

**Report to:** PLANNING COMMITTEE

**Date:** 05 April 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 56 Alma Terrace, St Leonards-on-sea, TN37 6QT

**Proposal:** Approval of reserved matters relating to the access, appearance, landscaping, layout and scale of outline planning permission HS/OA/15/00211(Conditions 1 & 2) - Proposed demolition of chalet bungalow and garage and construction of 10 No. new dwellings

**Application No:** HS/DS/16/00485

**Recommendation:** Approve Reserved Matters

**Ward:** SILVERHILL

**File No:** AL85056

**Applicant:** Martello Developments Ltd per Elevations Design Ltd Junction House 1 Sedlescombe Road South St Leonards on Sea, East Sussex. TN38 0TA

**Interest:** Developer

**Existing Use:** Single dwellinghouse

**Policies**

Conservation Area: No

Listed Building: No

**Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 11

Petitions Received: 1

**Application Status:** Not delegated - Petition received

## **Site and Surrounding Area**

The application site relates to 56 Alma Terrace, St Leonards-On-Sea. This is a detached bungalow property within substantial grounds. There was a small flat roofed garage in the western corner of the site which has been demolished since outline consent was granted. The site is addressed as Alma Terrace, which is to the west of the site, but it also bounds Burry Road to the north with an access on this side. The site otherwise bounds 100 Burry Road to the north-east (another detached bungalow with a substantial garden), properties on Vale Road to the south-east (on the other side of a small natural valley) and 55 Alma Terrace to the south-west.

Along the southern boundary are well established mature trees which form part of the woodland gardens of properties on Vale Road. There is a mixture of hedges and trees along all other boundaries. The garden has some unkempt elements, and whilst it was well maintained given the size of the site and its recent vacancy at the time of the outline application, the garden is beginning to become overgrown.

The site slopes downward from northwest to southeast under a gentle gradient until it falls away more steeply towards the southeast boundary - particularly in the eastern corner of the site. The change in levels from north to south ranges from approximately 6m on the west side of the site to 11.5m on the eastern side.

The local area is made up of residential properties which vary in type and size including terraced houses, bungalows, detached two-storey houses and semi-detached properties.

Alma Terrace itself is a cul-de-sac leading straight to the application site - but with a pedestrian access only. The site is otherwise served by Burry Road which has a high volume of on-street parking and this leads on to Alma Villas which is a very narrow road.

### Constraints

Tree Preservation Orders - Individual trees along the boundary with Burry Road and a group woodland along the southern boundary

1 in 1000 surface water flooding area

SSSI Impact Risk Zone - does not relate to residential development

Within 600m distance of a playground

## **Proposed development**

This is an application for approval of reserved matters following outline planning permission HS/OA/15/00211, which was for the erection of 10 dwellings. The applicant is seeking approval for all reserved matters - access, appearance, landscaping, layout and scale.

The 10 houses are separated into 8 x semidetached (plots 1-8) and 2 x detached (plots 9 and 10) houses. Plots 1-6 are two storey to the front and appear to be three storey to the rear (although there is no basement floor area). Plots 7-10 are two-storey dwellings. Each property has two off-street parking spaces and each property has storage for wheeled bins.

The eaves heights for the development range from approximately 4.5m to 5.25m and the ridge heights range from approximately 8m to 9.25m (when measured from the front elevation).

To facilitate the development the old householder vehicular access onto Burry Road is being widened from to 2.7m (the width of the current vehicular gate) to 4.5m for the estate road and approximately 10.25m at the access's widest point where it meets the carriageway. If the existing property were occupied and its access in use there would be a loss of 2 on-street parking spaces. The proposed access will result in the loss of 3 spaces which is only a net loss of 1 on-street space.

Since the application has been submitted the applicant has provided additional information or made a number of amendments to the proposal. These include:

- revised access following comments from ESCC;
- revised drainage details based on ESCC comments, Southern Water comments and to avoid significant development in the 'tree protection zone';
- revised drawings showing ecological enhancements within landscaping;
- reduced house sizes;
- revised arboricultural reports and ecology information to ensure documents correctly relate to proposed development;
- submission of a drainage maintenance and management plan; and
- revised and additional drawings to show how the proposed houses will relate to the sloping land.

The application is supported by the following documents:

- Drawings (revised)
- Design and access statement
- Construction and traffic management plan
- Secured by design statement
- Site waste management plan
- Arboricultural report
- Construction environmental management plan
- Drainage calculations

Some of the information submitted with this application - i.e. drainage maintenance and management, sewer protection, the construction environmental management plan and the construction traffic management plan - are not being considered as part of this application as they are not reserved matters. They are instead being dealt with as part of a discharge of conditions application (see HS/CD/16/01015).

### **Relevant Planning History**

HS/OA/15/00211 Proposed demolition of chalet bungalow and garage and construction of 10 No. new dwellings with associated off-street parking  
Outline planning permission granted subject to conditions and a s106 legal agreement 09 October 2015

## **National and Local Policies**

### Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC2 - Design and Access Statements  
Policy SC3 - Promoting Sustainable and Green Design  
Policy SC4 - Working Towards Zero Carbon Development  
Policy SC7 - Flood Risk  
Policy EN3 - Nature Conservation and Improvement of Biodiversity

### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy DM4 - General Access  
Policy HN7 - Green Infrastructure in New Developments  
Policy HN8 - Biodiversity and Green Space

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

## **Consultation comments**

**Highways - No Objection.** Following initial comments about the access radii, revised drawings were submitted and Highways no longer object. The suggested Construction Traffic Management Plan condition is not necessary as this is already a condition on the outline consent and is being considered under application HS/CD/1601015. The suggested condition relating to the gradient of the access and estate road is also not necessary either as this information is already shown on the submitted drawings and the applicant has confirmed that the gradients are within the prescribed limits. All conditions attached both to the outline consent and this application, if granted, would need to be complied with as part of the development of the land as proposed.

**Ecology Officer - No Objection.** The application was initially lacking in biodiversity improvement details as required by the outline planning permission. Following revisions, the details are now acceptable.

**Arboricultural Officer - No Objection.** The tree protection measures are acceptable, as is the landscaping generally, Unfortunately the applicant has not shown adequate replacement planting on the Burry Road boundary where more tree planting is required to offset the loss. Further planting can be secured by condition.

**Southern Water - No Objection.** Initially commented that the drainage details could not be approved. This was due to timings with a separate sewer diversion application for the site, the relationship of the development to existing connections on the west side of the site and the rate of water flow into the public surface water sewer. These matters have now been resolved to the satisfaction of Southern Water.

**ESCC Flood Risk Management - No Objection.** Initially raised concerns about proposals but following submission of further drainage information to justify discharge into existing sewers this matter is now resolved.

**Waste - No objection.**

**Environmental Health - No objection.** No concerns regarding noise from pumping station but recommends condition regarding regular servicing of system. Condition is not considered necessary as a drainage maintenance and management plan is a condition of the outline consent and is being considered as part of application HS/CD/16/01015.

## **Representations**

18 no. of representations from 11 different properties and a petition signed by 65 people received.

The objections raise the following concerns:

- Highway safety
- Parking problems
- Impact on trees and ecology
- Inadequate drainage/sewerage
- Impact on character of the area
- Noise pollution
- Air pollution
- Impact on neighbouring residents' well-being and amenities
- Density too high
- Boundary treatments
- Noise of sewage pumping station
- Ground stability

The following matters have been raised but are not considered material to the determination of the application:

- Land ownership: Land ownership issues have been raised by the residents of 55 Alma Terrace, 77a Vale Road and 79 Vale Road. This matter was thoroughly investigated as part of the outline planning permission where it was concluded that the applicant had

submitted sufficient information to confirm that the development related to 56 Alma Terrace and that any discrepancy between the boundary on the submitted drawings, the ordinance survey and the title deeds was within reasonable tolerances. No new substantive evidence has been provided to contradict this view and it is therefore considered that any land ownership disputes are a common law matter that should be addressed privately amongst the relevant adjoining land owners.

- Covenant restrictions: Covenants on title deeds have long been held as not material to the determination of planning applications. Any contraventions are a common law matter and should be taken up directly with the land owner.

## Determining Issues

This is a reserved matters application for the approval of the access, appearance, landscaping, layout and scale of 10 houses following outline planning permission HS/OA/15/00211. Many of the objections to this application relate to considerations at the heart of the principle of development - issues such as the number of units proposed, housing density and whether the quantum of development would have any impact on highway safety. This application provides the technical detail for a development already approved so these matters are not for reconsideration. The development was also previously considered to be acceptable in terms of the impact on the character of the area, neighbouring residential amenities, parking, drainage, trees and ecology, however, the details of the application have been submitted and these matters are discussed in further detail below.

### Impact on the character and appearance of the area

The 10 houses proposed are separated into 8 x semi-detached (plots 1-8) and 2 x detached (plots 9 and 10) houses. Indicative housing design was shown at the outline planning application stage. Whilst the design has not substantially changed, the appearance and scale of the dwellings has been expanded upon with each plot now fully detailed with materials, fenestration, roof profile, finished floor levels and relationship with surrounding land levels.

All of the proposed houses exceed the minimum floor space requirements of the *Technical housing standards - nationally prescribed space standard* and are therefore of an acceptable size.

Plots 7-10 are two storey and consistent with the prevalent two-storey height of residential development in the area - there are a small number of bungalows, including the adjacent 100 Burry Road, but this is not considered to dictate local character.

Plots 1-6 are two-storey at their frontages and, although there are no additional floors, they appear taller on their rear elevations due to the change in levels. The height of the rear elevations differs from plot 1 to plot 6 due to the levels of the land. The rear elevations of plot 1-6 appear 3-storey but change from approximately 8m to the eaves at plot 1 to approximately 6.5m-7m for plot 6. As these changes in levels are at the rear of plots 1-6 and to the bottom, southern end of the development site, they are not considered to be prominent features and given that views of these parts of the property are restricted, the scale of the rear elevations does not harm the character of the area.

It is also worth noting that 94-99 Burry Road are also built on the same side of the road and experience similar changes in levels from north to south so that the buildings appear two storey from the front and are three-storey at the rear. Taller rear elevations to the rear in response to level changes is therefore not an uncommon feature.

The scale of the houses is therefore considered acceptable in terms of local character.

There has been some objection to the design of the houses on the basis they are inconsistent with the surrounding area. In this particular instance the materials proposed (brick and render) match that used in existing properties and the applicant has taken reference from the more attractive Victorian and Edwardian architecture from the older properties along Burry Road, Alma Villas and Alma Terrace. Windows have a vertical emphasis (rather than the modern tendency for horizontal windows), properties include window bays, and some properties use strong gable features.

Whilst not explicit, it would seem, that the objections to the design are based on the prevalence of the older architecture and how this development is inferior to that. Whilst the applicant has satisfactorily demonstrated compatibility with the existing architecture, it should be noted that this particular section of Burry Road has a mixture of housing design. There is a lot of consistency when viewing the older housing stock but each house from 88 to 100 Burry Road is individual, being either a detached, semi-detached or bungalow property with differing appearances. In this context, it is considered that the design of the houses does have regard to the local architecture, whilst creating a distinct development within the site itself. This is considered acceptable.

The impact on trees is discussed in further detail below but the applicant has also submitted drawings that show soft landscaping is being provided within the development and around the boundaries. The development is close to being considered too hard, due to the limited nature of planting areas, but each property has small front-bedding areas and there is some planting between parking spaces and along the access. It is not clear whether boundary fencing or walls will obscure some of this planting but further details of the walls and fences will be requested by condition to reduce blank spaces and to maximise soft landscaping that will be visible. Additionally, to further reduce the harshness of the hard surfacing, the visitors' parking spaces at the entrance to the site will be conditioned as grasscrete.

The hard landscaping within the scheme relates to the access and parking area, patio spaces/footpaths, decking, boundary treatments (including masonry piers) and retaining walls.

The road and parking areas are to be surfaced with a permeable block paving. The material chosen - Bradstone Woburn Rumbled Infilta (colour: graphite) - will contrast well with the traditional brick and render of the houses but also provides the added benefit of integrating with the site's surface water drainage system. This is considered acceptable.

The proposed sandstone paving is limited to patio areas and footpaths/steps. Only the footpaths/steps will be publicly visible but the sandstone paving is a good quality paving that will add to the attractiveness of the development. This is considered acceptable.

The decking areas are to be created on plots 1-6 to provide level amenity space given the sloping nature of the site. Additionally, plots 1 and 2 will include level garden spaces created using gabion retaining walls which range from approximately 1.5m to 3.7m in height. These decked areas and raised gardens are a sensible way of creating level amenity space given the sloping nature of the site and are not considered to impact significantly on the character of the area as they are restricted to the rear, private gardens.

Other boundary fencing/wall treatments are not well explained on the submitted drawings. Fencing between properties is assumed and it would appear that some small walls/fences are being proposed around the access boundary, which would not be acceptable, but it is not clear. It is not clear the extent to which fencing will be retained, replaced or added to around the site's boundary. Finally, some small retaining walls are proposed around the parking areas for plots 7-10 and to the side of plot 1 but the facing materials of the walls are not clear. Clarification and revisions to the boundary treatments to explain all of this is recommended by condition 3.

The change in levels and resultant impact on neighbouring properties is discussed in further details below.

Finally, the layout creates an insular development with all development fronting and focusing on the new estate road into the site. The layout creates good opportunities for sufficient parking (discussed in further detail below), each property has adequate garden space (in excess of 10m), each property is well-sized (exceeding minimum space standards) and the houses are well spaced.

Due to the insular layout, with the whole development fronting the new estate road, the development is such that plots 7-10 back onto Burry Road. Whilst the layout is good for creating a sense of place within the new development, it creates an atypical relationship with Burry Road where most properties front the road. That said, the position of plots 7-10 relates well to the jagged building line created by 95-100 Burry Road, the houses will be well screened by new and existing planting (which wouldn't be too dissimilar to the existing situation) and the houses are designed such the rear elevations are well detailed and won't be unattractive when visible. Because of this, it is not considered that the layout relates poorly to Burry Road or the character of the area.

The development is not proposed to be connected to Alma Terrace. Although the site can be accessed from Alma Terrace, the site is separated from development on this road due to the way in which the front garden of 55 Alma Terrace separates the road from the site, leaving a pedestrian access only. The proposed properties do not line up with the building line established along Alma Terrace but, as this site does not strongly relate to Alma Terrace and the fact that planting will be retained and enhanced along the western boundary, this relationship is considered acceptable.

Considering the above the proposed development is not considered to cause harm to the character of the area and does not conflict with policy SC1 and DM1.

#### Impact on neighbouring residential amenities

No properties are orientated to cause overlooking and most windows in side elevations are bathroom windows which will be obscure glazed. There are some windows in the side elevation of plot 1 which aren't shown as obscure glazed and to ensure no harm to 100 Burry Road these windows will be conditioned to be obscure glazed.

All properties are well separated from the site boundary with following distances noted for proposed houses near to side boundaries with existing properties:

- Plot 1 - 3.75m
- Plot 7 - 3.72m
- Plot 10 - 2.34

Plots 7 and 10 are level with the existing site so, given the separation from the boundary and their modest two-storey height, they will not appear imposing or overbearing. Their positions within the site will not create any significant issues in terms of loss of daylight or sunlight to neighbouring residents.

In other instances, the variation in land levels is such that level changes are proposed. This has resulted in raised/excavated parking areas (maximum changes of approximately of +1.3m and -0.7m respectively), raised decking for plots 1-6, raised gardens to Plot 1 and 2 (maximum of approximately 2.75m) and taller rear elevations of houses on Plots 1-6. Whilst plots 7 and 10 remain level with the existing site, and therefore have a conventional relationship with existing neighbouring houses, other plots, particularly plots 1-6 on the boundary with 100 Burry Road and properties on Vale Road requires more consideration.

Most level changes within the site are subtle and have no significant impact on neighbouring amenities - plots 6 and 7 in relation to 55 Alma terrace or the parking and road levels in relation to 100 Burry Road for example. However, some changes are significant.

Plot 1 in relation to 100 Burry Road is one of the significant areas of change. Here, due to the design requirements associated with level changes, the proposed house would appear taller than two storeys to the side and rear (approximately 5.25m to eaves on the front elevation and 8m to eaves at the rear) and the raised decking would be approximately 3.5m high when compared with the neighbouring land level. However, the differences would be offset by the separation from the boundary by approximately 3.7m, the use of a hipped roof on the east elevation of plot 1 and screening from the decking area and raised gardens to reduce overlooking.

The substantial size of the garden of 100 Burry Road is also a factor to take into account. Plot 1 would be adjacent to the bottom half of the garden of 100 Burry Road, part of which appears to have been sectioned-off and become semi-natural. A tall building on the boundary of this part of the garden is not considered to cause harm as it is well separated from the house and will not appear overbearing in the context of such a substantially sized garden.

Significant changes in levels or tall building heights are otherwise proposed to the rear of plots 1-6 collectively, but these changes and the structures and retaining walls related to this are not considered to impact negatively on neighbouring amenities. The gabion walls and the change in levels to the rear of plots 1 and 2 are substantial (ranging from approximately 1.5m to 3.7m in height) and there is raised decking to the rear of all plots 1-6 (ranging from approximately 1.5 to 3.5m). The rear of plots 1-6 face towards the boundaries of properties on Vale Road. The properties on Vale Road are in excess of 40m away, partially screened by existing trees/vegetation and on the opposite side of a natural valley. Therefore, although the rear of plots 1-6 will be quite tall and the retaining structures and raised decking/gardens could be quite imposing, this is offset by the distance of the Vale Road properties from the proposed houses and the topography of the area.

There are parking areas on the boundaries with 55 Alma Terrace and 100 Burry Road, but given the separation from the boundaries, the relatively low level of spaces (and therefore movements) and the boundary screening, it is not considered that there will be unacceptable levels of noise or disturbance.

Considering the above the proposed development is not considered to cause harm to neighbouring residential amenities and does not conflict with policy SC1, DM1 and DM3.

## Access, parking and highway safety

The outline consent established that the quantum of development and the resultant impact on Burry Road and Alma Villas was acceptable.

The applicant has sought approval of the access in this application. The proposed access is from Burry Road and reinstates an existing access, widened to approximately 10.25m. The position of the proposed access into the development remains unchanged from that shown indicatively in the outline planning application. The position of the access was considered acceptable at that time, as was the small loss of on-street parking space along Burry Road and tree loss as a result. This application expands on the outline consent with technical details to explain that the access is of a sufficient width and gradient that it can be used safely. Following amendments to the drawings, to satisfy Highways in terms of the access radii, the access is considered acceptable and will not be detrimental to highway safety.

The applicant is still proposing 25 spaces, as shown and considered acceptable during the assessment of the outline application. Each property will be served by 2 parking spaces and an additional 5 spaces for visitors will be provided. Four visitor spaces will be provided at the entrance to the site and one between the parking for plots 9 and 10.

The tree loss as a result of the creation of the access was considered acceptable as part of the previous consent and the Borough Arboriculturalist still raises no objection in this respect. This is discussed in further details below.

The proposed access is considered to comply with policy DM4.

## Drainage

As required by the original outline consent, this application has been accompanied by detailed drainage proposals. The details were required up-front given the impact drainage provision could have on the layout and landscaping of the site.

Initially part of the drainage proposals were shown as within the tree protection area. To address this, and concerns raised by Southern Water and ESCC, the applicant revised the drainage proposals. The latest drainage scheme shows that foul surface water will be sent to a diverted sewer which will run across the north of the site, to the rear of plots 7 to 10, and surface water will be sent to attenuation tanks under the estate road. These tanks will control flow rates into the existing surface water drain to the western side of the site at a flow rate that is acceptable to Southern Water and ESCC. This will ensure that the surface water, which ultimately flows out of the sewer to a watercourse in the gardens of the Vale Road properties, flows at rate which will not cause any flooding concerns, even during extreme rainfall events.

The drainage system proposed is now acceptable to Southern Water and ESCC.

The applicant has also provided details explaining that foul sewerage will include a pumping station (to deal with gravity flow problems). In addition to objections about the drainage system and flow rates, which are considered acceptable, an objection has also been raised about the use of pumping station for foul sewerage in terms of noise. The pumping station is subterranean and as such it is not considered that the use of one in this scheme will create a noise nuisance. Environmental Health have been consulted in this respect and raise no objection.

Objections have also been raised about how the drainage system will be maintained.

Detailed maintenance and management of the drainage system is being dealt with as part of the discharge of conditions application HS/CD/16/01015, and a plan showing that measures are in place to deal with regular maintenance as well as drainage blockages and emergencies has been submitted. No objection has been raised by Southern Water or ESCC to this plan.

The proposed development is considered acceptable in terms of policy SC7.

### Trees

Although all matters were reserved at the outline planning application stage, the nature of the development and the constraints of the site - i.e. mature trees - meant that soft landscaping was well explained during the consideration of the outline application. At the outline stage, the development was found to be generally acceptable in respect of soft landscaping and tree protection but this matter should be revisited given the now detailed design.

The applicant has submitted an updated Arboricultural Report. This explains which trees will be removed, some of which are now protected, and designates an area of tree protection to safeguard remaining trees along the southern and northern boundaries. The trees being removed include:

- T2 - Ash. Grade C.
- T3 and T4 - Apple. Grade C.
- T5 - Holly. Grade C
- T6 - Monterey cypress. Grade B
- Part of G7 - Monterey cypress, pittosporum, sycamore and holly. Grade C.
- G10 - Apple and Pear. Grade C.
- T21 - Grade C

The Borough Arboriculturalist is satisfied with this information on the basis that the development maintains separation from trees as outlined in the previous consent, trees along the southern boundary are being retained and protected, that some of the preserved trees on the northern boundary are remaining and that there will be some replacement planting. The Borough Arboriculturalist has noted that the replacement planting on the northern boundary, to offset the loss of some protected trees to create the access, is not sufficient as there are not enough replacement trees so further details in this respect are recommended by condition.

Some activity is proposed within the tree protection areas - i.e. decking and gabion walls - but the tree officer has raised no objection to this and the arboricultural report provides advice on this work which would need to be adhered to during the construction phase.

The proposed development is considered acceptable in terms of policies EN3 and HN8.

### Ecology

It was established as part of the outline planning permission that the site was not home to protected species and that the development of the site would not have any adverse impact on biodiversity. However, it was a requirement of the outline consent to provide biodiversity enhancements as part of this application. These details, which include bird boxes placed at various locations around the site, are shown on the submitted landscaping plan and the Ecologist considers that these details are acceptable.

An objection to the application has noted that a connection to the existing sewer will be within biodiversity protection zone shown in the construction environmental management plan (CEMP). The Ecologist does not object to the CEMP but this matter has been raised with the applicant who will need to update their CEMP, which as explained above is being considered under application HS/CD/16/01015, to ensure that appropriate working practices are adopted in this area to safeguard biodiversity during these drainage works. It is worth noting that the new drainage connection is to an existing adopted sewer which Southern Water would have a sewer easement over to enter, maintain, repair, inspect, improve, renovate and replace sewerage infrastructure including pipes and manholes.

The proposed development is considered acceptable in terms of policies EN3 and HN8.

### Affordable Housing

The proposed development is for 10 units. This is below the threshold for affordable housing contributions, however, it was flagged up as part of the outline planning permission that the applicability of an affordable housing contribution was also subject to a floorspace threshold of 1000sqm. The development is below this threshold so affordable housing contributions cannot be sought for this scheme.

### Ground stability

An objection to the application has raised concerns about ground stability due to the use of retaining structures on site. This site is sloping but the gradient is not steep and no evidence has been submitted in relation to known land stability issues. The requirements of policy DM5 are therefore not considered applicable to this proposal and matters relating to retaining walls can sufficiently be dealt with as part of the building regulations.

## **Conclusion**

Outline planning permission has already been granted for the redevelopment of the site for 10 houses. The details submitted show that the approved quantum of development can be achieved with an acceptable design in terms of access, appearance, landscaping, layout and scale. Subject to conditions, these proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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 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:  
  
16.757/01D, 02D, 03D, 04D, 05E, 06D, 07D and 10; and CSD369-01C, 02B, 03C, 05C, 06A, 07C, 09E, CSD369-10D (Sheet 2 of 3) and CSD369-10B (Sheet 3 of 3)
2. No development shall take place above ground until samples/details of the materials to be used in the construction of the external surfaces of the dwellings and retaining walls hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. Notwithstanding that shown on the approved landscaping plan (drawing no. 16.757/07D), before the landscaping is implemented there shall be submitted to and approved by the Local Planning Authority a scheme of soft landscaping and boundary treatments, 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.
  - Details of all new and retained fences and walls around the perimeter of the site, within the curtilage of the new houses and within the estate.
  - More tree planting along the northern boundary.
  - Grasscrete on the 4 x visitor vehicle parking spaces along the entrance the site.

The details shall exclude:

- Fencing/walls within to the frontage of houses or along the estate road from the visitor spaces southwards.
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. The fencing shown on the western side of the decking and retained garden areas of approved plot 1 shall remain at all times and be maintained at a height of 1.8m and to an appropriate standard.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no extensions or buildings to the dwellinghouses or within their curtilage shall take place without the grant of an additional planning permission.
7. No development shall take place until the measures outlined in the submitted arboricultural report (Tree Survey, Arboricultural Impact Assessment & Tree Protection Plan, dated March 2017, referenced AR/35215/R1, by The Mayhew Consultancy Ltd) 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 ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

Development shall otherwise be carried out in accordance with the submitted arboricultural report.

8. The access shall be laid out in accordance with detail shown on drawing CDS369-05B and the development hereby permitted shall not commence until the construction of the access has been completed to binder course level for the construction period and thereafter completed in accordance with the specification/details agreed prior to occupation.
9. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.
10. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans and the turning space shall thereafter be retained for that use and shall not be used for any other purposes.
11. The development shall not be occupied until car parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use.

12. The windows in the west elevation of plot 1 hereby approved shall remain obscure glazed at all times and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the same elevation.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity of the area.
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 amenity of the neighbouring residential occupiers, particularly 100 Burry Road.
6. To protect features of recognised nature conservation importance, in the interests of the protection of preserved, retained and newly planted trees and to avoid damage to existing and new drainage infrastructure.
7. In the interests of the health of the trees and the visual amenity of the area.
8. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
9. In the interests of highway safety.
10. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. In the interests of the amenity of the neighbouring residential occupiers.

**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 Highway Authority would wish to see the road within the site, that are not to be offered for adoption, laid out and constructed to standards at , or at close to, adoption standards.
4. The applicant is reminded of their responsibilities under the Wildlife and Countryside Act 1981 (as amended) and ensure that no wildlife is harmed when carrying out the approved works.

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### **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

### **Background Papers**

Application No: HS/DS/16/00485 including all letters and documents