

**Report to:** PLANNING COMMITTEE

**Date:** 08 October 2014

**Report from:** Development Manager

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

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

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

**Recommendation:** **Approve Reserved Matters**

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

Interest: Freeholder  
Existing Use: Previously residential now open land

**Policies**

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

Conservation Area: No

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

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

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

**Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 1

Petitions Received: 1

Application Status: Not delegated - Petition received

## Summary

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

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

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

I recommend that planning permission be granted subject to conditions.

## **The Site and its Location**

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

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

## **Details of the Proposal and Other Background Information**

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

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

## **Previous Site History**

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

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

## Details of Consultations

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

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

**UK Power Networks** has raised no objection.

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

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

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

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

## Planning Considerations

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

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

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

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

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

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

## **Layout**

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

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

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

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

## **Scale**

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

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

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

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

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

## **External appearance**

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

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

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

## **Access and parking**

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

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

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

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

## **Landscaping**

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

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

## **Other matters**

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

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

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

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

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

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

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

## **Conclusion**

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

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

## **Recommendation**

### **Approve Reserved Matters subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
4545/100, 200, 300, 400 and 500
2. The new accesses shall be in the positions shown on the approved drawing

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

**Reasons:**

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

**Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The developer is reminded that the conditions of outline planning permission HS/OA/11/00311 still apply and should be complied with in full.

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**Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

**Background Papers**

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