

**Report to:** PLANNING COMMITTEE

**Date:** 08 October 2014

**Report from:** Development Manager

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

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

**Application No:** HS/OA/06/00694

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

**Ward:** GENSING

**File No:** CH28037

**Applicant:** Mr & Mrs J Frencer

**Interest:** Freeholder

**Existing Use:** Nursery/Garden Centre

## Summary

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

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

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

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

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

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

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

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

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

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

## **Recommendation**

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

**B) Subject to A) above**

**Grant Outline Planning Permission subject to the following conditions:**

1. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
2. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.
3. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. No building hereby permitted shall be occupied until drainage works have been completed, in accordance with details of foul and surface water drainage which shall have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

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

conservation;

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

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

**Reasons:**

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

**Notes to the Applicant**

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

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

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Officer to Contact  
Ms K Phillips, Telephone 01424 783250

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