through the small amount of tree loss and the retained trees will adequately be protected during construction.

Objections to the development have suggested that the installation of the badger protection fencing will cause harm to retained trees but from the information available to me it would appear that the badger fencing will fall outside of the root protection areas of the retained trees. This is acceptable.

Highway safety

The proposed development is to be accessed from the road which serves the adjoining new development of 6 houses. This access is considered suitable.

The development site is large and includes a detached double garage and driveway. This will provide for sufficient vehicular parking.

The Local Highway Authority recommend that cycle parking is secured via condition as there is no dedicated cycle storage shown on the approved drawings. The proposed garage is not considered large enough for both vehicular and cycle storage. Securing cycle storage is consistent with Supplementary Planning Document "Parking Provision in New Developments" and a condition to achieve this is considered reasonable.

Other matters

Drainage details can be secured via condition. The possible impact that drainage and other services will have on local badgers will need to be covered in the construction management plan which the Environment & Natural Resources Manager recommends be secured via

condition.

One of the objectors is concerned that the development does not provide for superfast broadband. It is a requirement of policy SC1 of the HPS that new development should make provision for fibre optic broadband and I recommend that this is secured by condition.

One of the objectors is concerned with land instability and has submitted photographs to evidence this. Unfortunately the submitted photographs do not appear to clearly identify any instability issues. From my site visit it was clear that, whilst there are changes in levels in the area, the plot of the house was relatively level. There does not appear to be any reason to investigate this matter further or to require stability information by condition.

The site is within an archaeological notification area. Previous studies have shown that this site has been intensively landscaped in the past and there is little opportunity for the discovery of archaeological remains. This matter does not need to be considered further.

The development is subject to an affordable housing financial contribution in accordance with policy H3 of the HPS. The applicant has signed a unilateral agreement to secure this financial contribution as part of the planning permission.

Conclusion

Given the above discussion I recommend that planning permission be granted subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

Recommendation

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:

4456/1/D, 4456/24456/3, 4456/4 and 4456/14/A
3. 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. 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.

4. 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.

5. No development shall take place until the tree protection measures outlined in the submitted arboricultural statements and reports (Arboricultural implications assessment for proposed detached house and garage by Tim Laddiomann of Broad Oak Tree Consultants Limited), dated 22 April 2014 (ref J48.72) 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 varied, by way of prior written approval from the Local Planning Authority.

Other tree works shall otherwise be undertaken wholly in accordance with the same arboricultural report unless varied by way of prior written approval from the Local Planning Authority.

6. No development shall take place until the measures outlined in the submitted ecological statements and reports (Ecological Scoping Survey by Martin Newcombe), dated 30 April 2014 have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), 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 ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

7. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
 - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipe work greater than 150 mm outside diameter being blanked off at the end of each working day.

The development shall be carried out in accordance with the approved details.

8. 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.
 - 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.

9. No development 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 furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
10. 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.
11. No development shall commence until details for the provision of dedicated cycle storage has been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details prior to the occupation of the dwellinghouse hereby approved.
12. For clarity the badger protection area, as shown on approved drawing no. 4456/1/D, does not form part of the residential curtilage of the dwellinghouse

hereby approved.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no development or use of the land identified as a badger protection area on drawing no. 4456/1/1D shall take place without the grant of an additional planning permission.
14. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory form of development in the interests of the visual amenity.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. In the interests of the health of the trees and to protect the visual amenity.
6. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
7. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
8. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
9. To ensure a satisfactory form of development in the interests of the visual amenity.
10. To ensure a satisfactory form of development in the interests of the visual amenity.
11. To ensure that the site is accessible by non-car modes or transport in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy and the Supplementary Planning Document: Parking provision in new development.
12. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
13. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
14. In accordance with policy SC1 part (f) of the Hastings Local Plan: The

Notes to the Applicant

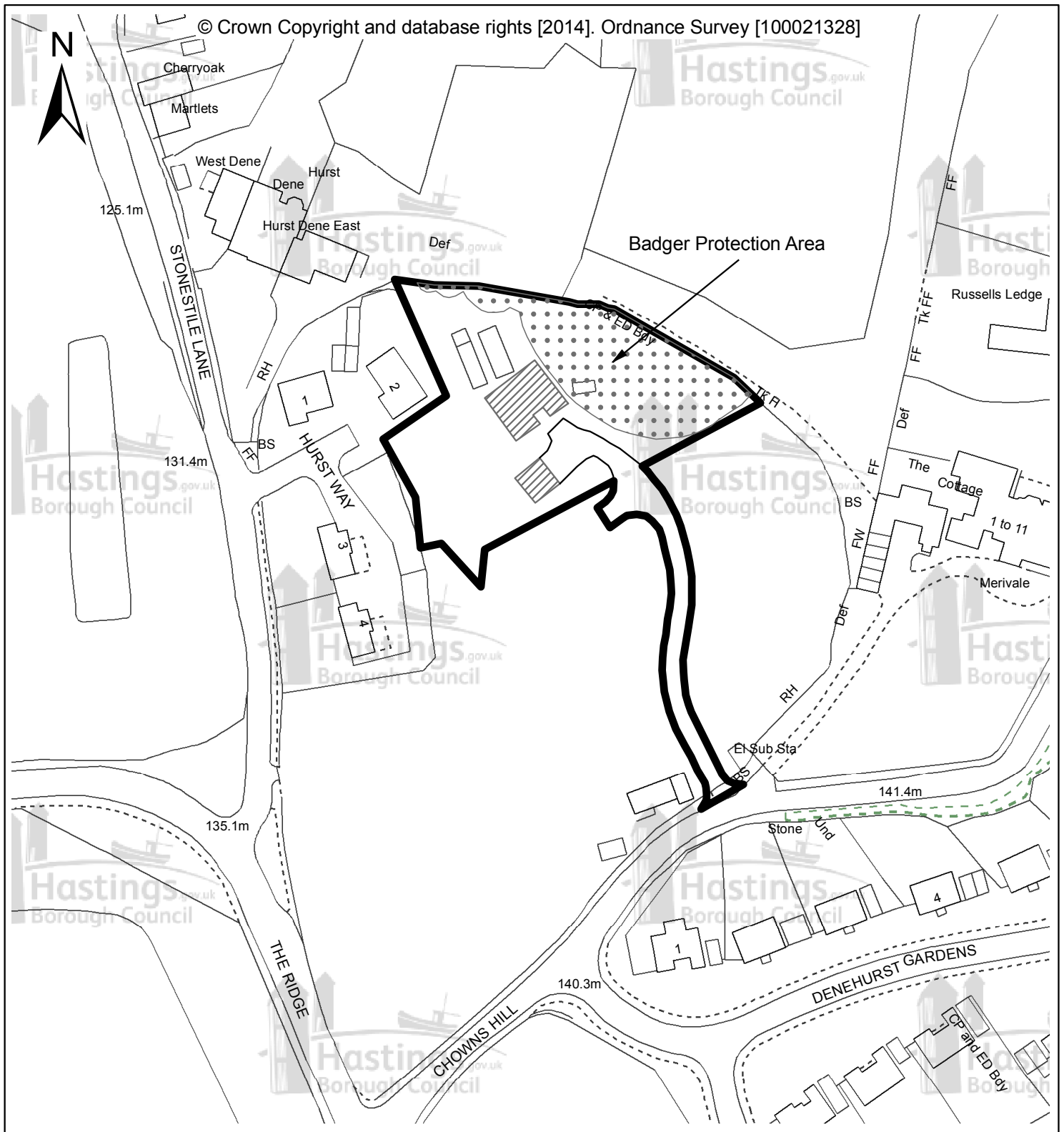
1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. There are badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett. A licence from Natural England will be required to carryout works related to protected species.
4. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/14/00394 including all letters and documents



Land to rear of Site of former Hurst Court
316 The Ridge
Hastings
TN34 2RA

Erection of detached five bedroom house and detached double garage



Development Manager,
 Hastings Borough Council,
 Aquila House, Breeds Place,
 Hastings, East Sussex TN34 3UY
 Tel: 01424 781090
 email: dcenquiries@hastings.gov.uk

Date: Aug 2014

Scale: 1:1,250

Application No. HS/FA/14/00394

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