

**Report to:** PLANNING COMMITTEE

**Date:** 07 December 2011

**Report from:** Borough Planning Officer

**Application Address:** Phase 1a at Hughenden Road, Ore Valley, Hastings

**Proposal:** Non-material amendment of Planning permission HS/DS/09/00560 - Omission of obscured glazing to plots 47 and 51 to the west elevation of flat block, plots 40 - 51 in lieu of standard glass

**Application No:** HS/NM/11/00804

**Recommendation:** Grant permission

Ward: BAIRD  
File No: PA40010T  
Applicant: Orbit Group Ltd per CMYK Ltd 6 The Gavel Centre Porters Wood St Albans, Hertfordshire. AL3 6PQ

Interest: Orbit Housing Association  
Existing Use: Flats

**Policies**

Hastings Local Plan 2004: DG1  
Conservation Area: No  
South East Plan: No conflict

**Public Consultation**

Adj. Properties: Yes  
Advertisement: No  
Letters of Objection: 3  
Petitions Received: 0

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

## The Site and its Location

The application site relates to the Phase 1a Ore Valley Millennium Community development. More specifically this application is concerned with the flatted block at the junction of Hughenden Road and Parker Road which forms part of the Phase 1a development.

## Details of the Proposal and Other Background Information

Following an outline planning permission (ref HS/OA/06/00823), for the proposed development of the whole of the Ore Valley Hastings Millennium Community area, Bellway Homes submitted a reserved matters application (ref HS/DS/09/00560) in respect of a portion of the Ore Valley area now known as Phase 1a.

This application was approved and part of the approval included elevations and floor plans showing the flatted block (plots 40-51) with windows that were obscure glazed and fixed shut in the west elevation. The windows were shown this way at the time of reserved matters application as a result of negotiations between the developer, planning officer at the time and local residents.

The applicant has stated that these obscured windows, which serve living rooms, are putting off potential purchasers and decreasing the sale values of the flats. They would like to amend these plans so that the western elevation windows of the flatted block are fixed shut only. They consider that this matter is non-material and have applied to change the plans as a non-material amendment.

## Previous Site History

- HS/OA/06/00823      The Development of a Millennium Community as part of the Government's Millennium Communities Programme including 650 residential dwellings, commercial and retail, higher education facilities and local supporting services and infrastructure, all as described further in the description of development attached.  
Granted subject to conditions 14 March 2008
- HS/DS/09/00560      The Development of a Millennium Community as part of the Governments Millennium Communities Programme, seeking approval of matters reserved by outline permission re:HS/OA/06/00823 for Phase 1A: 51 residential units plus commercial and retail facilities.  
Granted subject to conditions 14 December 2009

## Details of Consultations

There have been 3 letters of objection received.

## Planning Considerations

The non-material amendments procedure was introduced by the Department for Communities and Local Government (CLG) in 2009 after the introduction of the Planning Act 2008, which made some amendments to the Town and Country Planning Act 1990. Frustratingly the CLG's 2009 companion document *Greater flexibility for planning permissions: Guidance*, which explains these changes, does not clearly explain what a non-material amendment is. It states that the new procedure is a simple and quick application process but that applications can only be approved where the amendment proposed is non-material. The guidance document actually states "there is no statutory definition of 'non-material', but this is deliberate as the CLG consider non-material matters to be a matter for local authority discretion.

For the purposes of this application, I consider non-material to mean a change that does not result in any material harm to neighbouring residential amenities or require any consideration as to the impact on the character and appearance of the area. If there is no harm to residents and the matter results in no changes to the character of the area, because any physical change (in this case obscure glazing to clear glazing) is very small scale in the

scheme of the whole development, the matter must be non-material.

Firstly, with regard to these two issues, I believe there will be no material harm to neighbouring residential amenities in terms of privacy/overlooking. Although the obscure glazing was negotiated into the scheme, because of privacy concerns, the properties on Parker Road opposite the western elevation of the flatted block are more than 21m away. 21m is seen as a decent 'benchmark' when considering privacy and overlooking between dwellings. As the distance in this case (23 to 24m) is in excess of 21m, any concern from local residents about privacy is, in my opinion, unjustified as similar relationships existing between other properties in the local area - i.e. Parker Road, Hughenden Road and Beaconsfield Road. I can see no material reason why the windows should be obscure glazed.

Secondly, the proposed change in glazing from obscure to clear will make no material difference to overall appearance of this flatted block or the development as a whole. There is therefore no change to the impact of the development on the character and appearance of the area.

With regard to the above discussion I consider the change proposed non-material and recommend that the application is approved.

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

## **Recommendation**

**Grant permission.**

**The reason for granting this permission is:**

1. The proposed amendment to the western elevation windows of the flatted block (plots 40-51) is considered non-material.

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## **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

## **Background Papers**

Application No: HS/NM/11/00804 including all letters and documents