

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: **Land Rear Of, 38-40 Nelson Road, Hastings
TN34 3RZ**

Proposal: **Erection of a pair of semi-detached
houses.**

Application No: **HS/FA/14/00660**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE
File No: NE15038R
Applicant: Mr Elphick per CLM Planning Limited 14 Magpie
Close Bexhill on Sea East Sussex TN39 4EU

Interest: Owner
Existing Use: Vacant Land

Considerations

The above application appeared on the Agenda of the Planning Committee held on 08 October 2014. A copy of the Case Officers original report to committee is appended to this report. At that time the Planning Committee resolved to grant planning permission subject to a legal agreement to secure a contribution towards affordable housing. A legal agreement has not been signed and the decision notice has not been issued.

Following a recent Ministerial Statement by the Minister of State for Housing & Planning, Policy H3 of the Hastings Planning Strategy 2011-2028 (the Strategy) no longer applies to schemes under 10 units. As the scheme is for 2 units there is no longer a requirement to provide an affordable housing contribution.

There have been no other changes to the scheme or relevant changes to planning policy since the previous resolution to grant planning permission.

I therefore recommend the application for approval subject to conditions.

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

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins has been provided to the satisfaction of the Local Planning Authority.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been made available for inspection at the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. 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.
5. 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.
6. No development shall take place until full details of all boundary enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected before the building to which it relates is occupied.
7. The side facing windows at first floor level shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no extensions to the dwellings or outbuildings shall be formed/erected without the grant of an additional planning permission.

9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (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.
10. The development shall be completed in accordance with the submitted arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree Protection Plan Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated June 2014 and Supplementary Planting Plan Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated September 2014 prepared by the Mayhew Consultancy Ltd) unless otherwise agreed in writing by the Local Planning Authority.
11.
 - (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 hereby approved shall occur until those works have been completed.

No occupation of any of the dwellings 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.

12. No development shall take place until the measures outlined in the submitted ecological statements and reports (Preliminary Ecological Appraisal Land r/o 38-40 Nelson Road Hastings East Sussex TN34 3RZ dated July 2014 prepared by The Mayhew Consultancy) 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;

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.

13. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development.
14. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site plan, NR.1124.10 & NR.1124.11

15. The development shall not be occupied until cycle parking areas has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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 form of development in the interests of the character and amenity of the area.
3. In the interests of the character and amenity of the Conservation Area.
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 visual amenity.
6. To ensure a satisfactory form of development in the interests of the character and amenity of the area and to safeguard the amenity of adjoining and future residents.
7. To protect the amenities of adjoining residential properties.
8. To safeguard the amenity of adjoining and future residents.
9. To safeguard the amenity of adjoining and future residents.
10. In the interests of the visual amenity of the area and to ensure a satisfactory standard of development.
11. To ensure a satisfactory standard of development.
12. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
13. To ensure a satisfactory standard of development.
14. For the avoidance of doubt and in the interests of proper planning.
15. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

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. Consideration should be given to the provision of a domestic sprinkler system.
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
5. 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.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00660 including all letters and documents