

Planning Committee Agenda

Wednesday, 5 November 2014 at 6.00 pm

Town Hall, Queens Road, Hastings, TN34 1QR

If you are attending the Town Hall for this meeting, please enter the building via the Community Contact Centre entrance.

For further information, please contact Emily Horne on 01424 451719 or email ehorne@hastings.gov.uk

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of the meeting held on 8 October 2014 (attached)	1 - 20
4.	Notification of any additional urgent items	
5.	Planning Appeals and Delegated Decisions	21 - 22
6.	Planning Applications:	
	(a) Shearbarn Holiday Park, Barley Lane	23 - 30
	(b) Land North of 14 Fern Road	31 - 38
	(c) Site of former Old Roar House, 104 Old Roar Road	39 - 50
	(d) Former Nursery Site, Redgeland Rise	51 - 62
7.	Additional Urgent Items (if any)	

This page is intentionally left blank

Agenda Item 3

PLANNING COMMITTEE

8 OCTOBER 2014

Present: Councillors Street (Chair), Rogers, Scott (Vice-Chair), Wincott, Beaney, Beaver, Edwards, Charman (as the duly appointed substitute for Cllr Roberts) and Webb (as the duly appointed substitute for Cllr Dowling)

35. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Dowling, Lee and Roberts.

36. DECLARATIONS OF INTEREST

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

<u>Councillor</u>	<u>Minute</u>	<u>Interest</u>
Charman	7 – 37 Charles Road West	Prejudicial – Parents residence.
Scott	8 – Land to the rear of Site of former Hurst Court, 316 The Ridge	Personal – East Sussex County Councillor in respect of Highways

37. MINUTES OF THE MEETING HELD ON 10 SEPTEMBER 2014

RESOLVED – That the minutes of the meeting held on 10 September 2014 be approved and signed by the Chair as a true record.

38. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

39. PLANNING APPLICATIONS ATTRACTING A PETITION:

39.1 LAND REAR OF 38-40 NELSON ROAD

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

Application No: HS/FA/14/00660

Existing Use: Vacant Land

Hastings Local Plan 2004 DG1, DG2, DG3, DG11

Conservation Area: No

PLANNING COMMITTEE

8 OCTOBER 2014

National Planning Policy Framework No Conflict
Hastings Planning Strategy FA2, SC1, EN1, EN3, EN7, EN8, H1, H2, H3,
T3
Development Management Plan
Proposed Submission Version: DM1, DM3, DM4, HN5, HN7, HN8, HN9
Public Consultation: 1 petition and 6 letters of objection received.

The Development Manager reported on an application for the erection of a pair of two bedroom semi-detached houses at Land rear of 38-40 Nelson Road, Hastings.

The site consists of a vacant parcel of land located at Nelson Road. The area is residential and is defined mainly by three storey terraced buildings.

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 proposal also involves the removal of a preserved sycamore tree and its replacement with two trees either side of the proposed dwellings.

The main issues considered were the impacts on the character and appearance of the area; amenity of neighbouring residents; protected trees; living environment; loss of open space; housing type and affordable housing; drainage; highway safety and parking; and ecology and biodiversity.

The Development Manager felt the proposal would preserve the character and appearance of the area and through the use of conditions would not result in adverse impacts on its surroundings. As such he recommended the application be approved subject to conditions and a legal agreement to cover affordable housing and the formation of additional permit parking bays.

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

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

The applicant, Mr Cos Polito, was present, but chose not speak in the absence of the petitioner.

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

RESOLVED – (unanimously) that:-

(A) 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

PLANNING COMMITTEE

8 OCTOBER 2014

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;

PLANNING COMMITTEE

8 OCTOBER 2014

- 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

PLANNING COMMITTEE

8 OCTOBER 2014

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;

PLANNING COMMITTEE

8 OCTOBER 2014

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; and
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; and
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.

39.2 SITE OF FORMER 18-32 (EVENS) AND LAND ADJOINING UPPER BROOMGROVE ROAD

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
Existing Use:	Previously residential now open land

PLANNING COMMITTEE

8 OCTOBER 2014

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
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4, DM5, HN7 and HN8
Public Consultation:	1 Petition and 1 letter of objection received

The Development Manager reported on an application for the Approval of Reserved Matters following approval of outline planning permission HS/OA/11/00311 for residential development of 12 flats at site of former 18 to 32 (evens) and Land adjoining upper Broomgrove Road, Hastings.

The site is bounded by Upper Broomgrove Road to the west, Chiltern Drive to the south, and Southdown Avenue to the east. 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, set some distance from the site boundary.

This application is the reserved matters application and seeks permission for the outstanding details, which include: layout, scale, external appearance, access and landscaping of the development.

The development has been designed to fit in with surrounding development and the topography of the site. It is distanced from neighbouring properties to ensure that there will be no harm to residential amenities. Provision for sufficient parking will be provided. The main issues considered were the impacts of the development on the character of the area; neighbouring amenities and highway safety concerns.

Through the use of conditions, the Development Manager considered the proposal would not result an adverse impact and therefore recommended approval.

An additional communication containing photos from the petitioner was submitted since the publication of the-agenda. It was circulated prior to the start of the meeting.

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

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

The applicant, Mr Mike Pickup, was present and spoke in support of the application.

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

PLANNING COMMITTEE

8 OCTOBER 2014

RESOLVED – (unanimously) that Reserved Matters be granted 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; and
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; and
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.

40. **PLANNING APPEALS AND DELEGATED DECISIONS**

The Development Manager reported that two appeals that had been received. He also reported on a number of delegated decisions. All matters had arisen between 1 September and 27 September 2014.

RESOLVED – that the report be noted.

PLANNING COMMITTEE

8 OCTOBER 2014

41. PLANNING APPLICATIONS:

41.1 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

The Development Manager reported on an outline application for the demolition of existing dwelling and the erection of 10 new dwellings with 15 parking spaces on land at Filsham Nursery adjacent to 37 Charles Road West where only 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. Since that time the Section 106 has remained unsigned and the site has not been sold for redevelopment.

This application was brought before the Planning Committee to obtain approval 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. Although some of these works have now been completed, a highways contribution towards further improvements is required. Reference to this contribution in the Section 106 Agreement remains.

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

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).

Councillor Scott proposed a motion to approve the application, subject to the amendment of Recommendation A by deleting the words "parking bays" and replace with the words "highway improvements" and the addition of Note 3 as set out in the resolution below. This was seconded by Councillor Wincott.

RESOLVED – by (7 votes to 0, with 1 abstention) that:-

- 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**

PLANNING COMMITTEE

8 OCTOBER 2014

Development Manager be authorised to refuse permission on the grounds that adequate provision has not been made for the provision of affordable housing and highway improvements.

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 COMMITTEE

8 OCTOBER 2014

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;**

PLANNING COMMITTEE

8 OCTOBER 2014

- (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; and**
- 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**

PLANNING COMMITTEE

8 OCTOBER 2014

result in enforcement action without further warning; and

2. The applicant is advised to design the houses so as to avoid overlooking at 35 Charles Road west.
3. Consideration should be given to the provision of a domestic sprinkler system.

41.2 LAND TO REAR OF SITE OF FORMER HURST COURT 316 THE RIDGE

Proposal:	Erection of detached five bedroom house and detached double garage
Application No:	HS/FA/14/00394
Existing Use:	Grounds of former Hurst Court
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
Development Management Plan	
Proposed Submission Version:	LP1, DM1, DM3, DM4, HN4, HN7, HN8 and NN9
Public Consultation:	3 letters of objection received

The Development Manager reported on an application for the erection of a detached five bedroom house and detached double garage at the former Hurst Court grounds, 316 The Ridge, Hastings.

The application site specifically relates to the north-western part of the site which adjoins the residential development at Hurst Way.

The proposed detached house will adjoin the 6 detached houses currently under construction.

Proposals also include the removal of some trees and mitigation measures in relation to the substantial badger sett to the north and east. The building materials proposed will be consistent with the local area.

The main issues considered were the impacts on the character of the area and the AONB, neighbouring residential amenities, biodiversity, trees, the AONB and highway safety.

PLANNING COMMITTEE

8 OCTOBER 2014

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

The Development Manager felt the development would not harm the character of the area or the AONB as it had been designed to fit in with the existing spacious character of the area and will be relatively well screened from the AONB. He believed the applicant had carried out sufficient work in relation to badgers and proposed appropriate mitigation, including a badger protection area. Furthermore, a number of trees will be retained in line with local character and the development will not involve any highway safety concerns. Therefore, he recommended that planning permission be granted subject to conditions.

One further email of objection had been received since the publication of the agenda. It was circulated prior to the start of the meeting.

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

Councillor Beaver proposed a motion to approve the application, subject to the addition of Note 5 as set out in the resolution below. This was seconded by Councillor Wincott.

RESOLVED – by (8 votes to 1) 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:

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

PLANNING COMMITTEE

8 OCTOBER 2014

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

PLANNING COMMITTEE

8 OCTOBER 2014

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; and
 - h) Use of protective fences, exclusion barriers and warning signs.

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

- 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;

PLANNING COMMITTEE

8 OCTOBER 2014

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; and
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);

PLANNING COMMITTEE

8 OCTOBER 2014

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); and
14. In accordance with policy SC1 part (f) of the Hastings Local Plan: The Hastings Planning Strategy.

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; and
4. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
5. Consideration should be given to the provision of a domestic sprinkler system.

42. ADDITIONAL URGENT ITEMS (IF ANY)

None.

(The Chair declared the meeting closed at. 6.40 pm)

PLANNING COMMITTEE

8 OCTOBER 2014

This page is intentionally left blank

Agenda Item 5

Agenda Item: 5

Report to: Planning Committee

Date: 5 November 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 29 September and 24 October 2014

Recommendations: That the report be noted

Address	Proposal	BPO's Rec.	Where the decision was made	Type of Appeal
----------------	-----------------	-------------------	------------------------------------	-----------------------

The following appeals have been received

3-5 Tower Road West, St Leonards-on-sea	Demolition of existing shop and erection of 2 self-contained flats.	Refusal	Delegated	Planning
---	---	---------	-----------	----------

The following appeals have been dismissed

43-53 Norman Road, St Leonards-on-sea	Formation of walkway through to no 51 Norman Road by demolition of modern extension (separate application approved). Conversion of offices over 49-53 to three apartments, Erection of four flats and one house on Shepherd street. Retention of storage and retail use for art gallery/shop at 43-49 and fine art to 53 Norman Road	Refusal	Delegated	Planning
---------------------------------------	--	---------	-----------	----------

Type of Delegated Decision	Number of Decisions
Granted	43
Refused	10

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

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

Agenda Item 6a

AGENDA ITEM NO: **6 (a)**

Report to: PLANNING COMMITTEE

Date: 05 November 2014

Report from: Development Manager

Application Address: Shearburn Holiday Park, Barley Lane,
Hastings, TN35 5DX
Proposal: Erection of wooden reception building and
retrospective consent for play equipment
Application No: HS/FA/14/00762
Recommendation: Grant Full Planning Permission

Ward: ORE
File No: SH20000X
Applicant: Shearburn Holiday Park per Wheatman
Planning Limited Wheatman Planning Ltd
Beacon Innovation Centre Beacon Park,
Gorleston, Norfolk. NR31 7RA

Interest: Freeholder
Existing Use: Holiday Park

Policies

Hastings Local Plan 2004: T7, DG1, L2, L3
Conservation Area: No
National Planning Policy Framework: Sections 3, 7, 11
Hastings Planning Strategy: FA5, EN7
Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: DM1, DM3, HN9, CC1

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 14
Petitions Received: 0

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

Summary

This is a full planning application seeking permission to relocate the existing 'late arrival' reception building and retrospective permission for some play equipment with a fenced enclosure. The existing and proposed location of the reception building and the location of the play equipment are within the touring caravan and camp site on the north-west side of Barley Lane.

The proposal is considered to be acceptable and it is recommended that planning permission be granted, subject to conditions.

The Site and its Location

Shearburn Holiday Park is within the High Weald Area of Outstanding Natural Beauty (AONB) and is adjacent to Hastings Country Park. The site is divided by Barley Lane with the Holiday Park on the south-east side and the touring caravan and camp site on the north-west side.

The development that forms part of this application relates to the touring caravan and camp site. There are three shower and toilet blocks, a gas compound, a storage shed and bin stores around the site. The boundary comprises mainly trees and wild hedges and there are also mature trees and planted areas within the site. Residential properties are located to the north-west of the site and Barley Lane runs alongside the south-east boundary, between the holiday chalets and the touring caravan and camp site. There are two 'public rights of way' through the site from the residential properties to Barley Lane.

Details of the Proposal and Other Background Information

Reception Building:

The building is currently located just inside the entrance of the touring caravan and camp site. It is to be relocated to position approximately 28 metres to the north of its present location onto a currently grassed area. The reason for re-siting the building is to improve the supervision of the arrivals to the touring caravan site and improve supervision of the site in general.

The reception building measures 3.6 metres by 4.5 metres and is 2.8 metres in height. It is of a timber construction with a green felt, pitched roof.

Play Equipment:

The applicant advises that the play equipment has been in place for approximately 12 months. It is mainly of timber construction and comprises a bus, two spring sit-on animals, a basket swing and a play boat. Some of the equipment has a painted timber finish. All the pieces of play equipment are enclosed by a timber picket style fence.

Previous Site History

HS/AA/14/00823 3no. replacement pole mounted frontage signs
Granted 18 June 2014

HS/FA/07/00913 Erection of extension to form a security office at the end of the existing toilet block
Granted 18 December 2007

- HS/FA/07/00353 Conversion of existing house into two apartments for on site staff accommodation.
Granted 16 July 2007
- HS/FA/07/00140 Reposition entrance gates into existing touring field further back into site, erect timber post and rail fence from boundary to gates to each side of entrance road. Site 2no. static caravans adjacent to entrance to touring field for security control and warden accommodation.
Refused 4 May 2007

Details of Consultations

There have been 14 objections to the planning application following neighbour consultation, the display of a Site Notice and advertisement in the Hastings and St Leonards Observer. The concerns that have been commented on by objectors relate to the impact on the AONB and the adjacent Hastings Country Park.

The **High Weald AONB Unit** comments that the development “..... *does not appear to directly affect the components of natural beauty identified by the High Weald AONB Management Plan, but the proposal may have local and negative impacts on people’s experience, tranquillity and physical experience of the landscape (MP para 2.3) and it would be advisable for the applicant to fully assess and then address these potential impacts. Should Hastings Borough Council be minded to approve this application, it is recommended that the finish and details of the buildings and equipment be appropriately treated to reflect the rural ‘countryside park’ setting and reduce any local impacts the developments may have on the local area.*”

The **Environment and Natural Resources Manager** has no objection to the application.

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 following policies apply:

Hastings Local Plan 2004:

T7 - Development within Caravan Sites, L2 - High Weald Area of Outstanding Natural Beauty, L3 - Development Outside the Built-Up Area and DG1 - Development Form.

Development Management Plan Revised Proposed Submission Version (DM Plan):

DM1 - Design Principles, DM3 - General Amenity, HN9 - Areas of Landscape Value and CC1 - Caravan, Camping and Chalet Sites

Hastings Planning Strategy 2011-2028:

FA5 - Strategy Policy for Eastern Area and EN7 - Conservation and Enhancement of Landscape.

National Planning Policy Framework:

Sections 7 - Requiring Good Design and 11 Conserving and Enhancing the Natural Environment.

The main consideration for this application is the visual impact on the High Weald AONB, Hastings Country Park and the area in general.

Amenity and Impact on the AONB and Hastings Country Park

The relocation of the existing reception building is to a position further into the site, away from public areas. The building has a natural timber finish which has weathered during its time in its present location. It is considered that it relates well with the rural setting and the setting of the touring caravan and camp site.

The play equipment and fence which, having visited the site, have clearly been in situ for some time have also weathered giving a soft, natural appearance. The equipment is low level and appears visually appropriate in its location.

Due to the screening provided by the boundary treatment and the trees throughout the site, it is not considered that the reception building or the play equipment will be overly visible when viewed from Barley Lane or nearby residential properties. Although the building will still be visible from the entrance at Barley Lane, by virtue of its design, scale, bulk and finish, it is not considered to be prominent or out of keeping with the setting of the caravan site or the area in general.

Any views from the Country Park will be very much in the distance and it is therefore not considered there will be any visual harm or any adverse impact on its character or appearance.

Provision of visitor facilities

The new location for the reception building and the provision of play equipment will enhance facilities for visitors to the site and are therefore in accordance with Policy T7 in Hastings Local Plan 2004 and Policy CC1 of the DM Plan. Furthermore, Section 3 of the NPPF requires planning policies to support economic growth in rural areas and to “.....*support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;.....*”

Public Safety and Convenience

The relocation will allow a number of vehicles to pull into the site and, if queues form, they are less likely to need to queue on Barley Lane itself.

Land Stability

Although there are issues with land stability in this general area, the site of the play equipment and building are relatively flat and there is not considered to be an issue with land stability in relation to these proposals.

Recommendation

Shearburn Holiday Park is an existing caravan park which is designated as such within the Hastings Local Plan 2004 and it is one of the primary tourist accommodation sites in the Borough. It is considered the reception building and play equipment will enhance facilities within the site and they are appropriate to the character and appearance of the touring caravan and camp site. There is no significant adverse impact on the rural amenity enjoyed by visitors to the Country Park, the landscape character of the Country Park, the AONB or the area in general. It is therefore recommended 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.

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 reception building hereby approved shall have a natural timber finish unless otherwise approved in writing by the Local Planning Authority.
3. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan, H2/130901/01, H2/130901/03, H2/130901/04 & H2/130901/05.

Reasons:

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

Notes to the Applicant

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

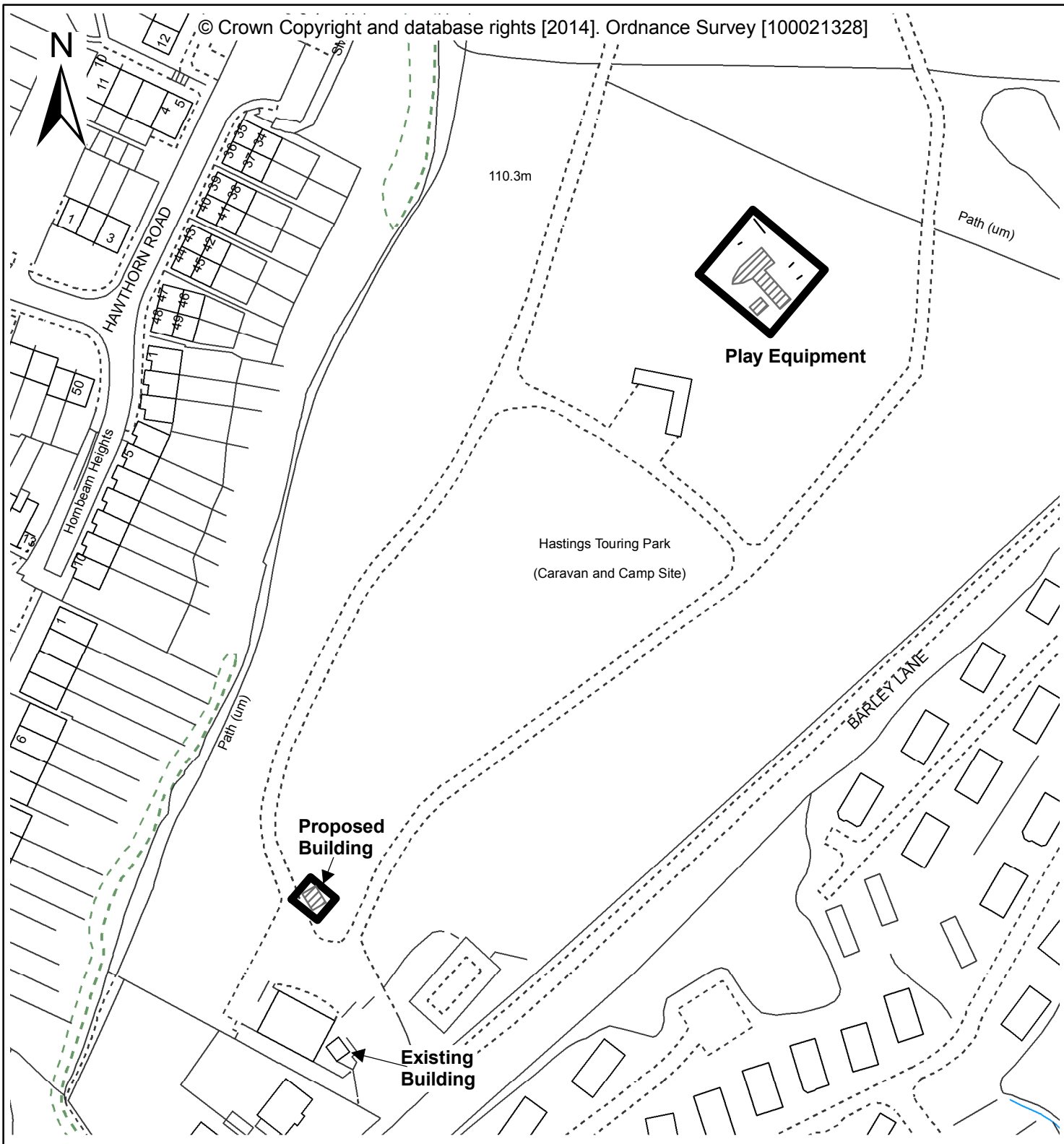
Officer to Contact

Mrs C Boydell, Telephone 01424 783298

Background Papers

Application No: HS/FA/14/00762 including all letters and documents

This page is intentionally left blank



Shearburn Holiday Park
Barley Lane
Hastings

Erection of wooden reception building and retrospective consent for play equipment



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

Date: Oct 2014

Scale: 1:1,250

Application No. HS/FA/14/00762

Terms and Conditions of Use of Ordnance Survey Material i) You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council make it available; ii) You are not permitted to copy, sub-license, distribute, sell or otherwise make available any Data to third parties in any form; and iii) Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank

Agenda Item 6b

AGENDA ITEM NO: 6(b)

Report to: PLANNING COMMITTEE

Date: 05 November 2014

Report from: Development Manager

Application Address: Land North of 14, Fern Road, St Leonards-on-sea, TN38 0UH

Proposal: Variation of condition 10 (approved plans) of Planning Permission HS/FA/08/00797 - minor alterations to elevations

Application No: HS/FA/14/00713

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL

File No: FE60000X

Applicant: Park Lane Homes (South East) Limited per Pump House Designs Pump House Yard The Green SEDLESCOMBE, East Sussex. TN33 0QA

Interest: Freeholder

Existing Use: Vacant Land

Policies

Hastings Local Plan 2004: DG1

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: No Conflict

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1 and DM3

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 4

Petitions Received: 0

Application Status - Not delegated as 4 letters of objection have been received

Summary

Planning permission (HS/FA/08/00797) for the development of 14 semi-detached houses on this site was originally refused by members at Planning Committee on the 27th April 2011. The application was subsequently allowed at appeal on the 1st December 2011 and costs were awarded against the Council.

Site and Location

The application site lies on the east side of Fern Road and is currently a vacant, grassed site which slopes steeply down from the rear of the site to Fern Road. The space is positioned between numbers 14 and 31 Fern Road. A public footpath crosses the site. Adjoining properties are two storey detached houses.

Proposal

This application is for the variation of condition 10 of planning permission HS/FA/08/00797. The previous permission was for a new housing development of 14 x 2 bedroom semi-detached dwellings. Condition 10 relates to the approved drawings for this scheme. By varying this condition the applicant is proposing to replace some of the approved drawings showing changes to the design of the houses.

Planning History

HS/PR/07/00739 - Certificate of lawfulness of proposed development in respect of operational development constituting a material start on the erection of 10 houses permitted 25 February 1966 reference 65/1165. - Granted - 31 October 2007

HS/FA/08/00797 - Fourteen semi-detached houses with garages on vacant land - Allowed at appeal - 27 April 2011

HS/FA/11/00546 - Fourteen semi-detached housing with garages on vacant land - Refused at committee - 15 September 2011

HS/FA/14/00801 - Discharge of conditions Condition 2a (Samples of External Materials), Condition 2b (Details of boundary treatments), Condition 2c (Details of proposed footpaths to dwellings), Condition 2d (Details of finished floor levels of all buildings), Condition 5 (Scheme for diversion of public right of way), Condition 6 (Archaeological WSI) & Condition 8 (Details of foul/surface water drainage) of planning permission HS/FA/08/00797 - Still under consideration

Consultations

The objection letters received in response to this application contain the following points:

- The appearance of the dwellings
- The type of application submitted
- The assumption the applicant is seeking to extend the original application time limit

In response to the comments about the potential extension to time limit, I have discussed the application with the agent. They and their clients are well aware that this application, should it be granted, would have the original time limit of the 1st December 2014.

Considerations

The changes to the proposed dwellings are not considered significant. The overall size and height of the buildings remains the same however, the applicant is altering some of the detailing. In particular the roof design, the porch roofs and the proposed materials. The previously approved application showed the new dwellings being all of the same design with

hip to gable roofs and a false gable on the front elevation. The alterations proposed under this application show the dwellings having more individual character which is more in keeping with the other properties within Fern Road.

Taking the above in to account I recommend that the proposed amendments are approved.

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 1st December 2014 in line with the original grant of permission by the Planning Inspectorate on the 1st December 2011.
2. No Development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority;
 - (a) samples of external materials
 - (b) boundary fences/wall/railing
 - (c) details of the proposed footpaths to the individual dwellings
 - (d) finished floor levels of all buildings

The development shall be carried out in accordance with the approved details and the dwellings shall not be occupied until the above works have been completed.

3. No dwelling shall be occupied until two garage/parking spaces have been provided in accordance with drawing No 08-953/003D from the original grant of permission HS/FA/08/00797. The garages shall be permanently retained for parking and shall not be used for any other purpose.
4. 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.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the re-direction of the Designated Public Right of Way (DPROW) through the site. The scheme shall include pedestrian crossing points in Fern Road, and a timetable for implementation. The proposal shall be implemented in accordance with the approved scheme.
6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation

which has been submitted by the applicant and approved in writing by the Local Planning Authority.

7. No dwelling shall be occupied until the measures outlined on submitted drawing No. E4475/SK700F and accompanying document "Land Stability and Drainage Proposals to address Conditions contained in Planning committee Report dated 27th April 2011 in respect of Application No. HS/FA/08/00797 - Fern Road, St Leonards on Sea" by Stephen Wilson Partnership Ltd dated July 2011 have been fully implemented.
8. No development shall take place 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. Development shall be carried out in accordance with the approved details. The dwellings shall not be occupied until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is available to adequately service the development.
9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how such contamination shall be dealt with.
10. The development hereby permitted shall be carried out in accordance with the following approved plans: 4647/14/400, 4647/14/401, 4647/14/402, 4647/14/403, 4647/14/404 and 08-953/003D

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 that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area. (Hastings Local Plan 2004 - Policy DG1).
3. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
4. To safeguard the amenity of surrounding residents. (Hastings Local Plan 2004 - Policy DG4).
5. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
6. In view of the position of the site in an area of archaeological interest. In accordance with the aims of Policy C6 in the Hastings Local Plan 2004.
7. To ensure the stability of the site and that construction takes account of the local ground conditions and the sloping nature of the site.

8. To prevent surface water run-off from the site in the interests of the amenities of the area.
9. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
10. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The maximum gradient of the private drive should not exceed 1 in 9.
4. Surface water must not discharge onto the highway.
5. It will be necessary to enter in to a Section 38 Agreement for the adoption of the roads and diverted footpath before the works commence.
6. The Wadhurst clay is of variable permeability, as a result, locations such as this site are prone to the emergence of numerous springs which cause complication during and post development. Groundwater may be encountered during site works, if groundwater is not controlled it may become contaminant. The applicant is advised to conduct a survey identifying and assessing groundwater conditions prior to commencement of development.
7. Consideration should be given to the provision of a domestic sprinkler system.

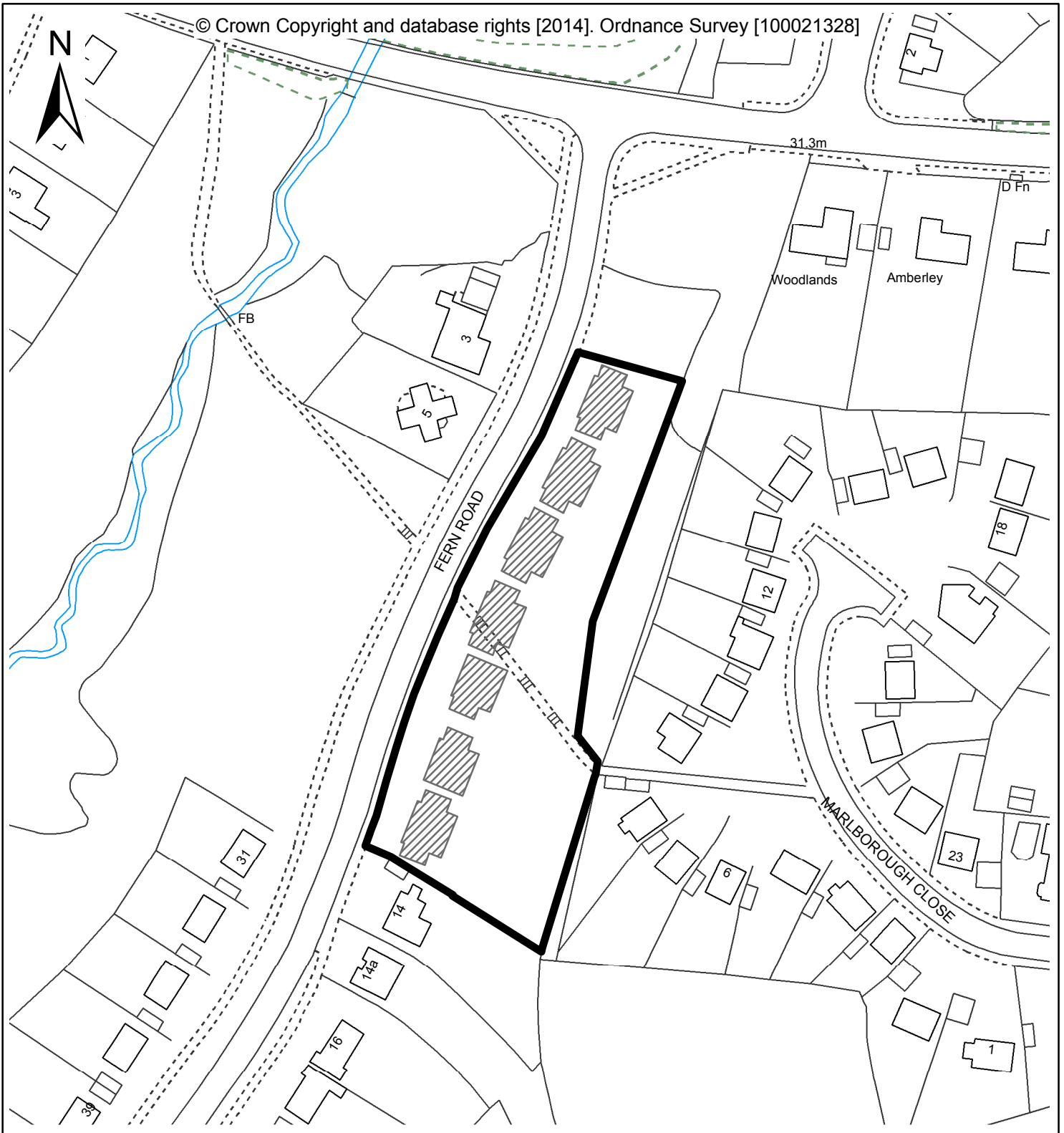
Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/14/00713 including all letters and documents

This page is intentionally left blank



**Land North of 14 Fern Road
St Leonards-on-sea
TN38 0UH**

Variation of condition 10 (approved plans) of Planning Permission
HS/FA/08/00797 - minor alterations to elevations



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

Date: Oct 2014

Scale: 1:1,250

Application No. HS/FA/14/00713

Terms and Conditions of Use of Ordnance Survey Material i) You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council make it available. You are not permitted to copy, sub-license, distribute, sell or otherwise make available any Data to third parties in any form; and iii) Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank

Agenda Item 6c

AGENDA ITEM NO: 6 (c)

Report to: PLANNING COMMITTEE

Date: 05 November 2014

Report from: Development Manager

Application Address: **Site of former Old Roar House, 104 Old Roar Road, St Leonards-on-sea, TN37 7HD**

Proposal: **Variation of condition 22 (approved plans) of Planning Permission HS/FA/14/00052 - amendment to road layout**

Application No: **HS/FA/14/00770**

Recommendation: **Grant Full Planning Permission**

Ward: CONQUEST

File No: OL70080V

Applicant: Gemselect per oaten architects CMC 45
Roberston Street Hastings, East Sussex.
TN34 1HL

Interest: Developer

Existing Use: Dwellings under construction previously C2
Residential Institution

Policies

Hastings Local Plan 2004: H6, NC3, NC6, NC7, DG1, DG2, DG3, DG11, NC10, NC11, L1

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA1, FA2, SC1, EN2, EN3, EN4, H1, H2, H3, T3

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM4, DM6, HN9, LRA4

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 4

Petitions Received: 0

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

Summary

This application is for minor material amendments to a previously approved scheme. The proposal follows the grant of planning permission: HS/FA/14/00052 which was for amendments to planning permission: HS/FA/13/00499 - 10 houses (3 x detached and 7 x terraced) and 4 apartments. The previous amendment involved changes to the design of the detached dwellings, alterations to the parking layout and the formation of a second entrance from Old Roar Road. The current minor material amendments are for changes to hard landscaping, changes to the parking layout (including the addition of an extra parking space) and the formation of a new path to the rear of one of the terraced houses. The main considerations are the impacts of the proposal on the character and appearance of the area, highway safety and tree loss. After considering all matters I recommend the proposal for approval subject to conditions.

The Site and its Location

The site is located on the south eastern side of Old Roar Road and consists of a vacant area of land previously occupied by a detached building (used as a childrens care home) and an outbuilding. The site is surrounded by woodland/mature trees which are protected by Tree Preservation Orders (TPO).

To the north and north-west are low density residential areas characterised by detached properties set in large gardens. To the south is a modern higher density development of detached properties. To the east is an area of ancient and preserved woodland designated as a wildlife corridor, area of nature conservation importance and a local nature reserve.

Details of the Proposal and Other Background Information

The scheme comprises 3 x 4 bedroom detached houses, 7 x 2 bedroom terraced houses and a two storey block of 4 x 2 bedroom apartments. 11 of the units are to be part buy part rent units.

As with the previous approvals each of the dwellings is to have a private garden and the apartments are to have communal grounds. Parking spaces, bin storage and cycle parking facilities are also proposed. Access to the site is to be from two entrances as previously approved.

The alterations proposed include:

- a) changes to the type of hard surfacing materials;
- b) minor changes to the hard surfacing areas for two of the detached dwellings and the parking area for the proposed flats;
- c) the formation of a turning head;
- d) the formation of a pedestrian path to the side of one of the terraced houses to give access to the rear garden;
- e) the bin storage area for the proposed flats is to be enlarged;
- f) the fence line for the detached dwelling located nearest to the western boundary is to be located further to the north-west.

Relevant Site History

- HS/OA/07/00997 Redevelopment of site with 10 houses and 4 apartments, including the retention & enhancement of existing areas of woodland.
Granted 01 February 2008.
- HS/FA/13/00499 Redevelopment of site with 10 houses and 4 apartments, including the retention and enhancement of existing areas of woodland.
Granted 18 December 2013.
- HS/FA/14/00052 Redevelopment of site with 10 houses and 4 apartments, including the retention and enhancement of existing areas of woodland.
Granted 09 July 2014.

Details of Consultations

A total of **4 letters of objection** have been received. The main issues raised include: loss of trees and highway safety.

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 level and type of development proposed and the second entrance from Old Roar Road are to remain unchanged to that approved under planning permission: HS/FA/14/00052. At the time of considering the previous application the case officer advised that:

"The proposal also involves the formation of a new entrance onto Old Roar Road. The new entrance will have a similar appearance to others found along Old Roar Road as there will be trees on both sides of the access. Through the use of a soft landscaping condition new planting could be achieved along both sides of the proposed access drive which would ensure that the woodland character of the area would be retained. It is therefore considered that the proposal will remain in keeping with the character and appearance of the area".

The current proposal does not involve altering the positioning of the second access road and, as with the previous scheme, suitable soft landscaping can be secured through the use of a soft landscaping condition.

The hard landscape works proposed are relatively minor and are confined to within the site where they will not have an impact on the character or appearance of the wider area. Details of the type of materials etc can be secured through the use of a hard landscaping condition which will ensure a high quality development for future occupants.

In terms of highway safety, as mentioned above, the second entrance has already been approved. At the time of considering the previous application the Transport Development Control Team advised that visibility for the new access was considered to be acceptable given that the speed limit is 20mph.

The additional parking space proposed will further reduce the need for future occupants/visitors to park on Old Roar Road. It is considered that the proposed turning head will make it easier to manoeuvre within the site.

Other Matters

As with the previous approval there is a requirement to provide 20% affordable housing which equates to 3 units. This will need to be secured through the use of a Section 106 agreement.

Conclusion

It is considered that the proposal will remain in keeping with the character and appearance of the area. Suitable soft landscaping can be achieved through the use of conditions and the proposal will not result in additional highway safety issues.

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:

- (A) That the Development Manager be authorised to issue planning permission on the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that 3 part buy part rent units are provided at the site.**
- (B) Subject to (A) above grant planning permission subject to the following conditions:**

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 18 December 2013.
2. (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.

- (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.
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, 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.
 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 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; other vehicle and pedestrian access and circulation areas; hard surfacing materials.
 6. 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.
 7. No unit hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection and cycle storage space have been provided to the satisfaction of the Local Planning Authority. These storage facilities shall be retained for their intended purposes thereafter.
 8. With the exception of internal works the building works, including site clearance and excavation, site deliveries and collections, 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.
 9. No development shall commence until details of the size and location of any

temporary structures required during the construction process, proposals in respect of the public footpath during construction, a vehicle wheel washing facility together with areas for the storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the approved details shall remain in place and in operation for the duration of the construction period.

10. Every loaded lorry shall be covered before leaving the site.
11. 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.
12. 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.
13. Two garage/parking spaces for each of the detached houses shall be provided to a specification and in a position approved by the Local Planning Authority in relation to each detached dwelling hereby permitted before it is occupied.
14. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
15. 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.
16. No development shall take place until the measures outlined in the submitted ecological statements and reports (Land at Former Old Roar House Hastings East Sussex: Ecological Scoping Survey by Martin Newcombe 19 June 2013, Site of Old Roar House Hastings East Sussex: Bat Survey 2013 by Martin Newcombe 26 July 2013, Site of Old Roar House Hastings East Sussex: Reptiles 2013 by Martin Newcombe 29 July 2013), 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.

17. 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.

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.

18. No development shall commence until a plan of site landscaping and ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. This shall include:
- (i) site landscaping.
 - (ii) ecological enhancements.

- (iii) a management plan for the future short and long term management of both retained and created habitats outlining how the management of the area will be secured into the future.
- (iv) Landscaping specifically designed to mitigate against the effects of artificial lighting and increased human access/disturbance.

Ecological enhancements will particularly focus on the ancient woodland but will cover techniques and designs aimed at ecological enhancements for other wildlife.

- 19. No development shall take place until permanent fencing and warning signs have been erected in accordance with the approved 'Wildlife Protection Plan for Construction' submitted in accordance with condition 17 (above). All permanent fencing and warning signs will be maintained in accordance with the plan, unless otherwise approved in writing by the Local Planning Authority.
- 20. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
- 21. Prior to occupation of the buildings hereby approved acoustic fences shall be erected either side of the private access drive in accordance with details to be submitted for approval by the Local Planning Authority. The development shall be completed in accordance with the approved details and the fences shall be maintained in perpetuity.
- 22. The development hereby permitted shall be carried out in accordance with the following approved plans:

D.13.1014/104, D.13.1014/108, D.13.1014/204A, D.13.1014/105, D.13.1014/106, D.13.1014/107, TREE PLAN ORH/TSP/0001, TREE PLAN ORH/TPP/002A, D.13.1014/101A, D.13.1014/102C

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 standard of development and to prevent increased risk of flooding.
- 3. In the interests of the visual amenity.
- 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 character and amenity of the area.
- 6. To ensure a satisfactory form of development in the interests of the character and amenity of the area.

7. To secure a satisfactory standard of development.
8. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
9. In the interests of the visual and residential amenities of the locality.
10. In the interests of highway safety and the amenities of the area.
11. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
12. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
13. In the interests of traffic safety.
14. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
15. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
16. To protect features of recognised nature conservation importance.
17. To protect features of recognised nature conservation importance.
18. To protect features of recognised nature conservation importance.
19. To protect features of recognised nature conservation importance.
20. To protect features of recognised nature conservation importance.
21. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
22. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW

(Telephone: 0330 303 0119) or www.southernwater.co.uk.

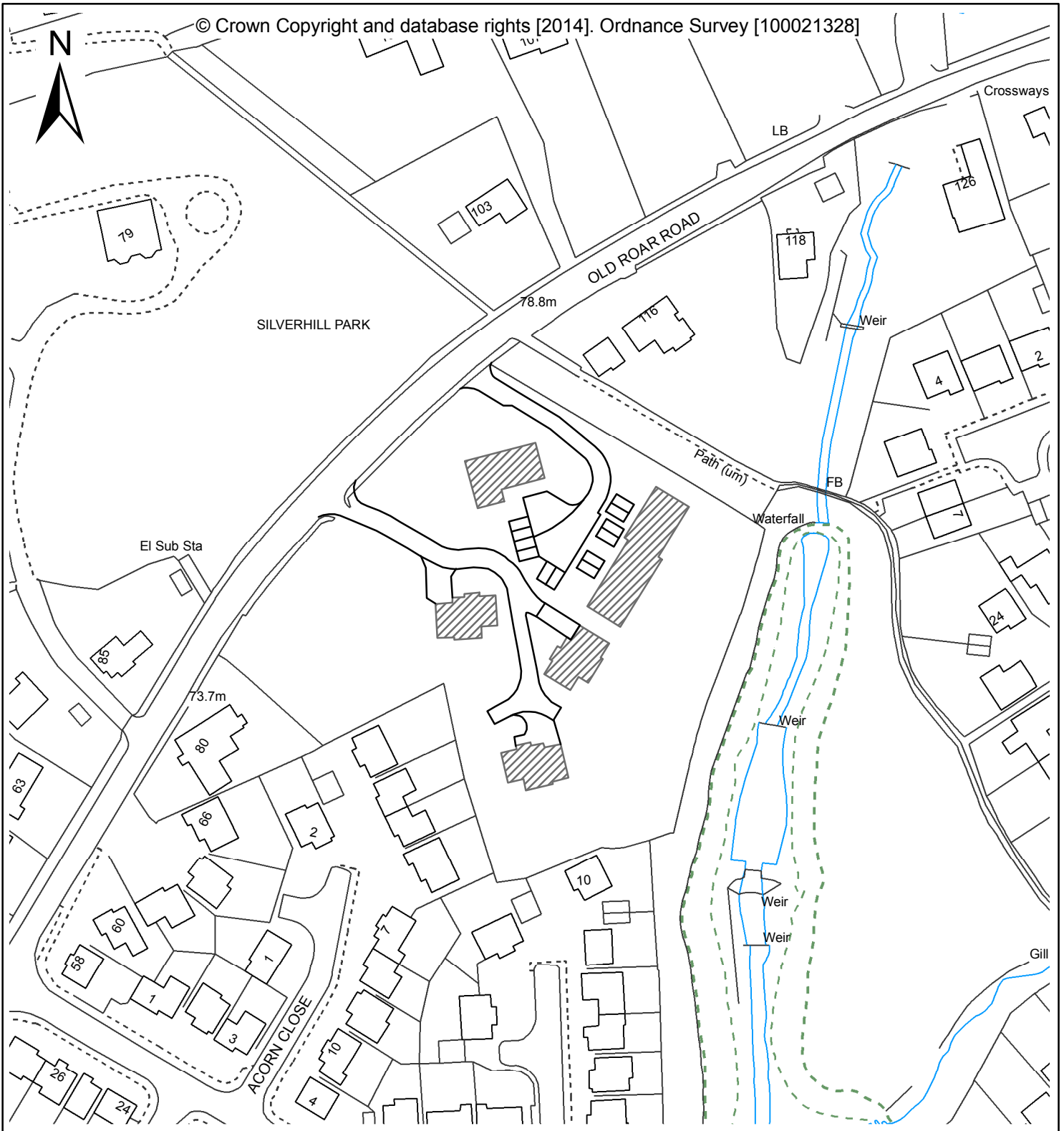
4. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
5. With regard to conditions 17 and 19, the tree protection measures should be in accordance with the standards set out under BS5837:2012 Trees in relation to design, demolition and construction - Recommendations.
6. Consideration should be given to the provision of a domestic sprinkler system.
7. This planning permission has been issued as a variation to the original planning permission HS/FA/14/00052. 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.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00770 including all letters and documents



Site of former Old Roar House
104 Old Roar Road
St Leonards-on-sea
TN37 7HD

Variation of condition 22 (approved plans) of Planning Permission
 HS/FA/14/00052 - amendment to road layout



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

Date: Oct 2014

Scale: 1:1,250

Application No. HS/FA/14/00770

Terms and Conditions of Use of Ordnance Survey Material i) You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council make it available. ii) You are not permitted to copy, sub-license, distribute, sell or otherwise make available any Data to third parties in any form; and iii) Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank

Agenda Item 6d

AGENDA ITEM NO: 6(d)

Report to: PLANNING COMMITTEE

Date: 05 November 2014

Report from: Development Manager

Application Address: Former Nursery Site, Redgeland Rise, St Leonards-on-sea, TN38 9JT

Proposal: Approval of reserved matters of appearance, layout and scale of proposed development of planning permission HS/OA/11/00854 (Redevelopment of site to provide 28 dwellings)

Application No: HS/DS/14/00561

Recommendation: Approve Reserved Matters

Ward: WISHING TREE

File No: WI85000X

Applicant: Gemselect 59/60 High Street Battle East Sussex TN33 0EN

Interest: Freeholder

Existing Use: Former plant nursery

Policies

Hastings Local Plan 2004: H1, NC8, NC9, DG1, DG2, DG3 and DG11

Conservation Area: No

National Planning Policy Framework: Section

Hastings Planning Strategy: DS1, FA1, SC1, SC2, SC3, SC4, EN2, EN3, H1, H2 and T3

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: LP1, DM1, DM3, DM4, HN7 and HN8

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 3

Petitions Received: 0

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

Summary

The application site was formerly occupied by the Hastings Borough Council's Nursery. Outline planning permission was granted in 2012 under reference HS/OA/11/00854 for the erection of 28 houses on the site and this application is for the approval of the matters

reserved from the outline stage. The principle of the development has been agreed and the applicant is now seeking approval for the details related to appearance, landscaping, layout and scale.

The main issues to consider are the impact upon the character of the area, the impact on neighbouring residential amenities, the adequacy of parking provision and road layout, the impact on trees and the impact on biodiversity. These issues will be assessed in relation to the reserved matters.

The development is very similar to that shown at the outline application stage which was broadly considered acceptable. There have been some changes to the scheme since outline planning permission was granted but ultimately the proposed development is considered acceptable.

The Site and its Location

The application site was formerly occupied by the Hastings Borough Council's Nursery. The greenhouses were demolished some years ago and it has remained vacant ever since. The site slopes down from west to east. There are a number of trees with Tree Preservation Orders (TPOs) sited on the western, southern and eastern boundaries, but there is no screening to the north of the site where the flats Farren Court, Redgeland Rise face in towards to the site in close proximity. The trees on the western edge of the site alongside 43 Redgeland Rise are not protected. The development to the east in Ironlatch Avenue is at a lower level and to the south of the site are low-lying bungalows in Church Wood Way.

Details of the Proposal and Other Background Information

This is an application for the approval of reserved matters following the approval of outline planning permission for 28 dwellings under reference HS/OA/11/00854.

The outline planning permission sought approval for the access only, therefore, this application is for approval of the following reserved matters – appearance, landscaping, layout and scale.

The layout is shown on the plan following this report. The development would comprise a mixture of two storey detached and semi-detached houses & flats with brick walls and tiled roofs. The houses follow a fairly standard floor plan, but the flats have been specifically designed for this site to minimise the impact on properties in Redgeland Rise. Plots 19, 20, 21 and 22 have a split level design internally to take account of the gradient of the site, although this would not be particularly obvious from the outside.

Off-street car parking is provided to the front or side of the buildings, adjacent to the properties they serve. The layout allows for some soft landscaping to front gardens. The houses all have 10m long gardens and each of the flats has a garden of 9m in length.

Previous Site History

HS/OA/11/00854 Redevelopment of site to provide 28 dwellings
Granted subject to conditions and a legal agreement 27 November 2013

HS/OA/10/00524 Redevelopment of site to provide 32 dwellings
Withdrawn 06 October 2010

HS/OA/08/00208 Outline Application for the erection of 36 residential units comprising 12

x 2 bed, 11 x 3 bed, 1 x 4 bed houses & 6 x 1 bed & 6 x 2 bed apartments.

Refused 23 June 2008

HS/FA/06/00664 40 new units on a new cul-de-sac off Redgeland Rise consisting of 16 x 3 bedroom houses, 12 x 2 bedroom flats and 12 x 1 bedroom flats
Refused 17 October 2006 and Appeal Dismissed 16 May 2007

HS/FA/06/00220 40 new units on a new cul-de-sac off Redgeland Rise consisting of 16 No.3 Bedroom houses, 12 no.2 bedroom flats, 12 no.1 bedroom flats.
Withdrawn 20 June 2006

HS/OA/04/00210 28 new 2-3 bedroom houses
Granted subject to conditions 27 May 2004

HS/OA/02/00465 Erection of 28 new four bedroom houses
Withdrawn 05 November 2002

Details of Consultations

The **Borough Arboriculturalist** has raised no objection. In principle he supports the removal of the existing Monterey cypress trees along the boundary with the neighbouring properties at Church Wood Way but would expect to see replacement planting to maintain screening between the new and existing properties and to maintain the local level of amenity. Given his experience the Borough Arboriculturalist also believes that the removal of the Monterey cypress may result in some kind of land heave. As the trees have been a contributing factor to local subsidence problems this matter should be addressed as part of the development. All of these matters can be controlled by condition.

The Borough Arboriculturalist would wish to make a preservation order on any replacement trees.

The **Waste & Streetscene Officer** initially raised concerns about the lack of details regarding refuse storage and the manoeuvrability of refuse vehicles throughout the estate. The applicant has since provided amendments in this respect - the entrance to the estate is now wider and no objections have been raised about this. Details of refuse storage can be required by condition but would likely include bin stores for each individual property.

Southern Water has raised no objection subject to the conditions and informatives mentioned in their response to the previous outline planning permission. These were added to the outline planning permission and do not need to be repeated on this application.

The **Local Highway Authority** has raised no objection. The access and estate road are considered acceptable and the level of parking proposed has increased when compared with the outline planning permission.

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

The **Housing Needs & Enabling Manager** has raised no objection.

Three letters of objection have been received. Concerns include:

- Impact on neighbouring residential amenities.
- Possible encroachment.

- Tree removal and the impact on neighbouring properties.
- Type of replacement boundary fences.
- Type of replacement planting along boundary with Church Wood Way.
- Neighbourliness of new residents.

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".

As explained above this is an application for the approval of matters reserved by condition of outline planning permission HS/OA/11/00854. Access was approved as part of the outline permission so the remaining matters to consider are the appearance, landscaping, layout and scale.

The main policies/guidance that relate to these matters are policies NC8, NC9, DG1, DG2, DG3 and DG11 of the Hastings Local Plan 2004 (HLP); policies SC1, SC3, EN3 and T3 of the Hastings Local Plan: The Hastings Planning Strategy (HPS); 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 upon the character of the area, the impact on neighbouring residential amenities, the adequacy of parking provision and road layout, the impact on trees and the impact on biodiversity. These issues will be assessed in relation to the reserved matters.

Layout

Impact on the character of the area: The layout of the development is very similar to that shown at the outline planning stage. Although the layout was indicative at that stage what was shown was considered generally acceptable. This application includes more detail about the position of the proposed houses, gardens and roads but the layout is still considered acceptable and conforms with the densities and character of the surrounding area. The surrounding area is made up of a mixture of dwelling sizes and includes bungalows, detached and semi-detached houses and flats.

Impact on neighbouring residential amenities: The impact of the development on neighbouring amenities on all four sides was raised at the outline stage. As the layout shown now is very similar to the indicative scheme shown previously I am broadly satisfied that there will be no impact on neighbouring amenities in terms of levels of light, proximity of development or overlooking. However, some of the details have changed slightly and I have the following comments:

- Previously units 1 to 6 were shown as single aspect at first floor level so as to reduce the possible impact on the residents at Farren Court. As part of this detailed submission units 3 to 6 maintain this approach with the first floor only including obscure glazed bathroom windows on the rear elevation that faces towards Farren Court. Units 1 and 2 are now a semi-detached pair and at first floor level now each include two windows facing northwards. One of these windows serves a bathroom so will be obscure glazed but the other window serves a bedroom. Units 1 and 2 are not directly aligned with the properties at Farren Court and they're separated from the flats by a minimum distance of

18m. Whilst not ideal and slightly below the 20 - 21m that would normally be sought, I consider this arrangement acceptable. Some properties in the surrounding area have similar relationships and such a distance is not uncommon within an urban setting. It would also not be appropriate to refuse the whole development on this on matter when the impact on neighbouring amenities is minor and the scheme otherwise is considered to provide a sustainable development in line with the National Planning Policy Framework.

- The relationship with the properties on Ironlatch Avenue has not changed. No.79 remains close but as explained in the previous application there are no windows in the rear of this existing property and as such units 7 to 10 are not considered to cause any harm. The other properties on Ironlatch Avenue are suitably distanced from the new development and will not be harmed.
- Units 14, 15, 22 and 23 are at right angles to the properties on Church Wood Way. No windows are proposed to directly overlook these properties and any in the side elevation will be obscure glazed. The properties are suitably distanced to have no impact on neighbouring amenities.
- Unit 28 sits close to the boundary with 43 Redgeland Rise. The residents of this property have objected to the development. They have raised concerns about the position of the property and how it relates to the building line of their own house and the possible impact from overlooking and loss of light. Despite the concerns raised there are no clear glazed windows orientated towards 43 Redgeland Rise to cause any overlooking. The size of the property and its position also mean that, although a shadow may be cast, this would be for a small portion of the day and there will not be any significant loss of sunlight or daylight otherwise.

Highways and parking: Although concerns were raised by the Waste and Streetscene Officer about the size of the estate road, the applicant has made some amendments to the road and made it wider at the entrance to the site. The Local Highway Authority are satisfied that the road would be useable. The level of parking has also increased when compared to the previous outline proposals there are now 52, compared to the 47 previously proposed. The parking was considered acceptable previously and as such is considered more acceptable now.

Trees: The proposals now include the removal of some Monterey cypress trees along the southern boundary with Church Wood Way. These trees are striking simply because of their height and are considered to contribute the amenity of the area. Despite their amenity value the Borough Arboriculturalist is satisfied that these trees can be removed - particularly because of the impact they've had on adjoining residents - but he recommends that appropriate replacement planting should occur along this boundary. This can be covered by the landscaping condition from the outline planning permission.

The applicant has not stated that the row of conifer trees along the boundary with 43 Redgeland Rise is to be removed but this is likely given the proximity of unit 28. These trees have an amenity value and like the other trees to be removed suitable replacement planting can be secured if they need to be removed. This matter can be covered by the landscaping condition from the outline planning permission.

Biodiversity: As part of the outline planning permission details of protected species and how they may be impacted by the development was provided. The main conclusion was that reptiles were present at the site and these needed to be translocated. The applicant also identified that there was badger activity at the site but there were no setts on site. A badger corridor was shown on the indicative plans in order to maintain a foraging area. Other

recommendations included biodiversity enhancements such as bat and bird boxes.

The new report submitted with this application identifies the same issues. Translocation of protected species is still proposed and the ecologist is recommending the provision of bird nesting boxes. The badger corridor is no longer shown as the ecologist now suggests that badger activity is limited and concludes that there will be no impact on badgers other than an indeterminate loss of feeding grounds for the badger. Given that the scheme can still accommodate a protected badger corridor I believe that this element should remain. There is sufficient space for the previously shown badger corridor to remain and clarification of its position will need to be shown in the landscaping scheme when submitted for approval.

Scale

Impact on the character of the area: All of the proposed units are two storey as a mixture of 2, 3 and 4 bedroom properties. Development in the immediate area is a mixture of mostly two storey dwellings/flats with some bungalow developments. The proposed scale is compatible with this existing character.

Impact on neighbouring residential amenities: This is mostly dealt with in the section above but for clarity the combined scale and layout of the development is not considered to cause harm to any neighbouring residential amenities.

Standard of accommodation: Each unit is well designed and is considered to provide a decent standard of accommodation with private garden areas and off street parking. The accommodation is considered acceptable.

Appearance

Impact on the character of the area: The appearance of the residential properties in the surrounding area can mostly be described as post war housing - which is typically a two storey pitched roof design with simple features. The proposed properties follow that general rule but add a bit more detailing to make the buildings appear a little more interesting. Such detail includes brick lintels above windows, porches and canopies. The properties are all proposed to be brick built with tiled roofs.

The applicant has not provided any details of how the development would comply with policy SC3 - which requires details of sustainable and green energy design. In order to comply with this policy the applicant could provide facilities for grey water recycling, install solar panels, incorporate water efficiency measures, etc. These features could easily be incorporated into the houses without significantly impacting upon the appearance of the buildings and as such these details can be required by condition.

Landscaping

Impact on the character of the area: The applicant has not provided comprehensive landscaping details but the submitted layout plan does give an indication of tree coverage, garden lawn areas and planting spaces. From the submitted information it is clear that a sufficient degree of landscaping will be provided but full details will be secured as part of the landscaping condition from the outline planning permission. No definitive information has been provided with regard to hard landscaping either but this detail will come forward as part of the conditions of the outline planning permission.

Trees: As identified above this development will involve a certain level of tree removal. This is considered acceptable especially as there is scope for appropriate replacement

planting. This detail will be secured through the landscaping scheme required by condition of the outline planning permission.

Biodiversity: The landscaping details to be submitted as part of the condition of the outline planning permission should clarify the enhancements that will be made in terms of protected species - essentially, the badger corridor should be more formally shown when full landscaping details are submitted prior to development.

Other

I am aware that the applicant has made certain promises to local residents in respect of boundary treatments - particularly along the southern boundary shared with properties on Church Wood Way. Some of these matters have been mentioned in the correspondence from residents but, as an example, residents want concrete fence posts with good quality solid wood fencing and measures to reduce noise from parking vehicles. These details will need to be submitted as part of the landscaping details required by condition.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and I recommend that the reserved matters are approved.

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:

1719 002 P2, 003 P5, 10 P2, 11 P2, 20 P2, 21 P2, 30 P2, 31 P2, 40 P2, 41 P2, 42 P2. 50 P3, 51 P2, 145 P1, 146 P1, 147 P1, 150 P1, 151 P1, 152 P1 and 153 P1.
2. The following windows shall remain obscure glazed and fixed shut at all times:
 - The first floor rear bathroom window of unit 1
 - The first floor rear bathroom window of unit 2
 - The first floor rear elevation window of unit 3/4
 - The first floor rear elevation window of unit 5/6
 - The first floor side elevation window of unit 15
 - The first floor side elevation window of unit 18
 - The first floor side elevation window of unit 23
 - The first floor side elevation window of unit 24
 - The first floor side elevation window of unit 28
3. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaption measures to be

incorporated into the houses shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
3. In the interests of achieving a low carbon future in a changing climate in accordance with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.

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 applicant is reminded that the conditions of outline planning permission HS/OA/11/00854 still apply and need to be complied with.
4. The applicant is reminded that outline planning permission HS/OA/11/00854 which relates to this permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
5. The applicant is advised that the landscaping details required to be submitted prior to the commencement of development will need to include the following:
 - Details of a badger protection corridor along the southern boundary in order to comply with condition 11 of outline planning permission HS/OA/11/00854.
 - Details of any other ecological enhancements and mitigation measures relating to landscaping in order to comply with condition 11 of outline planning permission HS/OA/11/00854. For example fencing that allows free movements for badgers.
 - Details of boundary improvements that have been agreed with local residents.
 - Details of all tree removal/protection and details of replacement trees/planting.
6. There may be 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.

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

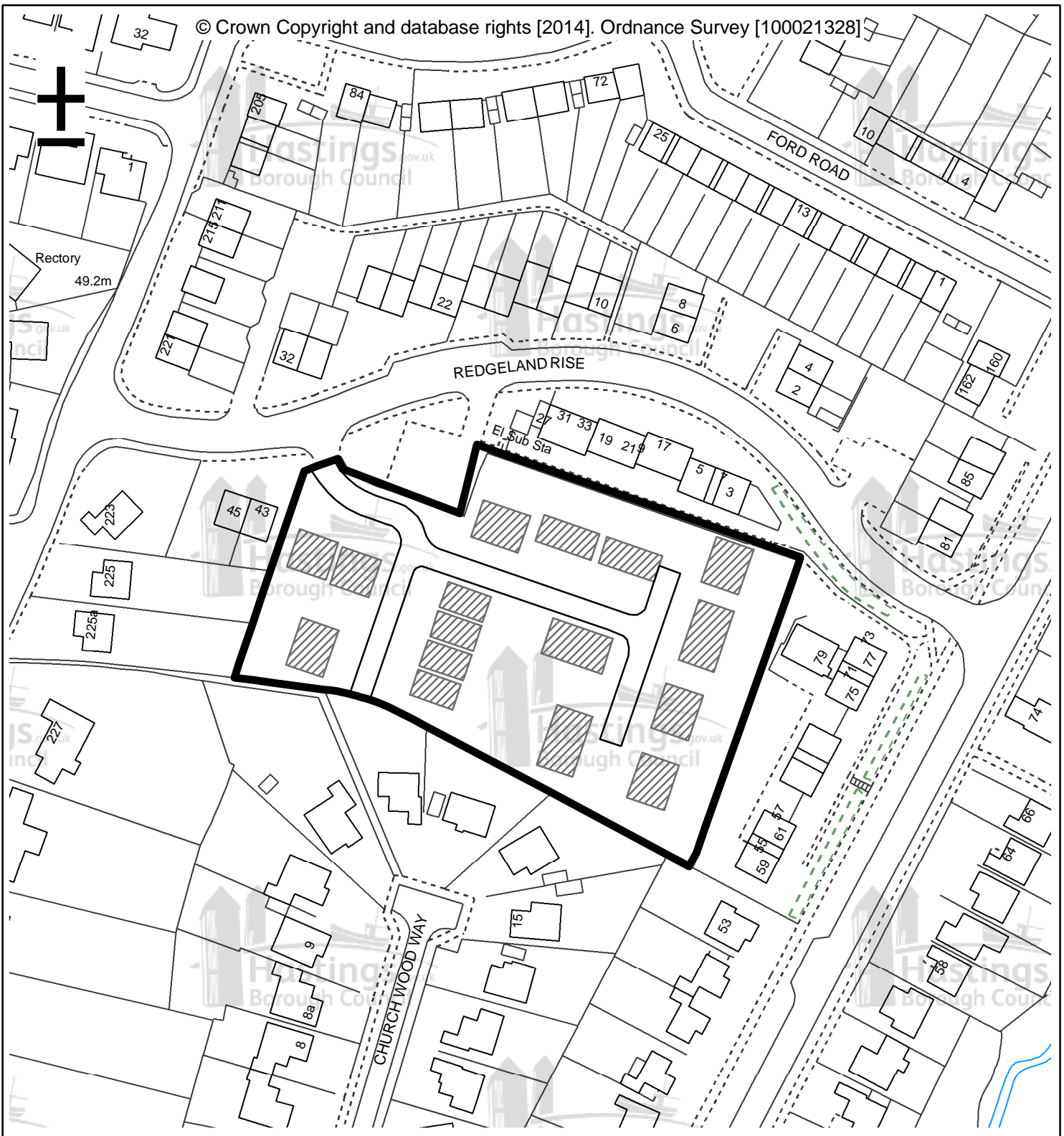
Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/DS/14/00561 including all letters and documents

This page is intentionally left blank



**Former Nursery Site, Redgeland Rise
St Leonards-on-sea
TN38 9JT**

Approval of reserved matters of appearance, layout and scale of proposed development of planning permission HS/OA/11/00854 (Redevelopment of site to provide 28 dwellings)



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/14/00561

Terms and Conditions of Use of Ordnance Survey Material i) You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council make it available. ii) You are not permitted to copy, sub-license, distribute, sell or otherwise make available any Data to third parties in any form; and iii) Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank