

**Report to:** PLANNING COMMITTEE

**Date:** 05 November 2014

**Report from:** Development Manager

**Application Address:** **Site of former Old Roar House, 104 Old Roar Road, St Leonards-on-sea, TN37 7HD**

**Proposal:** **Variation of condition 22 (approved plans) of Planning Permission HS/FA/14/00052 - amendment to road layout**

**Application No:** **HS/FA/14/00770**

**Recommendation:** **Grant Full Planning Permission**

**Ward:** CONQUEST

**File No:** OL70080V

**Applicant:** Gemselect per oaten architects CMC 45  
Roberston Street Hastings, East Sussex.  
TN34 1HL

**Interest:** Developer

**Existing Use:** Dwellings under construction previously C2 Residential Institution

**Policies**

Hastings Local Plan 2004: H6, NC3, NC6, NC7, DG1, DG2, DG3, DG11, NC10, NC11, L1

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA1, FA2, SC1, EN2, EN3, EN4, H1, H2, H3, T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: DM1, DM3, DM4, DM6, HN9, LRA4

**Public Consultation**

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 4

Petitions Received: 0

**Application Status:** Not delegated - More than 2 letters of objection received

## Summary

This application is for minor material amendments to a previously approved scheme. The proposal follows the grant of planning permission: HS/FA/14/00052 which was for amendments to planning permission: HS/FA/13/00499 - 10 houses (3 x detached and 7 x terraced) and 4 apartments. The previous amendment involved changes to the design of the detached dwellings, alterations to the parking layout and the formation of a second entrance from Old Roar Road. The current minor material amendments are for changes to hard landscaping, changes to the parking layout (including the addition of an extra parking space) and the formation of a new path to the rear of one of the terraced houses. The main considerations are the impacts of the proposal on the character and appearance of the area, highway safety and tree loss. After considering all matters I recommend the proposal for approval subject to conditions.

## The Site and its Location

The site is located on the south eastern side of Old Roar Road and consists of a vacant area of land previously occupied by a detached building (used as a childrens care home) and an outbuilding. The site is surrounded by woodland/mature trees which are protected by Tree Preservation Orders (TPO).

To the north and north-west are low density residential areas characterised by detached properties set in large gardens. To the south is a modern higher density development of detached properties. To the east is an area of ancient and preserved woodland designated as a wildlife corridor, area of nature conservation importance and a local nature reserve.

## Details of the Proposal and Other Background Information

The scheme comprises 3 x 4 bedroom detached houses, 7 x 2 bedroom terraced houses and a two storey block of 4 x 2 bedroom apartments. 11 of the units are to be part buy part rent units.

As with the previous approvals each of the dwellings is to have a private garden and the apartments are to have communal grounds. Parking spaces, bin storage and cycle parking facilities are also proposed. Access to the site is to be from two entrances as previously approved.

The alterations proposed include:

- a) changes to the type of hard surfacing materials;
- b) minor changes to the hard surfacing areas for two of the detached dwellings and the parking area for the proposed flats;
- c) the formation of a turning head;
- d) the formation of a pedestrian path to the side of one of the terraced houses to give access to the rear garden;
- e) the bin storage area for the proposed flats is to be enlarged;
- f) the fence line for the detached dwelling located nearest to the western boundary is to be located further to the north-west.

## Relevant Site History

- HS/OA/07/00997 Redevelopment of site with 10 houses and 4 apartments, including the retention & enhancement of existing areas of woodland.  
Granted 01 February 2008.
- HS/FA/13/00499 Redevelopment of site with 10 houses and 4 apartments, including the retention and enhancement of existing areas of woodland.  
Granted 18 December 2013.
- HS/FA/14/00052 Redevelopment of site with 10 houses and 4 apartments, including the retention and enhancement of existing areas of woodland.  
Granted 09 July 2014.

## Details of Consultations

A total of **4 letters of objection** have been received. The main issues raised include: loss of trees and highway safety.

## 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".

The level and type of development proposed and the second entrance from Old Roar Road are to remain unchanged to that approved under planning permission: HS/FA/14/00052. At the time of considering the previous application the case officer advised that:

"The proposal also involves the formation of a new entrance onto Old Roar Road. The new entrance will have a similar appearance to others found along Old Roar Road as there will be trees on both sides of the access. Through the use of a soft landscaping condition new planting could be achieved along both sides of the proposed access drive which would ensure that the woodland character of the area would be retained. It is therefore considered that the proposal will remain in keeping with the character and appearance of the area".

The current proposal does not involve altering the positioning of the second access road and, as with the previous scheme, suitable soft landscaping can be secured through the use of a soft landscaping condition.

The hard landscape works proposed are relatively minor and are confined to within the site where they will not have an impact on the character or appearance of the wider area. Details of the type of materials etc can be secured through the use of a hard landscaping condition which will ensure a high quality development for future occupants.

In terms of highway safety, as mentioned above, the second entrance has already been approved. At the time of considering the previous application the Transport Development Control Team advised that visibility for the new access was considered to be acceptable given that the speed limit is 20mph.

The additional parking space proposed will further reduce the need for future occupants/visitors to park on Old Roar Road. It is considered that the proposed turning head will make it easier to manoeuvre within the site.

### **Other Matters**

As with the previous approval there is a requirement to provide 20% affordable housing which equates to 3 units. This will need to be secured through the use of a Section 106 agreement.

### **Conclusion**

It is considered that the proposal will remain in keeping with the character and appearance of the area. Suitable soft landscaping can be achieved through the use of conditions and the proposal will not result in additional highway safety issues.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

### **Recommendation:**

- (A) That the Development Manager be authorised to issue planning permission on the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to ensure that 3 part buy part rent units are provided at the site.**
- (B) Subject to (A) above grant planning permission subject to the following conditions:**

### **Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of three years from 18 December 2013.
2. (i) Construction of the development shall not commence 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.  
  
(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

- (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. 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.
  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. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; other vehicle and pedestrian access and circulation areas; hard surfacing materials.
  6. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
  7. No unit hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection and cycle storage space have been provided to the satisfaction of the Local Planning Authority. These storage facilities shall be retained for their intended purposes thereafter.
  8. With the exception of internal works the building works, including site clearance and excavation, site deliveries and collections, 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.
  9. No development shall commence until details of the size and location of any

temporary structures required during the construction process, proposals in respect of the public footpath during construction, a vehicle wheel washing facility together with areas for the storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the approved details shall remain in place and in operation for the duration of the construction period.

10. Every loaded lorry shall be covered before leaving the site.
11. 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.
12. 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.
13. Two garage/parking spaces for each of the detached houses shall be provided to a specification and in a position approved by the Local Planning Authority in relation to each detached dwelling hereby permitted before it is occupied.
14. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
15. 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.
16. No development shall take place until the measures outlined in the submitted ecological statements and reports (Land at Former Old Roar House Hastings East Sussex: Ecological Scoping Survey by Martin Newcombe 19 June 2013, Site of Old Roar House Hastings East Sussex: Bat Survey 2013 by Martin Newcombe 26 July 2013, Site of Old Roar House Hastings East Sussex: Reptiles 2013 by Martin Newcombe 29 July 2013), have been fully implemented, unless:
  - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), 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.

17. 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.

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.

18. No development shall commence until a plan of site landscaping and ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. This shall include:
- (i) site landscaping.
  - (ii) ecological enhancements.

- (iii) a management plan for the future short and long term management of both retained and created habitats outlining how the management of the area will be secured into the future.
- (iv) Landscaping specifically designed to mitigate against the effects of artificial lighting and increased human access/disturbance.

Ecological enhancements will particularly focus on the ancient woodland but will cover techniques and designs aimed at ecological enhancements for other wildlife.

- 19. No development shall take place until permanent fencing and warning signs have been erected in accordance with the approved 'Wildlife Protection Plan for Construction' submitted in accordance with condition 17 (above). All permanent fencing and warning signs will be maintained in accordance with the plan, unless otherwise approved in writing by the Local Planning Authority.
- 20. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
- 21. Prior to occupation of the buildings hereby approved acoustic fences shall be erected either side of the private access drive in accordance with details to be submitted for approval by the Local Planning Authority. The development shall be completed in accordance with the approved details and the fences shall be maintained in perpetuity.
- 22. The development hereby permitted shall be carried out in accordance with the following approved plans:

D.13.1014/104, D.13.1014/108, D.13.1014/204A, D.13.1014/105, D.13.1014/106, D.13.1014/107, TREE PLAN ORH/TSP/0001, TREE PLAN ORH/TPP/002A, D.13.1014/101A, D.13.1014/102C

**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 a satisfactory standard of development and to prevent increased risk of flooding.
- 3. In the interests of the visual amenity.
- 4. To ensure a satisfactory form of development in the interests of the visual amenity.
- 5. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
- 6. To ensure a satisfactory form of development in the interests of the character and amenity of the area.



7. To secure a satisfactory standard of development.
8. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
9. In the interests of the visual and residential amenities of the locality.
10. In the interests of highway safety and the amenities of the area.
11. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
12. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
13. In the interests of traffic safety.
14. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
15. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
16. To protect features of recognised nature conservation importance.
17. To protect features of recognised nature conservation importance.
18. To protect features of recognised nature conservation importance.
19. To protect features of recognised nature conservation importance.
20. To protect features of recognised nature conservation importance.
21. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
22. 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. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW

(Telephone: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

4. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
5. With regard to conditions 17 and 19, the tree protection measures should be in accordance with the standards set out under BS5837:2012 Trees in relation to design, demolition and construction - Recommendations.
6. Consideration should be given to the provision of a domestic sprinkler system.
7. This planning permission has been issued as a variation to the original planning permission HS/FA/14/00052. The pre-commencement conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible.

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### **Officer to Contact**

Mr T Tanner, Telephone 01424 783336

### **Background Papers**

Application No: HS/FA/14/00770 including all letters and documents