

**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