

**Report to:** PLANNING COMMITTEE

**Date:** 05 November 2014

**Report from:** Development Manager

**Application Address:** Land North of 14, Fern Road, St Leonards-on-sea, TN38 0UH

**Proposal:** Variation of condition 10 (approved plans) of Planning Permission HS/FA/08/00797 - minor alterations to elevations

**Application No:** HS/FA/14/00713

**Recommendation:** Grant Full Planning Permission

**Ward:** MAZE HILL

**File No:** FE60000X

**Applicant:** Park Lane Homes (South East) Limited per Pump House Designs Pump House Yard The Green SEDLESCOMBE, East Sussex. TN33 0QA

**Interest:** Freeholder

**Existing Use:** Vacant Land

**Policies**

Hastings Local Plan 2004: DG1

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: No Conflict

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1 and DM3

**Public Consultation**

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 4

Petitions Received: 0

**Application Status -** Not delegated as 4 letters of objection have been received

## Summary

Planning permission (HS/FA/08/00797) for the development of 14 semi-detached houses on this site was originally refused by members at Planning Committee on the 27th April 2011. The application was subsequently allowed at appeal on the 1st December 2011 and costs were awarded against the Council.

## Site and Location

The application site lies on the east side of Fern Road and is currently a vacant, grassed site which slopes steeply down from the rear of the site to Fern Road. The space is positioned between numbers 14 and 31 Fern Road. A public footpath crosses the site. Adjoining properties are two storey detached houses.

## Proposal

This application is for the variation of condition 10 of planning permission HS/FA/08/00797. The previous permission was for a new housing development of 14 x 2 bedroom semi-detached dwellings. Condition 10 relates to the approved drawings for this scheme. By varying this condition the applicant is proposing to replace some of the approved drawings showing changes to the design of the houses.

## Planning History

HS/PR/07/00739 - Certificate of lawfulness of proposed development in respect of operational development constituting a material start on the erection of 10 houses permitted 25 February 1966 reference 65/1165. - Granted - 31 October 2007

HS/FA/08/00797 - Fourteen semi-detached houses with garages on vacant land - Allowed at appeal - 27 April 2011

HS/FA/11/00546 - Fourteen semi-detached housing with garages on vacant land - Refused at committee - 15 September 2011

HS/FA/14/00801 - Discharge of conditions Condition 2a (Samples of External Materials), Condition 2b (Details of boundary treatments), Condition 2c (Details of proposed footpaths to dwellings), Condition 2d (Details of finished floor levels of all buildings), Condition 5 (Scheme for diversion of public right of way), Condition 6 (Archaeological WSI) & Condition 8 (Details of foul/surface water drainage) of planning permission HS/FA/08/00797 - Still under consideration

## Consultations

The objection letters received in response to this application contain the following points:

- The appearance of the dwellings
- The type of application submitted
- The assumption the applicant is seeking to extend the original application time limit

In response to the comments about the potential extension to time limit, I have discussed the application with the agent. They and their clients are well aware that this application, should it be granted, would have the original time limit of the 1st December 2014.

## Considerations

The changes to the proposed dwellings are not considered significant. The overall size and height of the buildings remains the same however, the applicant is altering some of the detailing. In particular the roof design, the porch roofs and the proposed materials. The previously approved application showed the new dwellings being all of the same design with

hip to gable roofs and a false gable on the front elevation. The alterations proposed under this application show the dwellings having more individual character which is more in keeping with the other properties within Fern Road.

Taking the above in to account I recommend that the proposed amendments are approved.

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

## **Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be begun before the 1st December 2014 in line with the original grant of permission by the Planning Inspectorate on the 1st December 2011.
2. No Development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority;
  - (a) samples of external materials
  - (b) boundary fences/wall/railing
  - (c) details of the proposed footpaths to the individual dwellings
  - (d) finished floor levels of all buildings

The development shall be carried out in accordance with the approved details and the dwellings shall not be occupied until the above works have been completed.

3. No dwelling shall be occupied until two garage/parking spaces have been provided in accordance with drawing No 08-953/003D from the original grant of permission HS/FA/08/00797. The garages shall be permanently retained for parking and shall not be used for any other purpose.
4. 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.
5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for the re-direction of the Designated Public Right of Way (DPROW) through the site. The scheme shall include pedestrian crossing points in Fern Road, and a timetable for implementation. The proposal shall be implemented in accordance with the approved scheme.
6. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation

which has been submitted by the applicant and approved in writing by the Local Planning Authority.

7. No dwelling shall be occupied until the measures outlined on submitted drawing No. E4475/SK700F and accompanying document "Land Stability and Drainage Proposals to address Conditions contained in Planning committee Report dated 27th April 2011 in respect of Application No. HS/FA/08/00797 - Fern Road, St Leonards on Sea" by Stephen Wilson Partnership Ltd dated July 2011 have been fully implemented.
8. No development shall take place until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. The dwellings shall not be occupied until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is available to adequately service the development.
9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a remediation strategy detailing how such contamination shall be dealt with.
10. The development hereby permitted shall be carried out in accordance with the following approved plans: 4647/14/400, 4647/14/401, 4647/14/402, 4647/14/403, 4647/14/404 and 08-953/003D

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area. (Hastings Local Plan 2004 - Policy DG1).
3. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
4. To safeguard the amenity of surrounding residents. (Hastings Local Plan 2004 - Policy DG4).
5. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
6. In view of the position of the site in an area of archaeological interest. In accordance with the aims of Policy C6 in the Hastings Local Plan 2004.
7. To ensure the stability of the site and that construction takes account of the local ground conditions and the sloping nature of the site.

8. To prevent surface water run-off from the site in the interests of the amenities of the area.
9. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
10. For the avoidance of doubt and in the interests of proper planning.

#### **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 maximum gradient of the private drive should not exceed 1 in 9.
4. Surface water must not discharge onto the highway.
5. It will be necessary to enter in to a Section 38 Agreement for the adoption of the roads and diverted footpath before the works commence.
6. The Wadhurst clay is of variable permeability, as a result, locations such as this site are prone to the emergence of numerous springs which cause complication during and post development. Groundwater may be encountered during site works, if groundwater is not controlled it may become contaminant. The applicant is advised to conduct a survey identifying and assessing groundwater conditions prior to commencement of development.
7. Consideration should be given to the provision of a domestic sprinkler system.

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#### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

#### **Background Papers**

Application No: HS/FA/14/00713 including all letters and documents