

**PLANNING BOARD  
6 DECEMBER 2006**

**92. 37 CHARLES ROAD WEST**

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

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

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

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

A revised wording of Condition12 was circulated at the meeting.

**RESOLVED (by 6 votes to 3)**

- A) That the Borough Planning Officer be authorised to issue planning permission on completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to secure the payment of a commuted sum *which is of an amount which is to be agreed* by the local planning authority towards improvements to the junction of Charles Road West and The Green.**
- B) Subject to (A) above grant permission subject to the following conditions:**
- 1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission;**

**PLANNING BOARD  
6 DECEMBER 2006**

- 2. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-**

**08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays;**
- 3. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved;**
- 4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;**
- 5. No building hereby permitted shall be occupied until drainage works have been completed, in accordance with details of foul and surface water drainage which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development;**
- 6. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building;**
- 7. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) within splays, details of which shall be submitted with the details specified in Condition 1;**
- 8. No development shall take place until details of the proposed parking arrangements have been submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the occupation of the building and shall thereafter not be used for any purpose other than the parking of vehicles;**
- 9. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times;**
- 10. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the**

**PLANNING BOARD  
6 DECEMBER 2006**

occupation of the houses which they serve; and

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

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

**PLANNING BOARD  
6 DECEMBER 2006**

**approved in writing by the Local Planning Authority.**

**Reasons:**

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

**Notes to the Applicant**

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

**PLANNING BOARD  
6 DECEMBER 2006**

**The reason for granting this permission is:**

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