

Planning Committee Agenda

Wednesday, 27 July 2016 at 6.00 pm

Council Chamber, Aquila House, Breeds Place, Hastings, TN34 3UY.

If you are attending the Town Hall for this meeting, please enter the building via the Community Contact Centre entrance.

For further information, please contact Emily Horne on 01424 451719 or email: ehorne@hastings.gov.uk

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Agenda Item 3 Public Document Pack

PLANNING COMMITTEE

22 JUNE 2016

Present: Councillors Street (Chair), Scott (Vice-Chair), Beaney, Clarke, Beaver, Dowling, Roberts, Rogers and Wincott and Councillor Beaver (as the duly appointed substitute for Councillor Edwards).

99. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cooke and Edwards.

100. DECLARATIONS OF INTEREST

None.

101. MINUTES OF THE MEETING HELD ON 25 MAY 2016

RESOLVED – that the minutes of the meeting held on 25 May 2016 be approved and signed by the Chair as a true record.

102. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

103. PLANNING APPLICATIONS:

103.1 11-15 Sedlescombe Road North, St. Leonards on Sea

Proposal:	Change of use from A1 (Supermarket) to D2 (Bingo Hall) with coffee shop extension, extension to create lobby area, shopfront alterations, canopy & outdoor seating area.
Application No:	HS/FA/16/00040
Existing Use:	Vacant supermarket (A1 retail use)
Conservation Area:	No
Listed Building	No

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Public Consultation

7 letters of objection and 1 neutral comment received

The Planning Services Manager presented this report and advised that this item was approved at the last meeting on 25 May 2016, subject to conditions. Before the decision was issued, the applicant expressed concern regarding the proposed opening hours condition in relation to Sunday opening times and asked to extend the hours of use due to the length of time required for an evening bingo session and to enable staff time to close the building.

The original condition (No. 7) of the previous report dated 25th May 2016, was amended from:- 08:00 to 24:00 Monday to Saturday and 08:00 to 20.00 on Sundays and Bank Holidays.

to:

Bingo Hall: 08:00 – 24:00 Monday to Sunday and Bank Holidays.

Coffee Shop: 08:00 – 20:00 Monday to Sunday (including Bank Holidays).

The Planning Services Manager explained that consultations with Sussex Police and Environmental Health had been carried out on this change to opening hours and no objections were raised.

Councillor Scott proposed a motion to approve the application. This was seconded by Councillor Beaver.

RESOLVED - (unanimously) that planning permission be granted 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

53-15-100, 53-15-200 A, 53-15-201 B.
3. No development shall take place above ground until details (including colour) of the materials to be used in canopy hereby permitted as part of the overall development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
4. Noise emitted from the proposed PA system and any other plant

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equipment as part of the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10dB below the minimum external background noise, at a point 1 metre outside any window of any residential property, unless and until a fixed maximum noise level is approved by the Local Planning Authority;

5. 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.

6. Prior to the development hereby approved being commenced, a noise report from a suitably qualified professional shall be submitted for written approval by the Local Planning Authority;
7. The bingo hall shall not be used except between the following hours:-
08:00 to 24:00 Monday - Sundays or Bank Holidays.
8. The coffee shop shall not be used except between the following hours:-
08:00 to 20:00 Monday - Sunday (including Bank Holidays).

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. For the avoidance of doubt and in the interests of proper planning;
3. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
4. To safeguard the amenity of adjoining and future residents;
5. To safeguard the amenity of adjoining and future residents;
6. To order to protect neighbouring residential amenity;

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7. In order to protect local residential amenity; and
8. In order to protect local residential amenity.

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. If during any excavation, suspicions are aroused as to potentially contaminated land, then further scientific analysis must be undertaken;
4. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall;
5. The applicant is advised that the work proposed will also be subject to building regulations. All the relevant regulations will apply, including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power; and
6. The applicant is advised that the outside seating area should be kept free of litter and rubbish associated with the use of the premises.

104. PLANNING APPEALS & DELEGATED DECISIONS

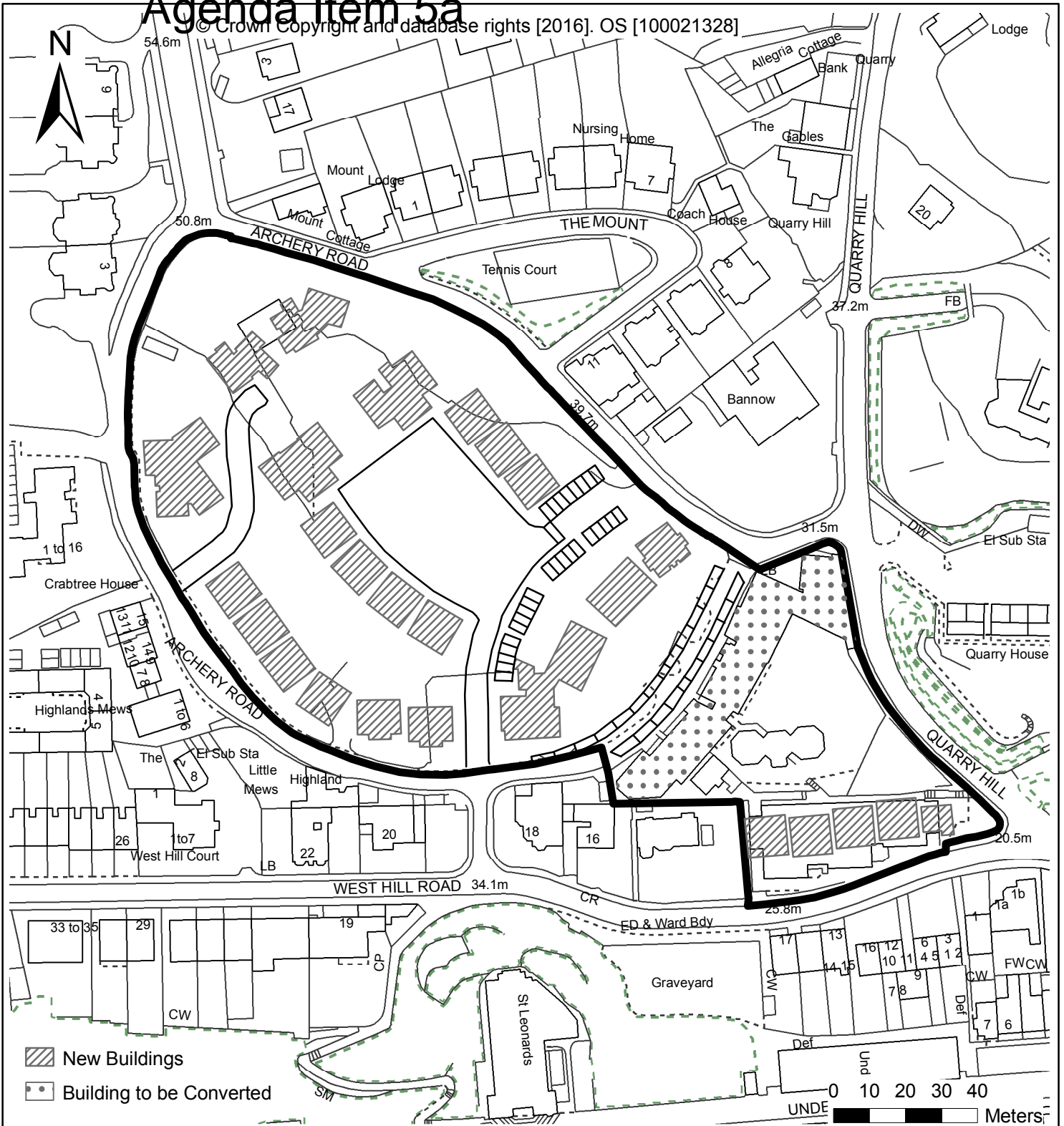
The Planning Services Manager reported that 1 planning appeal had been received; 1 appeal against non-determination had been received; 1 appeal had been dismissed and 1 appeal against an Enforcement Notice had been dismissed in part dismissed, with planning permission granted for a new scheme known as 'Scheme 3a'. She also reported on the number of delegated decisions.

All matters had arisen between 16th May to 10th June 2016.

(The Chair declared the meeting closed at 6.08 pm)

Agenda Item 5a

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**Site of former
Hastings College of Arts and Technology
Archery Road
St Leonards-on-sea
TN38 0HX**

Conversion of Grade II listed building to create 24 residential units, demolition of all other structures and erection of 97 residential units, with associated cycle and car parking spaces, new vehicular access from Archery Road, associated landscaping and enabling works (amended description).



Assistant Director Housing & Built Environment
Hastings Borough Council,
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 451090
email: dcenquiries@hastings.gov.uk

Date: Jul 2016

Scale: 1:1,500

Application No. HS/FA/16/00175

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Report to: PLANNING COMMITTEE

Date: 27 July 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Site of former Hastings College of Arts and Technology, Archery Road, St Leonards-on-sea, TN38 0HX

Proposal: Conversion of Grade II listed building to create 24 residential units, demolition of all other structures and erection of 97 residential units, with associated cycle and car parking spaces, new vehicular access from Archery Road, associated landscaping and enabling works (amended description).

Application No: HS/FA/15/00175

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL

File No: AR50050T

Applicant: Laing/Gladedale (Hastings) Ltd per Indigo Planning Ltd Swan Court Worple Road London SW19 4JS

Interest: N/A

Existing Use: Vacant site

Policies

Conservation Area: Yes - St. Leonards West

Listed Building: Grade II

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 42

Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

This is a full planning application for the erection of 43 new houses, 54 new flats and the conversion of the existing listed buildings to create 24 apartments, making a total of 121 units. The submission follows on from a previously approved scheme (December 2013) for the same number of units.

This submission seeks to make some material alterations to this previously approved planning application, which have come about through the more iterative design process. The changes to the approved scheme are set out within the proposals section of the report.

The Site and its Location

The application site is divided into two distinct parts, separated by a private road and a public footpath. Immediately to the south of the road is the former art block which comprises an attractive Grade II listed building, which has a curved Victorian façade. The building is two storey in height with rooms within the roof slope.

To the south of this building at a lower level was a three storey 1980s block with a mansard roof which has now been demolished.

The topography of the site is important to understand, as the changes in levels have a significant bearing on the proposed layout, and orientation of the buildings. The land rises from south to north, with some of the Victorian Villas to the north enjoying views across the application site.

There remains a number of structures within the site, all of which would be removed (aside from the listed building) as well as areas of hardstanding and internal landscaping.

The character of the surrounding development varies enormously. In West Hill Road, opposite the application site, there are substantial Victorian terraced properties either side of a smaller block of post war flats. At the junction of Quarry Hill and West Hill Road is a tiled building with some mock Tudor detailing next to a single storey building with some Gothic-style fenestration.

At the corner of Archery Road and Quarry Hill is a substantial detached building with tile hanging and mock Tudor features known as the Bannow Retirement Home. Further to the north is "The Mount", a group of predominantly substantial Victorian buildings set above Archery Road, mainly converted into flats set around a tennis court surrounded by trees. At the point of The Mount furthest from the application site there are two smaller more modern properties.

Opposite the north eastern corner of the site is a two storey detached Victorian property which is rendered with a slate roof. Opposite the north western corner are "The Highlands" a group of sandstone Victorian buildings, set above a substantial sandstone retaining wall.

The buildings on the western side of Archery Road opposite the application site are late 20th Century blocks of flats. Below these, in the area between Archery Road and West Hill Road are smaller residential properties of various styles. The properties between the application site and West Hill Road comprise two and three storey rendered buildings.

There are a number of trees within the site, a number of which are sought to be retained as part of this proposal.

The Inspectors appeal decision sets out in some detail the site and surrounding area, and in particular the link between the St Leonards Conservation Area within which the site falls and the Burtons' St Leonards Conservation Area. Although these are separately designated, they are both closely associated with the application site in both physical and visual terms.

The characteristics of the conservation areas that are particularly distinctive are the substantial scale of many of the buildings, their finely detailed elevations, which feature bays, pediments and string courses and their use of traditional materials. The areas also include important public and private open spaces such as St Leonards Gardens, around which a number of the original Burton houses are arranged.

The application site lies immediately to the east of the Burtons' St Leonards Conservation Area, and there is an obvious physical link between the site and the conservation area. Given the fact that there were a number of more modern buildings within the site, it is likely that this was the main reason for it not being included within this designation.

Given however the site contains a listed building, and that it lies adjacent to a particularly important conservation area, it is considered that any development within this site needs to be of a particularly high standard of design, as was very much the case when the previous application (HS/FA/13/00590) was approved.

Details of the Proposal and Other Background Information

This development seeks to make a number of amendments to the previously approved scheme HS/FA/13/00590. Concerns have been raised by the local residents and the case officer that this would have resulted in the 'watering down' of the previous approval to the extent that it would no longer be acceptable – particularly given the lengths the authority and residents went to in the first instance to secure such a high standard of design. As such, further amendments were sought which have now addressed the key concerns raised at that stage. This section will provide an overview of the proposal, and then a more detailed breakdown of the proposed changes from the previous approval.

The proposed redevelopment and conversion of the existing college buildings comprises a mix of houses and flats. The total of 121 units is broken up as follows:

- Block A will sit at the top of the site facing Highland Gardens and will comprise 9 X 1 bed and 3 X 2 bed apartments.
- Block B will be located below Block A and will comprise 4 X 1 bed, 14 X 2 bed and 4 X 3 bed apartments.
- Block C will sit to the east of a landscaped square at the centre of the site and will comprise 6 X 4 bed semi-detached houses.
- Block D will be located opposite Archery Villas will comprise 6 X 4 bed houses and 2 X 3 bed houses.
- Block E comprises 2 X 1 bed and 6 X 2 bed apartments.
- Block F lies to the west of a landscaped square at the centre of the site and will comprise 8 X 3 bed houses.
- Block G comprises 4 X 4 bed semi-detached houses.
- Block H comprises 8 X 3 bed houses.
- Block J comprises 10 X 2 bed apartments and 2 X 1 bed apartments.
- Block K is the Grade II listed former art block which will be converted to create 24 units comprising a mix of 3 X 1 bed, 12 X 2 bed and 9 X 3 bed apartments.
- Block L fronts West Hill Road and comprises 7 X 1 bed houses and 1 X 4 bed houses.
- Block M is a 3 bed detached dwellinghouse located at the junction of West Hill Road and Quarry Hill.

The scheme will provide 60% affordable housing.

A new access road is proposed off Archery Road, between Block J and H which will lead directly to Blocks A and B within the site.

Listed Building Consents and Conservation Area Consent have already been granted for the conversion of the Grade II listed Archery Terrace into 24 apartments and the demolition of the existing college buildings on the site.

This proposal seeks to alter the scheme from that previously approved in the following manner:

- Removal of all roof terraces from the affordable housing;
- Remove two of the balconies from the affordable flats;
- Reduce the height of (the stairwell of) building A by 2.2m;
- Reduce the number of lifts by omitting the lift in the western part of building A;
- Alterations to the steps at the front of the proposed crescent (building D);
- Minor changes to fenestration;
- Revise the details of the boundary treatments; and
- Use UPVC windows instead of aluminium on the affordable flats.

Initially it was proposed that the pedestrian footbridge be removed from the scheme, but this has now been reinstated.

Previous Site History

HS/OA/67/01071	Erection of Engineering Training Centre. Granted 14/11/1967
HS/DS/68/00335	Erection of Engineering Industrial Training Centre. Granted 26 April 1968
HS/FA/69/00536	Erection of Administration Building and Car Park. Granted 14 November 1967
HS/CC/78/10327	Construction of Business studies Block and communal Library/Dining Block. Granted 23 August 1978
HS/CC/83/10744	Erection of new Administrative Unit for Hastings College. Granted 01 June 1983
HS/CA/09/00483	Demolition of existing buildings Conservation Area Consent. Granted 21 June 2012
HS/LB/09/00484	Conversion of Grade II listed terrace to create 24 residential units. Granted Listed Building Consent 21 June 2012
HS/FA/09/00482	Conversion of Grade II listed terrace, demolition of all other structures and erection of 122 residential units. Appeal Dismissed 20 December 2012
HS/FA/13/00590	Conversion of Grade II listed building to create 24 residential units, demolition of all other structures and erection of 97 residential units, with associated cycle and car parking spaces, new vehicular access from Archery Road, associated landscaping and enabling works. Granted 26 February 2014.

A number of applications have been submitted to discharge conditions for the listed building consent that was granted in 2012.

Details of Consultations

Hastings Borough Council Building Control – No objections.

'I refer to your memorandum dated 15 April with respects to the above planning application and would confirm that as a major scheme within the town the full requirements of the building regulations are required to be met, particularly in relation to Part L 2013 for both the new build and the buildings within the conservation area.

Both the applicant and agent are known to the LA with the major discussion items being; means of escape, fire brigade access, 'brownfield site' assessment; sound resistance; background ventilation provisions to reduce the risk of overheating; foul and surface water drainage, disabled access and Part L requirements

Hastings Borough Council Housing - No objections.

'The application is supported by the Housing Strategy Team as per compliance with the Local Plan Policy H3 – provision of affordable housing.'

Hastings Borough Council Conservation Officer – No objections

The Conservation Officer raises no objections to the proposal subject to the imposition of suitable safeguarding conditions as set out at the end of the report.

Highway Authority – No objections.

The Highway Authority do not consider that there are sufficient grounds to seek to refuse this planning application on highways grounds. They note that a previous application has been approved for the same number of units, and seek that the same conditions be imposed upon any permission as per the previous planning consent.

Building Control – No Comment

Building control were consulted but have not responded on this application.

Environmental Heath (contamination land) – No objections.

Environmental Heath were consulted and raised no objections to the proposal subject to the imposition of suitable safeguarding conditions which are set out at the end of the report.

Environmental Health (noise) – No objections.

There are no objections with regards to noise, although conditions are suggested with regards to the construction phase which are included.

Southern Water – No objections

Southern Water have raised no objections to the proposal although they have expressed concern that there is insufficient capacity within the locality for foul water. They therefore request that the applicants ensure that there is sufficient capacity prior to occupation, and

recommend suitable conditions and informatives to ensure that this is delivered appropriately.

Historic England – No objections

Historic England have raised no objections to the proposal, and have sought for the application to be determined in accordance with national and local policy guidance.

Natural England – No objections

They do state however:

'The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.'

'We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.'

Environment Agency – No comment

The Environment Agency were consulted but did not comment on this proposal, rather suggesting that the County Council should respond on surface water aspects of the proposal.

East Sussex County Council Flood Risk Management – No objections

The County Council initially requested that further information be submitted with regards to this application, which was subsequently provided by the applicant. The County have assessed this information and raise no objections to the proposal, but do request that a number of conditions be imposed to ensure that the mitigation be delivered in an appropriate manner. These conditions are set out at the end of the report.

Representations

Neighbouring occupiers of the site were notified of the application and to date a petition and 51 letters of objection have been received from 42 different properties. The concerns raised within these letters are summarised below.

- The proposed development would not be of the required standard of design for the location;
- The proposal would not be of such a high standard of design as previously approved;
- The impact of the proposal upon the highways (and parking provision);
- The loss of the steps to the properties opposite James Burton Crescent would be to the detriment of the scheme;
- The proposal would result in a 'ghetto';
- There would be the lack of a play area for children;

- There would be a detrimental impact upon ecology;
- There would be too many units on the site.

These issues are fully addressed within the main body within the report (unless not considered a material planning matter).

Planning Considerations

Principle -

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.'

Policy LP1 of the Hastings Local Plan (Development Management Plan 2015), paragraph 4.3 of the Hastings Local Plan (Planning Strategy 2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development plan unless other material considerations indicate otherwise.

The application site is allocated within the urban area of Hastings and is allocated within the Hastings Local Plan – Development Management Plan as being suitable for housing provision by Policy MBL1. The full policy is set out above, and the more specific elements of the proposal/policy are fully considered within the main body of the report.

Given the planning history of the site, its allocation within the adopted local plan, and its sustainable location, it is considered that this development is acceptable in principle. More detailed matters are fully considered within the remainder of the report.

Impact on the Character and Appearance of the Area

The site lies within the St Leonards Conservation Area and includes the Grade II listed Archery Villas which previously housed the art block of the former Hastings College.

As the planning history shows, this is a site that has had a previous planning permission granted for a very similar scheme which has now been amended by virtue of a new developer seeking to bring the site forward.

There are a number of external alterations that have been highlighted above relating to this application. In terms of the impact, I would seek to address these individually:

Buildings A and B

The heights of building A and building B have been reduced slightly (by approximately 2.2metres), and the internal arrangement altered. Initially it was proposed that the green roofs from this building be removed, but this has now been reinstated. These alterations are considered to be acceptable.

The loss of balconies from the first floor is also considered to be acceptable.

Building D

It is proposed to remove the previously approved steps from these properties and replace with a ramped access to the front of the buildings. Whilst these would sit opposite the listed building it is not considered that the alterations would result in any significant harm to its setting. It is accepted that the more traditional form of access may well have been a stepped entry, however in this instance the change proposed is considered to be acceptable, and would remain a good design response. I therefore raise no objections to this alteration.

Building E

The replacement of the green roof with a flat roof is considered acceptable.

Building J

It is proposed that this building uses UPVC in place of the previously approved aluminium frames. Whilst this is perhaps considered somewhat of a retrograde step, it is considered that these could still be provided in high quality form, and that in order to ensure that this does not result in a detrimental appearance, the recesses of the windows should be conditioned so that very little of the frame is visible from a public vantage point.

It is also proposed that a flat roof will replace a green roof. Again, whilst it might be preferable for the scheme to include this feature, there is no policy requirement for it as a design feature, and I do not believe that it would result in a proposal that would be inappropriate. It is noted that policy SC3 of the Hastings Local Plan that deals with sustainable development suggests green roofs are a way of achieving zero carbon emissions however in this instance the loss of green roofs would not compromise the sustainability of the development. The proposal would still contain a number of green roofs, so the loss of a small number from the development would not compromise either its integrity or the overall sustainable credentials of this proposal – particularly given it represents the re-use of a brownfield site.

Overall it is considered that the proposal represents a high standard of design quality. It is clear from the representations received that this is a location that is highly sensitive, and that requires a design response befitting of its location. I remain of the view that the overall scheme would deliver this, irrespective of these minor changes, and I am therefore of the view that the scheme complies with both local policy, and national guidance on the matter of visual impact and heritage.

Trees and Ecology

The wooded area to the top (north) of the site would be retained and would form part of a management company that would maintain the landscaping within the site. Elsewhere within the application site, the overall loss of trees and subsequent replanting was previously considered to be acceptable. This proposal would see very little deviation from this previously approved scheme in that regard (within some minor alterations to landscaping to the front of the new terrace).

The Council's Arboricultural officer raised no objections to the previous scheme and whilst no comments have been received on this application, given the very minor changes to landscaping, I see no reason to raise any objections at this juncture.

Affordable Housing

The previously approved scheme allowed for a provision of 21.5% affordable housing, which is below the 25% that the planning policy would seek. In that instance, the viability of the scheme was fully tested, and it was agreed that this was the maximum that could be achieved.

This application seeks to provide 60% affordable housing which is obviously a significant uplift in the normal percentage required. As discussed in the viability section below, given the substantial amount of affordable housing provided, the ability of the applicant to provide other contributions is limited and the viability appraisal concludes that only a surplus of £36,654 would be available. Normally, a resolution to grant would only require an affordable housing provision in line with the policy requirement, and not in excess of that. However, if the 60% affordable housing contribution is not secured by legal agreement, and subsequently the site is developed to provide only the affordable housing policy requirement of 25%, rather than 60%, then the potential for payment of other contributions that could have been possible had the affordable housing provision been 25%, would have been lost. Therefore in order to comply with policy C11 of the Hastings Planning Strategy Local Plan, which requires the mitigation of inadequacies in infrastructure arising from proposed development through appropriate provision or development contributions, secured by a Section 106 contribution, the percentage of affordable housing provided is proposed to remain at 60%. Without this the application would fail to meet the requirements of policy C11 of the Hastings Planning Strategy Local Plan.

Nevertheless, given that this development would now exceed the policy requirements, it is considered that the proposal would address the policy in an appropriate manner. Given the submission of the viability appraisal, I would however require any legal agreement to control this level of provision accordingly.

Viability

The applicant has submitted a viability appraisal that indicates with the provision of 60% affordable housing, there would only be a small level of financial contribution available for other S106 requests. As with many planning applications, this is a balanced matter, but I am of the view that the delivery of this high quality scheme (NPPF environmental thread), which such a high provision of affordable housing would bring about significant benefits in terms of housing provision (NPPF: social thread), within a sustainable location. In weighing up the benefits, I conclude that this would override the other requests in this instance.

The viability appraisal indicates that a residue of £36,654 would be available which I proposed be split between the requirements for highways, play space, art and travel plan monitoring. Delegated powers would be sought to enable the Head of Planning in consultation with the Chair and Vice Chair of the Planning Committee to disaggregate this appropriately.

Highways

As previously set out, this proposal would seek the delivery of the same number of houses/flats as previously approved. The layout remains unaltered in terms of the highways and car parking, and as such the County Council have reiterated their comments from the previous application. Within these comments they have requested that a number of conditions be imposed (which are set out at the end of the report).

Given the sustainable nature of this site, the suitable accesses that can be provided, together with the pedestrian links that are being made available, I am of the view that the site would not give rise to any highway safety concerns.

There would be a total of 182 car parking spaces within the development which is considered to be a suitable level given the location, and the types of properties proposed. In addition, a number of cycle spaces are proposed to be provided within communal areas for the flats (one space per unit), and within the private amenity spaces of the dwellings. This is considered acceptable.

On this basis, there are no objections to the proposal in respect of the highways impact.

Conclusion

This application seeks to make amendments to a previously approved scheme that go beyond what one would consider to be non-material. It is for this reason that a fresh planning application has been submitted.

Nevertheless, given the extant planning permission in place, Members should be minded to consider the amendments that have been made, rather than to consider the principle of development, or any other matter unaffected by the amendments.

A number of comments have been received that this proposal would result in the significant 'watering down' of the development that was previously approved, with the loss of some of the balconies and grass roofs, the removal of the stairs to the front of the terrace, and the inclusion of UPVC windows within the affordable units. It is accepted that some of these amendments are less than positive, however, what is particularly positive about this proposal is the level of affordable housing now being sought, in a development that remains of a very high standard of design.

It is imperative that should permission be granted, strong planning conditions be imposed in order that the quality of the scheme be delivered. The detailed conditions set out below, mirror those previously imposed, and I see no reason to deviate from this at this stage.

RECOMMENDATION

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure :

- The provision of a minimum of 60% affordable housing;
- The provision of a management plan for all publicly accessible open spaces and woodland areas within the site;
- Contributions of £36,654 towards highways, play space art and travel plan monitoring.

unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 1st November 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) subject to the above

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. 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.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

554/005/P8; 554/006/P8; 554/010/P4; 554/038/P4; 554/053/P4; 554/056/P4;
554/059/P4; 554/047/P5; 554/004/P8; 554/009/P6; 554/011/P4; 554/013/P4;
554/048/P5; 554/049/P4; 554/050/P4; 554/051/P4/ 554/052/P4; 554/051/P4;
554/052/P4/ 554/054/P4; 554/055/P3; 554/057/P4; 554/058/P4; 554/060/P3;
554/061/P3; 554/062/P3; 554/033/P4; 554/024/P1; 554/014/P2; 554/055/P1;
554/066/P1; 554/077/P3; 554/SK110/P1; 554/SK112/P1; 554/020/P1;
554/065/P1; 554/068/P1; 554/072/P1; 554/073/P1; 554/076/P3; 554/016/P1;
554/021/P1; 554/022/P1; 554/030/P1; 554/027/P1; 554/031/P1; 554/038/P3;
554/041/P2; 554/043/P2; 554/044/P2; 554/064/P2; 554/067/P1; 554/069/P1;
554/070/P2; 554/072/P1; 554/075/P1; 554/078/P1; 554/079/P2;
554/SK111/P1; 554/001/P1; 554/002/P3; 554/015/P3; 554/025/P1;
554/026/P1; 554/028/P1; 554/029/P1; 554/039/P3; 554/042/P2; 554/045/P2
together with all submitted documentation relating to the contents of these

plans.

4. No development shall take place until sample boards, measuring 1.5m x 1.5m of all materials to be used on all visible external elevations and boundary walls of the new development shall be submitted to and approved in writing by the Local Planning Authority. Where relating to brick and stone sample panels, such details shall show the bond pattern and mortar pointing. The development shall be carried out in accordance with the approved details.
5. Notwithstanding the details shown on the submitted plans and having regard to Condition 4, the sample panels in respect of the brick elevations to Blocks A and B shall include details of the brick bond, window dressings and string courses formed either by brick or stone to match copings.
6. No development shall take place until details of the bridge from the northern end of the site to the podium, including 1:50 elevations and 1:10 sections including details of the construction of the walkway, balusters and balustrades, privacy screens and supports including samples of materials and details of finishes have been submitted to and approved in writing by the Local Planning Authority. The bridge shall thereafter be constructed in accordance with the approved plans.
7. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details:
 - a. windows and door type variations for the proposed new development (including bin stores and garage doors), to include the manufacturers details, size, appearance, materials and finishes proposed, without trickle vents or detailing concealed trickle vents plus 1:10 elevation drawings and 1:2 or full size horizontal and vertical cross-sections through each type;
 - b. roof profiles, colour and finish, plus details of the abutment to the main roof slopes, 1:10 plans and 1:2 or full size section details to be provided.
 - c. roof mounted plant, to include details of all solar panels and photo voltaic installations proposed on visible roof slopes. Details to include information on the size and proposed location of the array, the size of each panel, its appearance, materials, finish, plus full details of any supporting framework required.
 - d. dormers (Block K) and other roof extensions, to include 1:10 front, side and roof elevations, plus 1:2 or full size horizontal and vertical cross-sections.
 - e. rainwater goods, to include proposed locations, sizes profiles, material and finishes.

- f. visible external flues and extract vents, to include proposed locations, sizes, appearance, materials and finishes.
- g. louvered panels (include the profile, size, materials and finish, 1:10 elevation details and 1:2 or full size horizontal and vertical sections to be provided.
- h. balconies on the new buildings, to include full details of the frameless glazing (glass type/colour/reflective qualities), any top rail or vertical support, fixings for the railing and the proposed materials, profile and finishes to all balcony floors. Details to be provided as 1:10 elevations and 1:2 or full size sections.
- i. in respect of Block K full details of all new and replacement windows and external doors. Elevations shall be provided for each item at a scale of 1:10, with full size or 1:2 scale horizontal and vertical sections. Full details of all proposed door and window furniture should also be provided. Window details shall include sections through cills, heads, frames, meeting rails and opening lights, glazing bars and mullions. Doors shall include sections through fanlights, top rails, mid rail, bottom rail, panel details and frame. All new doors and windows on the listed buildings shall match an existing original example profile as agreed with the local planning authority.
- j. in respect of Block K only, full constructional details of the proposed new rear elevation canopy and balcony, to include 1:20 elevations and roof plan, plus full size or 1:2 scale cross-sections through the canopy, and details of the materials, finishes and proposed fixing to the building. Detailed drawings shall show elevations and sections through the canopy profile, canopy ribs/supports, the railing profile and the balcony construction.
- k. in respect of Block K full constructional details of the new rear staircase atrium. To include the proposed fixing in to the original fabric of the listed buildings, plus elevations and roof plans at 1:20 and 1:2 or full size sections through the new construction (to include profiles through the proposed brise soleil, steps and handrails), and a full palette of materials to be used in the construction (roof, walls, floors and staircase).
- l. in respect of Block K full details of proposals for the area below the retained Victorian infill, to the rear of the main entrance area, at basement level. Details shall be provided of all structural proposals, making good works and of any new doors, windows or other new construction proposed.
- m. in respect of Block K full details of the proposed new front wall railings and gates to include the siting, size, appearance, materials and finishes and the proposed method of fixing. Details shall include 1:10 elevation drawings and 1:2 or full size cross-sections through the top rail, baluster profile, queen post profile, rear support bracket profile and a full size detail of all proposed finial

types.

- n. in respect of Block K full details of the new porticos to be reinstated to the front elevation of the terrace. To include 1:10 front, side and roof elevations and sections, plus 1:2 or full size sections through the render mouldings. Full details shall also be provided of all the materials and finishes proposed.
- o. in respect of Block K full details of the new external staircase to the front area to Apt. 1, to include elevation and plan drawings at 1:10 and the step profile and handrail profile at 1:2 or full size, plus details of materials and finishes proposed;
- p. in respect of Block K full details of any proposed new hanging lanterns to the front elevation of the terrace. To include 1:10 elevations and sections, plus details of their fixing to the building and the materials and finishes for the lanterns.

(i) a methodology statement to be submitted and approved in writing by the local planning authority for the refurbishment of the existing lanterns which are to be rehung in a location to be agreed with the local planning authority. The methodology to include repairs to cast iron lantern and associated brackets, details of proposed replacement glass, fixing details into the masonry substrate and details of the luminaire to be inserted;

(ii) existing hanging lanterns to be carefully recorded by way of drawings which will form the template of the proposed and the details are to be submitted in the form of 1:10 plans, elevations and sections, plus details of their fixing to the building and materials and finishes.

(iii) the locations of the new hanging lanterns to be agreed with the local planning authority.

- q. in respect of Block K full details of the proposals in relation to the area of original party/garden wall that is to be retained to the rear garden area of the listed buildings. These are to include a methodology statement for the following:

(i) Any areas of existing wall to be taken down;

(ii) Reconstruction of wall including full specification for the works;

(iii) Specification for reconsolidation of existing parts of the wall to be retained

The methodology statement should include all means of temporary supports to facilitate the works and be accompanied by a detailed drawing showing the extent of each element of works. Should new materials be required, a sample panel showing the proposed materials, width of mortar joint and finish of joint be constructed on site for approval and thereafter maintained on site until completion of the works.

- r. in respect of Block K full details of all new surface treatments to yard and garden areas, where immediately abutting the listed buildings

8. No development shall take place until the measures outlined in the submitted ecological statements and reports Updated Extended Phase 1 Habitat Survey, Updated Badger Survey and Bat Survey, by PJC Ecology, dated March 2013 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.

9. 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.

(f) Species monitoring in accordance with condition 19 below. 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.

10. 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 9. All permanent fencing and warning signs will be maintained in accordance with the plan, unless otherwise approved in writing by the Local Planning Authority.

11. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of surveying and monitoring all important and protected species found on site, such as badgers, to show the effects of the scheme during construction and for a period of ten years after the last house has been occupied. The scheme shall include:

i) A clear statement of the proposed aims and objectives of monitoring;

ii) Details and justification for selection of baseline data and any changes or thresholds that, if occurring or reached, will trigger detailed remedial measures;

iii) Details of positive conservation targets along with any associated performance standards or success criteria that will indicate that targets have been reached;

iv) Details of the important and protected species and their places of shelter such as sett, hibernation sites, that are to be monitored;

v) Methods for sampling and analysing, including the timetable and

location for field survey;

vi) Details of any legally required licences obtained from statutory agencies for the duration of the period of the construction and any changes to those licences which may be necessary during and post construction;

vii) Submission of a report on the monitoring to the local planning authority at intervals to be agreed after the commencement of construction works, or as otherwise approved in writing by the local planning authority, including a report on actual or anticipated changes in communities or populations, the reasons for the changes and any remedial measures considered to be necessary to modify the changes;

viii) Procedures to be put in place to enable the monitoring reports to be considered by the local planning authority in consultation with the developer. Should the local planning authority consider that remedial measures are necessary as a result of considering the monitoring report and any consultation responses under the above clause they shall give written notice to the developers. Within one month of receiving such written notice from the local planning authority the developers shall submit a scheme of remedial measures which shall include (but should not be limited to) the further mitigation and/or changes to any approved mitigation schemes and /or changes to working practices and programme of implementation for the approval of the local planning authority. The approved remedial measures shall be implemented in accordance with the approved scheme and programme unless otherwise approved in writing by the local planning authority.

12. 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; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration.
13. 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.
14. No development shall take place until full details of all boundary fences, walls and enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary fences, walls and enclosures shall be erected before the building to which it relates is occupied.

15. 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.
16. 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.
16. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
17. No demolition or development shall commence on site until a Construction Management Plan setting out mitigation measures to protect against disruption caused during demolition and construction has been submitted to and approved in writing by the Local Planning Authority. The management Plan shall include:
- a) Parking for vehicles of site personnel, operatives and visitors;
 - b) loading and unloading of plant and materials;
 - c) storage of plant and materials
 - d) programme of works (including measures for traffic management)
 - e) Proposed methods of excavation, demolition, piling and all other construction associated with the development;
 - f) Noise and vibration monitoring arrangements for any piling that may be undertaken;
 - g) Methods of controlling dust emissions from the site
 - h) Details of wheel washing facilities and equipment to be provided

during periods of demolition, excavations, earthworks and construction to be provided within the site to prevent the carrying and deposition of mud, dust or other debris on their wheels and to prevent contamination and damage to adjacent roads.

18. Prior to demolition works commencing on site or the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway authority. This shall include the size of vehicles, routing of vehicles and hours of operation (given the restrictions of the access and/or the approach road the hours of delivery/collection should avoid peak traffic flow times and the size of vehicles should be restricted).
19. (i) detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority.

(ii) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.
20. The new estate roads shall be designed and constructed to a standard approved by the Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as publicly maintained highway.
21. No development shall take place within the application site 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 to and approved in writing by the Local Planning Authority.
22. No development shall take place within the application site until the applicant or their agents or successors in title, has secured the maintenance of an

on-site watching brief by a suitably qualified and experienced archaeologist during construction work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. In the event of important archaeological features or remains being discovered which are beyond the scope of the watching brief to excavate and record and which require a fuller excavation, then construction work shall cease until the applicant has secured the implementation of a programme of archaeological work in accordance with a revised written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.

23. There shall be no obstruction to visibility in either direction onto Archery Road within splays of 2.4 X 43 metres at the junction with the access roads into the development
24. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of vehicles.
25. 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.
26. Development shall be carried out in accordance with the details approved under condition 26 and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
27. 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.
28. No dwelling hereby approved shall be occupied until readily accessible storage space for refuse bins awaiting collection have been provided to the satisfaction of the Local Planning Authority.
29. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), the garages hereby approved shall be kept available for the parking of motor vehicles at all times.
30. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England)

Order 2008 (or any Order revoking or re-enacting or amending those Orders with or without modification), no development within Part 1, Classes A-G shall take place on the dwellinghouses hereby permitted or within their curtilage.

31. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no television, radio aerial, satellite dish or other form of antenna shall be affixed on the exterior of any building forming part of the development hereby permitted.
32. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any Order revoking or re-enacting or amending that Order with or without modification), no windows, doors or other form of openings other than those shown on the approved plans, shall be inserted in the flank elevations of Blocks C, D, F, G, H, L, M of the development hereby permitted.
33. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no gates, fences, walls or other means of enclosure, other than those shown on the approved plans, shall be erected or placed forward of the principal wall of the dwellings forming Blocks C and F.

Reasons:

1. This Condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).
3. For the avoidance of doubt and in the interests of proper planning.
4. In the interests of the character and amenity of the St. Leonards West Conservation Area.
5. In the interests of the character and amenity of the St. Leonards West Conservation Area.
6. To ensure a satisfactory form of development and in the interests of the character and amenity of the St. Leonards West Conservation Area.
7. In the interests of the character and amenity of the St. Leonards West

Conservation Area.

8. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 Policies NC8 and NC9.)
9. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
10. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
11. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
12. In the interests of the character and amenity of the St. Leonards West Conservation Area.
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18. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1).
19. In the interests of highway safety and for the benefit and convenience of the public at large.
20. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
21. In the interest of public safety.
22. 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.
23. 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.
24. To ensure that an acceptable standard of access is provided in the interests of pedestrians safety.
25. In order that the development is accessible by non car modes and to meet the objectives of sustainable transport.

26. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
27. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
28. To ensure the deliver of sustainable development in accordance with the interests of the NPPF and emerging Policy EC4 of the Development Managing Plan.
29. To ensure the deliver of sustainable development in accordance with the interests of the NPPF and emerging Policy EC4 of the Development Managing Plan.
30. To ensure the deliver of sustainable development in accordance with the interests of the NPPF and emerging Policy EC4 of the Development Managing Plan.
31. In the interests of the character and amenity of the St. Leonards West Conservation Area.
32. In the interests of the character and amenity of the St. Leonards West Conservation Area.
33. In the interest of the character and amenity of the St. Leonards West Conservation Area.

Notes to the Applicant

1. 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.
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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
4. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
5. It will be necessary to enter into a Section 38 Agreement for the adoption of the roads before works commence.
6. Due to the nature of the highway in the vicinity of the site, construction traffic could damage the carriageway/verges. The highway authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact East Sussex highways 0345 60 80 193 to arrange a photographic

survey and joint inspection of the local highway network.

7. The developer should enter into a formal agreement with southern Water to provide necessary sewerage infrastructure required to service this development. Please contact Atkins Ltd, Anglo st James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk
8. A formal application to requisition water infrastructure is required in order to service this development. Please contact Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Tel 01962 858688) or www.southernwater.co.uk
9. Consideration should be given to the provision of domestic sprinkler systems within the properties.

Officer to Contact

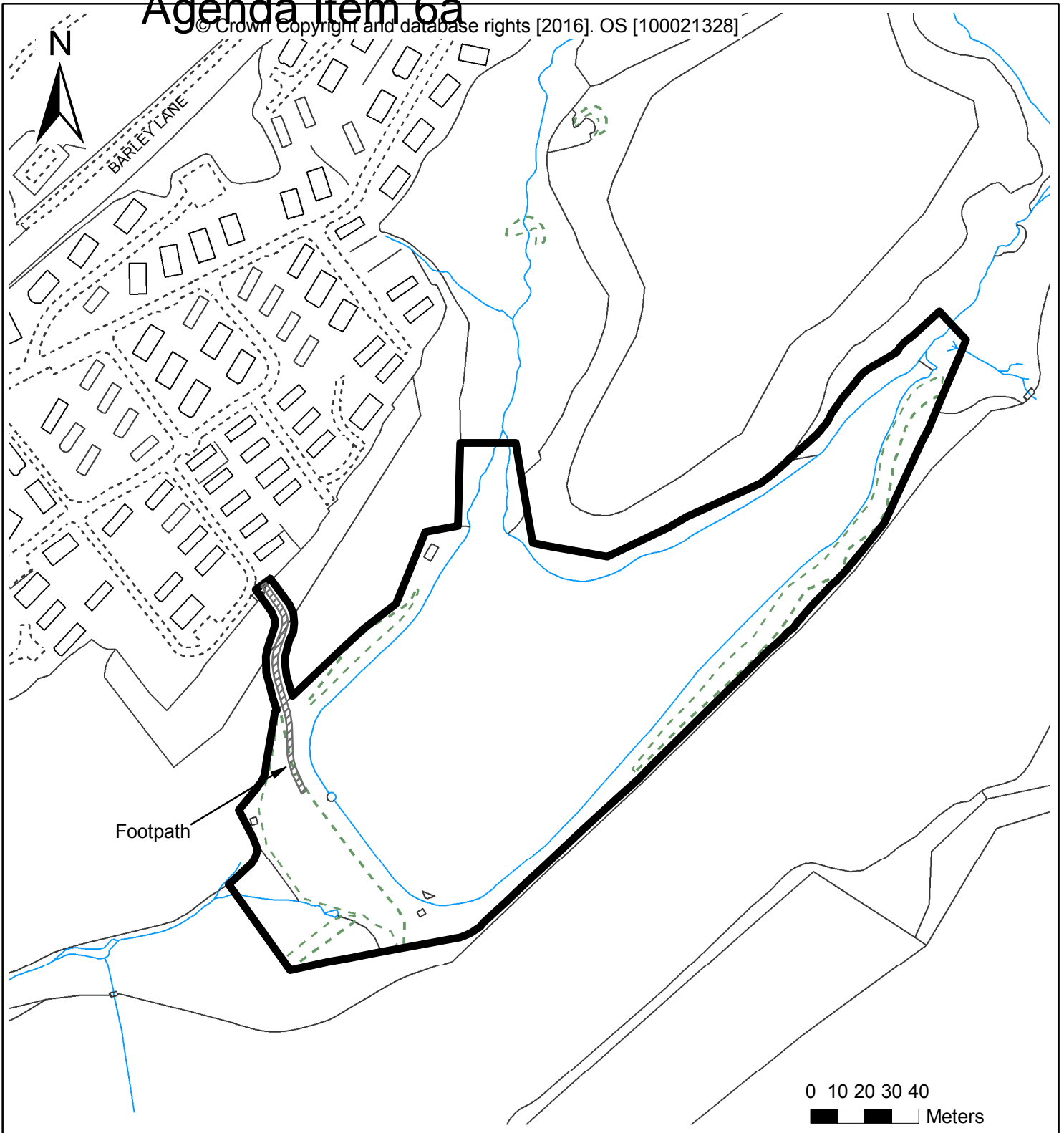
Mr C Hawkins, Telephone 01424 783256

Background Papers

Application No: HS/FA/15/00175 including all letters and documents

Agenda Item 6a

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**Shearbarn Holiday Park
Barley Lane
Hastings
TN35 5DX**

Change of use of private syndicate fishing lake to amenity land in association with Shearbarn Holiday Park and including public fishing. Construction of footpath.(Retrospective)



Assistant Director Housing & Built Environment
Hastings Borough Council,
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 451090
email: dcenquiries@hastings.gov.uk

Date: Jul 2016

Scale: 1:2,000

Application No. HS/FA/15/01030

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Report to: PLANNING COMMITTEE

Date: 27 July 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Shearburn Holiday Park, Barley Lane, Hastings, TN35 5DX

Proposal: Change of use of private syndicate fishing lake to amenity land in association with Shearburn Holiday Park and including public fishing. Construction of footpath.(Retrospective)

Application No: HS/FA/15/01030

Recommendation: Grant Full Planning Permission

Ward: ORE

File No: HA62355T

Applicant: Mr Paul per Wheatman Planning Limited
Wheatman Planning Ltd Beacon Innovation Centre Beacon Park, Gorleston, Norfolk. NR31 7RA

Interest: Freeholder

Existing Use: Caravan park

Policies

Conservation Area: No

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 10

Petitions Received: 0

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

Summary

This is a full planning application seeking retrospective permission for the change of use of the Ecclesbourne Reservoir from a private syndicate fishing lake to amenity land in conjunction with the Shearburn Caravan park. The second element of the application seeks retrospective permission for the retention of a track way providing direct access from the caravan park to the Ecclesbourne reservoir.

The proposal is considered to be acceptable and it is recommended that planning permission be granted subject to conditions.

The Site and its Location

Shearburn Holiday Park is within the High Weald Area of Outstanding Natural Beauty (AONB) and is adjacent to Hastings Country Park. Shearburn, within which the application site is located, is divided by Barley Lane. On the south-east side of Barley Lane is the holiday park and the touring caravan and camp site is on the north-west side. To the South the site borders the Hastings Country Park.

Details of the Proposal and Other Background Information

As stated above this is a retrospective application which has been submitted following on from investigation by the Planning Enforcement Team.

The Reservoir

Shearburn Holiday Park have owned the reservoir for approximately 18 months. Prior to this it was owned and run by a private fishing club. Members of the public belonging to the private club were able to access the lake via a gate to the East of the site. Visitors to the reservoir parked their vehicles in the Council owned car park on Barley Lane or on the verge of the road. Historically there has been no vehicular access to the lake edge. As set out in more detail below, the proposed development will comprise a track from the holiday park down to the lake which is intended to be used as a footpath only, other than for maintenance or emergency in which case a buggy will allow quicker access. It is proposed that the management and maintenance of the reservoir, in accordance with the 1975 reservoir act, will now be dealt with by Shearburn directly. The application proposes that the lake will be open to licensed fishermen, members of the general public and persons staying within the holiday park. Those wishing to fish will be required to purchase a day ticket from the Shearburn office. This is a similar situation to when the reservoir was privately owned whereby the club required payment for use of the lake by purchase of a day ticket.

Constraints

- AONB
- Badgers
- Surface water flooding 1 in 1000
- Surface water flooding 1 in 100
- Surface water flooding 1 in 30
- Area susceptible to groundwater flooding
- Licensed caravan park
- Ancient woodland
- Detailed river network
- Adjacent to the Country Park, not within
- Adjacent to SSSI, not within
- Adjacent to local nature reserve, not within

Details of the Proposal and Other Background Information

Previous Site History

- | | | |
|---|----------------|--|
| - | HS/FA/03/00607 | Alterations and swimming pool extension to entertainments building |
| | Granted | 01/09/2003 |
| - | HS/FA/04/00031 | 1 X 36 X 20 static mobile home for permanent occupation as wardens accommodation |
| | Granted | 21/05/2004 |

-	HS/FA/04/00183 Withdrawn	Construct calor gas tank compound on south east side of barley lane 04/02/2005
-	HS/FA/04/00584 Granted	Extension to form reception and vertical circulation area 23/08/2004
-	HS/FA/04/01118 Refused	Erection of two pied gas storage areas. 14/02/2005
-	HS/FA/05/00004 Granted	Change of use and minor alterations to form holiday park laundrette and convenience shop 24/02/2005
-	HS/FA/05/00488 Granted	Formation of a piped gas storage area. 18/08/2005
	HS/FA/06/00605 Granted	Erection of piped gas storage area 15/11/2006
-	HS/FA/07/00140 Refused	Reposition entrance gates into existing touring field further back into site, erect timber post and rail fence from boundary to gates to each side of entrance road. Site 2no. static caravans adjacent to entrance to touring field for security control and warden accommodation. 04/05/2007
	HS/FA/07/00353 Granted	Conversion of existing house into two apartments for on site staff accommodation. 16/07/2007
	HS/FA/07/00913 Granted	Erection of extension to form a security office at the end of the existing toilet block. 18/12/2007
	HS/FA/14/00762 Granted	Erection of wooden reception building and retrospective consent for play equipment 06/11/2014
	HS/FA/15/00078 Granted	Erection of 2 Bay Pole Barn for use as Maintenance Vehicle Store 01/06/2015

Development Plan Policies and Proposals

Hastings Local Plan - Development Management Plan (2015)

DM1 - Design principles

DM3 - General amenity

DM4 - General access

HN8 - Biodiversity and green space (AONB)

HN9 - Areas of landscape value (AONB)

Hastings Local Plan - Planning Strategy (2014)

EN7 - Conservation and enhancement of landscape (AONB)

FA5 - Strategic policy for eastern area

EN3 - Nature conservation and improvement of biodiversity

EN4 - Ancient woodland

EN6 - Local wildlife site

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 73 states that Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

National Parks, the Broads and Areas of Outstanding Natural Beauty - note relevant paras

National Planning Practice Guidance (NPPG)

Under the heading 'Health and wellbeing - What is the role of health and wellbeing in planning?

Paragraph: 001 Reference ID: 53-001-20140306 the guidance states, 'Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.'

Under the heading 'What are the links between health and planning?' Paragraph: 002 Reference ID: 53-002-20140306, the guidance states:

'The range of issues that could be considered through the plan-making and decision-making processes, in respect of health and health care infrastructure, include how:

- development proposals can support strong, vibrant and healthy communities and help create healthy living environments which should, where possible, include making physical activity easy to do and create places and spaces to meet to support community engagement and social capital;
- the local plan promotes health, social and cultural wellbeing and supports the reduction of health inequalities;
- the local plan considers the local health and wellbeing strategy and other relevant health improvement strategies in the area;
- the health care infrastructure implications of any relevant proposed local development have been considered;
- opportunities for healthy lifestyles have been considered (e.g. planning for an environment that supports people of all ages in making healthy choices, helps to promote active travel and physical activity, and promotes access to healthier food, high quality open spaces, green infrastructure and opportunities for play, sport and recreation);
- potential pollution and other environmental hazards, which might lead to an adverse impact on human health, are accounted for in the consideration of new development proposals; and
- access to the whole community by all sections of the community, whether able-bodied or disabled, has been promoted.

Details of Representations

No neighbouring properties fell within the consultation radius for this site, given its relatively isolated location. As such no formal neighbour consultations were carried out, however, a site notice was displayed at the front of the site along Barley Lane and an advert was placed in the local paper.

There have been 10 letters of objection submitted in relation to this application. The concerns within these letters are as follows;

- The application being retrospective
- Impact on ecology and biodiversity
- Impact on the Country Park
- Potential for further future development
- The lake falling outside of the Caravan site license.
- Introduction of clutter such as picnic tables, lighting, bins etc.

The Friends of Hastings Country Park Nature Reserve have also been consulted and have raised an Objection

- The loss of screening between the lake and the caravans
- Destruction of trees
- Protection of habitats, flora and fauna

The concerns within these letters have been addressed in the report below.

Details of Consultations

- **Estates Team** - No Comments
- **East Sussex County Council Highways** - No Objection
 - The proposed change of use is unlikely to have a significant impact on the highway. However, adequate car parking facilities should be provided within the site for use by the members of the public wishing to fish.
- **High Weald AONB Unit** - No Comments
- **County Archaeologist** - No Comments
 - Cannot comment on the method of construction or likely archaeological impacts as the works have been carried out.
- **Natural England** - No objection
 - No requirement to undertake an Appropriate Assessment as there is not a significant effect on the interest features for which Hastings Cliffs SAC have been classified.
 - The SSSI does not represent a constraint in determining this application.
- **Environmental and Natural Resources Manager** - No Objection, subject to conditions
 - No potential ecological impact can be ascertained as the track is retrospective.
 - Ecology report has identified the need to increase biodiversity in the wetland area through marginal planting and floating islands which is secured through a condition
 - A condition has been suggested in relation to fencing along the rear of the site to control access to and from the Country Park.

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".

Impact on the Character of the Area

As stated above this site is located with an Area of Outstanding Natural Beauty and is in close proximity to the Hastings Country Park. Paragraph 115 of the National Planning Policy Framework (NPPF) states that; Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

Policy HN9 of the Hastings DM Plan states that the inherent visual qualities and distinctive character of the Area of Outstanding Natural Beauty (AONB) and the Combe Valley Countryside Park, will be protected and that development will only be permitted provided it is not detrimental to the character, scenic quality or visual benefit of these areas.

Where development proposals have the potential to impact an area of landscape value a landscape assessment will be required to understand the level of impact. Where impacts are identified proposals should incorporate the recommendations of this assessment.

The applicant has advised that the track way was created to provide a more accessible means of reaching the reservoir for disabled persons and guests staying at the holiday park. The track has also been created to provide access should an emergency occur at the reservoir. Although the majority of works, in relation to the track way have been carried out, there is still an area at the lower end which is to be finished with bark chippings. Having visited the site and walked the track it is apparent that it has not been designed for frequent use by vehicles and having discussed the works with the site manager it is apparent that the only vehicles permitted to use the track are those that belong to the site which consist of a Gator, which is not dissimilar to a quad bike, and golf buggy. There are no future plans to open the track way up to allow other vehicles, including those belonging to the guests of the holiday park or members of the public, to directly access the reservoir.

Having walked the perimeter of the lake it is apparent that only a small portion of the track way is visible from the surrounding area and when the existing trees and shrubs have matured, the track will be fully screened. Similarly, when stood at the opposite side of the lake, where the site adjoins the Country Park, the track is barely visible when the trees are in leaf. It is acknowledged that this situation may alter during the autumn and winter seasons, however, due to the materials proposed to finish the track being natural bark chipping, it is considered that the track will not be visually prominent and will blend in to the woodland scene.

Concerns have been raised by the local objectors in relation to the potential encroachment into the Country Park where the sites abut. In light of this the Environmental and Natural Resources Manager has suggested that a condition be imposed requiring details of a suitable boundary treatment be submitted to and approved by the Council. This condition is considered proportionate to the change of use and has been welcomed by the applicant as they are keen to ensure the site can be managed appropriately. In terms of the numbers of persons visiting the site, this is difficult to quantify due to the nature of the proposed use of the lake. Although in planning terms it is not possible to condition or control the number of visitors to the lake, it is considered that due to the lake being owned by the Shearburn Caravan Park, it will be in their interests to ensure that the site is well managed and the quiet, peaceful atmosphere does not change.

Taking the above factors in to account it is considered that the completion and retention of the track way and the change of use to the reservoir is acceptable, as the overall use of the lake would not be materially different to the present situation and as such it would not have a detrimental impact on the Area of Outstanding Natural Beauty.

Impact on the Highway

Point (d) of DM4 of the Hastings DM Plan states that 'Attention must be paid, not only to the access onto the site, but also access within all parts of any resultant development. Planning permission will be granted provided that parking standards set out within the adopted Parking Provision in New Developments Supplementary Planning Document are complied with'.

The application proposes no additional parking and as noted above the new footpath is not intended for vehicles, with the exception of emergencies. However, there is sufficient parking on site and an existing public car park adjacent to the site and the local Highway Officers have not objected to the application and as such there are no objections in this respect.

Ecology and Biodiversity

Policy EN3 of the Hastings Planning Strategy refers specifically to nature conservation and improvement of biodiversity. This policy states that the towns biodiversity and geological resources will be protected and enhanced and that priority will be given to:

- a) protecting, managing and enhancing the Hastings Cliffs Special Area of Conservation, and other protected biodiversity and geodiversity sites and features including Sites of Special Scientific Interest, Local Nature Reserves and Local Wildlife Sites around the town
- b) ensuring development contributes to the national objective of no net loss of biodiversity by requiring developers to show how their proposals will contribute positively to the natural environment, avoid harm to biodiversity, adequately mitigate for unavoidable damage, or as a last resort, compensate for unavoidable damage.
- c) ensuring proposals for development comply with national and local planning policies relating to biodiversity, and with national Standing Advice published by Natural England.
- d) improving the integrity and biodiversity of the green infrastructure network,
- e) minimising potential negative impacts of new development on the Hastings Cliffs Special Area of Conservation through the delivery of new greenspace across the Borough and through appropriate recreation management of Hastings Country Park and other key natural green spaces around the town
- f) meet our obligations to halting the loss of biodiversity and work with our partners to create opportunities for enhancing biodiversity both in and outside the town
- g) protecting woodland, particularly ancient woodland and veteran trees
- h) strengthening populations of protected and target species
- i) improving site management and increasing public access to areas of nature conservation importance
- j) influencing and applying agri-environment schemes, woodland grant schemes, flood defence and other land management practices to deliver biodiversity targets

Potential adverse effects on the Hastings Cliffs Special Area of Conservation arising from levels of new development set out in the Planning Strategy will be mitigated through improvements to the existing Broomgrove Local Wildlife Site, Combe Valley Countryside Park and the green spaces network as a whole.

Similarly Policy HN8 of the Hastings DM Plan states that development should result in no net loss of biodiversity or designated green space as defined on the Policies Map and that the weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites. It goes on to state that development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be demonstrated that;

- a) the need for the development would outweigh the nature conservation interests;
- b) adverse impacts can be satisfactorily minimised through mitigation and compensation measures.

An Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include:

- a) information of existing on-site ecology;
- b) opportunities for connectivity between spaces and improved accessibility to them;
- c) green space and biodiversity improvements on and off-site as appropriate;
- d) opportunities for the retention or creation of green infrastructure;
- e) measures for the protection and management of ecology, where appropriate;
- f) an arboriculture assessment.

As part of the application, a detailed ecology report has been submitted which has been carried out by 'The Ecology Consultancy'. This report includes a Phase 1 habitat survey and a protected and notable species assessment. This report details that the site is not subject to any statutory or non-statutory designation, but that three statutory designated sites are adjacent to the site. These include; Hastings Cliffs Special Area of Conservation, Hastings Cliffs to Pett Beach SSSI and Hastings Country Park. This report states that, due to the nature in which the scrub clearance was carried out along the existing footpath, no impact on these sites was likely to have occurred.

The report goes on to state that the site includes two areas of Ancient Semi Natural Woodland (ASNW) which provide a wider ecological role in buffering and connecting the adjacent sites and as such these areas should be considered to be of importance at Borough level. Recommendations have been made by The Ecology Consultancy to control access and prevent increased recreational pressure on habitats. *viz* the ASNW and a swap in the north-East corner of the site. These recommendations include the installation of a wooden fence along the footpath edge where it extends through the ASNW and the placement of information boards to educate users of the track of the importance and sensitivity of the ASNW. No further survey for protected species has been suggested due to the small scale of the works, however, should the proposal change at any time a further survey advice from a suitable qualified and experienced ecologist should be sought.

The report has identified however that there is a need to increase biodiversity in the wetland area through marginal planting and floating islands. It is considered that this can be level of biodiversity enhancement can be dealt with under a planning condition in consultation with the HBC Environment and Natural Resources Manager.

As stated above this application for the creation of the track way is retrospective. Although this is unfortunate and permission should have been sought by the applicant prior to commencement of development, this cannot be considered as a material planning reason to refuse its retention. It should also be acknowledged that further damage could be caused to the flora and fauna on site should the Council seek the removal of the track.

Taking the above factors in to account it is considered that, on balance, despite any previous damage caused as a result of the unauthorized works, there is an opportunity to enhance and improve the biodiversity on site. As a result of this the proposal is considered acceptable subject to conditions.

Other Considerations

Concerns have been raised by the local objectors that the reservoir and track fall outside of the Caravan site license. Having discussed the site with the Council's Licensing team it is apparent that in August 2015 an application to extend the site license was submitted. However, at this time the applicant was advised that in line with Section 3 (5) of The Caravan Sites and Control of Development Act 1960, planning permission was required prior to an application to amend the site license being considered acceptable.

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

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. Within six months of the date of this permission the following details shall be submitted to and approved in writing by the Local Planning Authority
 - Details of the boundary treatment along the boarder of the site with the Country Park
 - Details of the fence denoting the edge of the footpath hereby approved
 - Details of the information boards to be installed along the footpath and around the wider site

All such boundary treatment and information boards shall be erected within a time scale agreed by the Local Planning Authority and maintained to an acceptable level thereafter.

2. The works hereby approved shall be carried out in accordance with the recommendations within the Preliminary Ecology Appraisal dated 11.05.2016 produced by The Ecology Consultancy.
3. Within six months of the date of this permission details shall be submitted to and approved in writing by the Council of the measures to enhance and improve the biodiversity within the reservoir in accordance with the recommendations within the Preliminary Ecology Appraisal produced by The Ecology Consultancy. The development shall then be carried out in accordance with the approved details.
4. At no time shall any lighting, permanent or temporary, be installed along the footpath hereby approved
5. The track way hereby approved shall be for pedestrian access only except in emergency situations or for maintenance purposes.
6. The development hereby permitted shall be carried out in accordance with the following approved plans and details: 37221000B, 37221002B and the preliminary ecology appraisal produced by The Ecology Consultancy date 11.05.2016.

Reasons:

1. In the interests of the safety and protection of flora and fauna on the site.
2. To ensure the works are carried out in accordance with Best Environmental Practice.
3. To protect and enhance the biodiversity and ecological features of the site.
4. In the interests of the safety and wellbeing of bats and other wildlife on the site.

5. In the interests of the safety and protection of flora and fauna on the site.
6. 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 separate application, to be submitted in accordance with the Advertisement Regulations, may be required for the display of the information boards, which cannot be approved as part of this permission.
4. The applicant is advised that formal planning permission would be required for any additional structures on site, including maintenance sheds, fishing shelters etc and prior to submitting an application pre-application should be sought from the Local Planning Authority to ascertain the likelihood of such a proposal being considered acceptable.

Officer to Contact

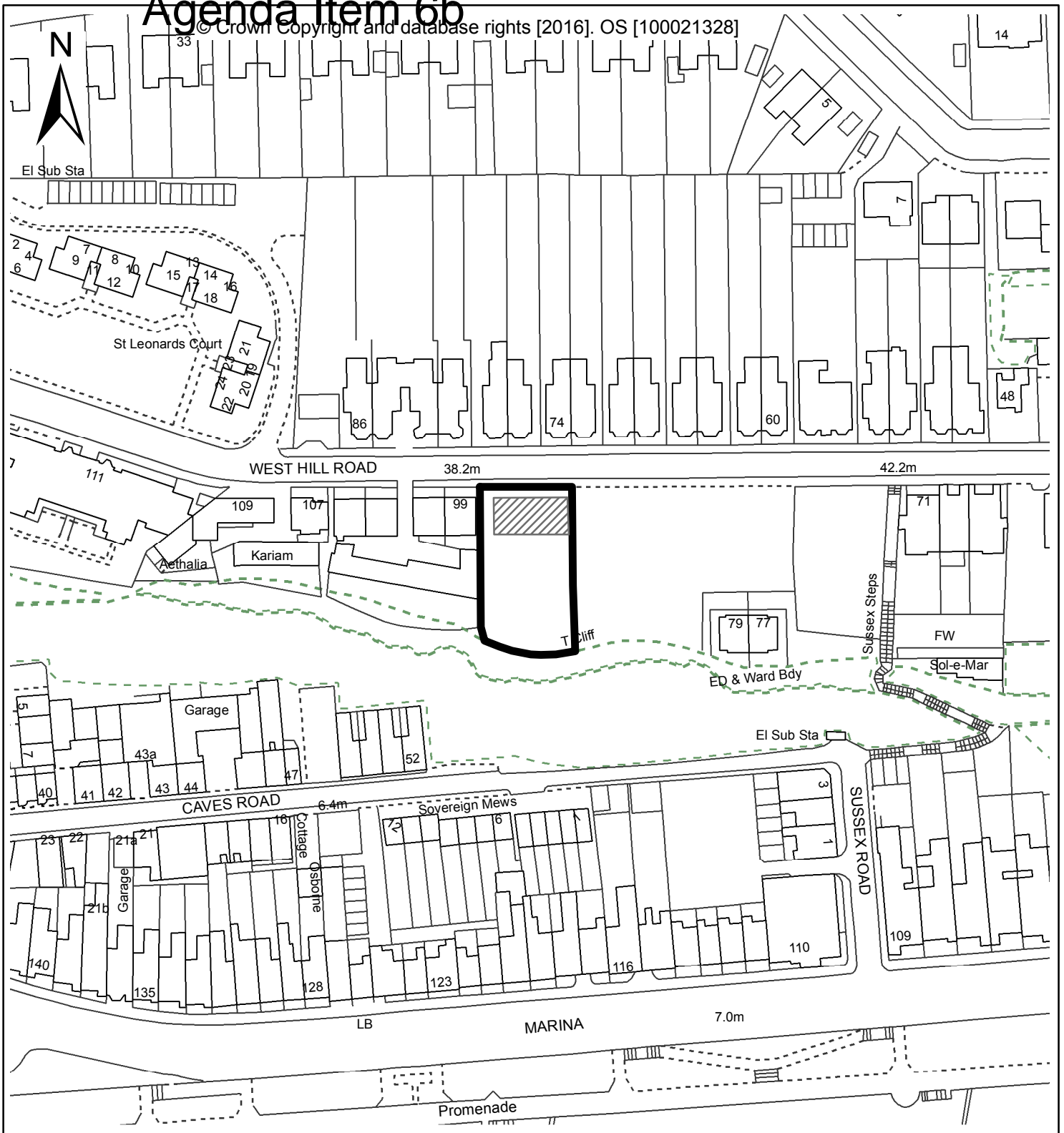
Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/15/01030 including all letters and documents

Agenda Item 6b

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Land adjacent
99 West Hill Road
St Leonards-on-sea

Erection of detached house with two parking spaces



Acting Development Manager,
 Hastings Borough Council,
 Aquila House, Breeds Place,
 Hastings, East Sussex TN34 3UY
 Tel: 01424 451090
 email: dcenquiries@hastings.gov.uk

Date: Jul 2016

Scale: 1:1,250

Application No. HS/FA/15/00511

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Report to: PLANNING COMMITTEE

Date: 27 July 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Land adjacent, 99 West Hill Road, St Leonards-on-sea

Proposal: Erection of detached house with two parking spaces

Application No: HS/FA/15/00511

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL
 File No: WE72076V
 Applicant: Mr Hancock per Past Systems 129 Old Roar Road St Leonards on Sea TN37 7HD

Interest: Freeholder
 Existing Use: Residential Curtilage

Policies

Conservation Area: Yes - Grosvenor Gardens
 National Planning Policy Framework: Paragraphs 14 ,47, 50, 60
 Hastings Local Plan -
 The Hastings Planning Strategy: EN1, FA2, DS1, SC1, SC2, SC3, SC4, SC6, EN3, EN6, H2, H3, T3
 Hastings Local Plan -
 Development Management Plan: DM1, DM3, DM4, DM5, HN1, HN8

Public Consultation

Adj. Properties: Yes
 Advertisement: Yes - Conservation Area
 Letters of Objection: 28
 Petitions Received: 1
 Letters of Support: 1

Application Status: Not delegated - Petition received

Summary

This application was previously presented to Planning Committee on the 25th November 2015 and subsequently on the 23rd February 2016 to extend the time period within which to complete a legal agreement or satisfactorily address the viability of the development. The following resolution to grant permission subject to conditions was agreed at Planning Committee on 23rd February 2016.

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure a financial contribution towards the provision of off-site affordable housing, unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 25 May 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

Since then, on the 13 May 2016 an order was issued by the Court of Appeal which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014. As part of the Ministerial Statement there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

These circumstances are that;

- Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm
- In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty
- Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home

As a result of the Order issued by the Court of Appeal, the Council are no longer able to seek an affordable housing contribution in relation to this application.

As a result of the above, the application is being presented to committee again with the recommendation to remove the previously approved resolution and grant permission subject to the conditions listed below.

The report below is identical to that previously brought to committee with the exceptions of the amendment to the affordable housing paragraph and the removal of the resolution to grant permission subject to an affordable housing contribution.

Background

This application is for the creation of a 4 bedroomed, single storey earth sheltered house set down within the site.

The main issues are the impacts on the amenity of the neighbouring properties, the impact on the Grosvenor Gardens Conservation Area, the impact on the character and appearance of the area and the stability of the cliffs.

After considering these matters, I recommend the proposal for approval subject to conditions.

The Site and its Location

The site in question is located on the south side of West Hill Road and is currently included within the residential curtilage of No. 99 West Hill Road and has been since approximately 1991. Within the site there is currently a conservatory, which it is proposed to remove as part of this application. The site boundary is currently depicted by hedging. To the south of this site are the former sea cliffs which form the southernmost boundary line. To the east of the site there is an area of open space which belongs to the properties on the north side of the road.

The site is located within the Grosvenor Gardens Conservation Area but is not an area of Outstanding Natural Beauty. To the south of the site there is a Designated Local Wildlife Site (policy HN8 of the DM Plan) however, this falls outside of the application site boundary. It should also be noted that this site is not a designated area of open space.

Details of the Proposal and Other Background Information

This is a fully detailed application. The proposal involves the creation of a single storey, four bedroomed detached dwelling, set below the existing ground level. To facilitate the erection of this dwelling it is proposed to remove the existing conservatory which serves No. 99 West Hill Road and separate the existing curtilage to create a new plot. The proposed dwelling is shown to have a grass roof at a similar level to the existing pavement along West Hill Road with a small bank of solar panels facing seawards. To provide adequate light to the rooms at the rear of the property it is proposed to install rooflights and create an open courtyard between the kitchen and dressing room. To the front on the site (sea facing) it is proposed to install full height sliding bi-folding doors to ensure adequate levels of light enter the front of the property. It is proposed to screen the development from the road with boundary hedging encompassing the site; this is also proposed to ensure an acceptable level of privacy is retained. It is also proposed to create two parking spaces to the side of No. 99 West Hill Road with the prime function of serving the new dwelling.

Previous Site History

HS/FA/91/00137	Erection of 14 Lock-up garages with access to West Hill Road Refused - 05/04/1991
HS/FA/91/00259	Erection of 14 Lock-up garages with access to West Hill Road Refused - 30/05/1991
HS/OA/87/00093	Erection of a pair of semi-detached houses with garages Refused - 30/03/1987
HS/OA/84/00542	Erection of six flats on two storeys with new vehicular access and parking Refused - 27/11/1984

Details of Consultations

As part of this application 29 neighbouring properties were consulted, a site notice was displayed and an advert was placed in the local paper. In response to these 28 letters of objection, 1 letter of support and 2 petitions were also received.

Southern Water have provided comments indicating that a formal application for connection to the public sewerage system is required. They have also made reference to the applicants SuDS submission.

Having discussed the submitted wildlife survey with the Council's Environment and Natural Resources Manager it has been agreed that there would be no impact on biodiversity as a result of the development.

The County Council as Lead Local Flood Authority (LLFA) have requested that a condition is imposed requiring that details of the surface water management proposals to be submitted to the Council prior to commencement of the development.

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".

Living Environment

Policy DM3 of the Hastings Development Management Plan requires that dwellings with 4 bedrooms require a minimum internal floor area of 106m². Having reviewed the floor plan of the proposed dwelling it is apparent that the proposals exceed this requirement.

The Department for Communities and Local Government also recently produced technical guidance for space standards. Having assessed the proposed plans against these additional criteria, I am satisfied that the proposed new dwellings also meet these requirements and the resultant living accommodation is acceptable.

The proposed dwelling is shown to have a useable rear garden space of approximately 11 metres in length. The curtilage of the property is shown to extend a further 14.5 metres to the boundary line. However, due to the topography of the site this additional area of land would be impractical to use as residential garden.

Due to the positioning of the proposed dwelling it is apparent that there would be an impact on the existing amenity space currently enjoyed by the residents at No. 99 resulting in only a small yard area to the rear of the property. Although this is a concern, having visited the site and walked along the rear of these of properties it is apparent that this small rear yard is already present at No. 101 West Hill Road. Several of the other properties along this stretch of West Hill Road also have no rear amenity space to speak of. It should also be taken into account that the use of this plot of land has only been in conjunction with No. 99 West Hill Road since 1991. In light of this I am of the opinion that although the proposal would result in a smaller amenity space for the residents of No. 99 the resulting space would relate to the character and history of the property and would not have an overriding detrimental impact.

Land Stability

Concerns have been raised by local residents in relation to potential land instability due to the continual movement of the cliffs. Policy DM5 of the DM Plan relates specifically to

ground conditions. This policy states that *'on land potentially subject to instability (such as steeply sloping sites or in areas with a history of land instability), convincing supporting evidence (from a relevant and suitability qualified professional) must be supplied before development takes place. This evidence is to show that any actual or potential instability can be overcome through appropriate remedial preventative or precautionary measures'*. As part of the supporting information accompanying this application a land stability assessment carried out by Gabriel Geo Consulting has been submitted. This assessment was carried out to assess the stability of the former sea cliff and the likely implications for the proposed development. As part of this assessment it states that *'a ground investigation will be required before development proceeds in order to assess the site's geology, geotechnical parameters and the possible presence of perched groundwater, and thereby enable appropriate design of the retaining walls and foundations'*. The report concludes by saying that *'In summary, it is considered extremely unlikely that the proposed house would come under threat of instability from cliff erosion within its design lifetime'*.

Taking these points into account I am of the opinion that with detailed investigation and careful planning the concerns regarding the cliff stability can be overcome. Therefore in line with Policy DM5 I would suggest that additional information about the extent of remediation and/or mitigation measures should be submitted by condition and agreed by the Council prior to the commencement of development.

Highways

Having carried out the necessary calculations using the East Sussex County Council parking demand tool it is apparent that, due to the size of the dwelling proposed, there is a car parking requirement for 2.5 car parking spaces and 2 cycle spaces on site. Having reviewed the proposed plans, it is clear that the cycle parking space within the garden store is ample, however, there are only two car parking spaces provided on site. Although this falls below the East Sussex County Council requirement I am of the opinion that there is alternative parking available on street. There are also several bus stops within close proximity which provide an alternative, more sustainable mode of transport in line with Policy T3 of the Hastings Planning Strategy.

Character of the Area

As stated above, the site is located within the Grosvenor Gardens Conservation Area. Policy EN1 of the Hastings Planning Strategy states that importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas.

Having reviewed the proposed plans it is apparent that this is not a 'run of the mill' residential development. However, the Council have a duty to assess each application in a pragmatic manner. Within the Hastings DM Plan, it states that, when development takes place it is important that it has regard for local character and achieves a good standard of design. Allowing some flexibility in the form a development might take can sometimes however, result in a more imaginative and innovative scheme being built.

I take into account the concerns raised by the local residents in relation to the proposed design of the dwelling and its relationship to the existing architectural character of the Conservation Area. However, I am of the opinion that the proposed dwelling, due to its distinctiveness and architectural quality would positively contribute to the Conservation area. I have also discussed the proposal with the Council's Conservation Consultant who has advised that, on balance, the proposed development would not have an unacceptable impact on the special character of the Conservation Area.

Ecology

This application is supported by a Wildlife/Ecology Survey carried out by Mr. D Wise. This statement concludes that there is no sign of badgers on site, however there is clear fox activity. It has also been concluded that there is no bat activity and due to the lack of water deposits on site, it is believed that there are no native reptiles and/or amphibians on site.

As stated above, due to the proximity of the site to the Caves Road Cliffs, the Council's Environment and Natural Resources Manager was consulted on this application and the resultant opinion was that there would be no impact on biodiversity as a result of the development. Taking this into account, I am of the opinion that the proposed development would not have an unacceptable impact on the ecology on site, however, I would recommend that the proposed development is carried out in accordance with the following requirements;

Mammals

- During the construction phase gaps should be left beneath any perimeter fencing to allow free access for foraging mammals
- During the construction phase any trenches left open overnight should incorporate a ramp – such as a scaffolding plank – to allow any trapped wildlife to escape.

Nesting birds

- The timing of any construction activity should recognise the possibility that nesting birds might be present. Disturbance should therefore be avoided during the recognised bird nesting season which ranges from the beginning of March to the end of July.

Reptiles

- All vegetation should be regularly maintained at a short height - or removed - to prevent the development of habitat which is favourable to reptiles.
- Site clearance of vegetation should be done with care and in such a way as to enable any reptiles that might be present to be safely driven towards retained or adjacent habitat.
- Piles of debris, including logs, tiles, rubbish and vegetation all have the potential to be colonised by reptiles; such material should not be allowed to accumulate. If such debris does appear it should be removed off site by dismantling it carefully by hand, which will then allow any reptiles that may be present to escape.
- Compost heaps or piles of vegetation waiting to be burnt can provide a favourable habitat, particularly to hedgehogs and slow worms. Any dismantling of such heaps should be done by hand and with care, to ensure that any animals or reptiles they may contain are not injured. If possible, alternative compost heaps should be established elsewhere on the site to ensure that a continuity of habitat is retained.

Drainage

As part of the proposed development the new dwelling is shown to have a planted roof. The rain run off from this roof will be collected and reused for irrigation and to flush the toilets within the house. This is seen to be a sustainable resource and should reduce the overall load of the development on the existing foul and surface water sewerage systems.

The advice provided by Southern Water has indicated that a formal application to the public sewer would be required in order to service the development.

As stated above, the LLFA have reviewed the submitted drainage information. They have acknowledged that the applicant has made efforts to incorporate SuDS features within the development to reduce the overall water demand of the property in the form of a green roof and rainwater harvesting. However, whilst they support the use of rain water harvesting, it has been indicated that this is not typically considered as a flood risk management measure

because there is no guarantee that the system would have available capacity during an extreme rainfall event. Similarly, a green roof would reduce, but not eliminate, runoff from a rooftop. Therefore, it is considered that, in practice, there would still be runoff from the proposed development during extreme rainfall events (e.g. the 1 in 100 year, including climate change, event). As a result of this the LLFA have requested that a condition be imposed requiring that additional information to be submitted prior to commencement of development.

Southern Water have also made reference to the applicant proposed SuDS provision. SW have stated that under current legislation and guidance SuDS rely upon facilities which are not adopted by sewerage undertakers. Therefore, the applicant will need to ensure that the arrangements exist for the long term maintenance of the SuDS facilities. They go on to state that it is critical that the effectiveness of these systems is maintained in perpetuity.

Sustainable Development

The NPPF sets a presumption in favour of sustainable development (paragraph 14), which aims to boost significantly the supply of housing (paragraph 47) and encourages local planning authorities to identify the type and tenure of housing required (paragraph 50). Following on from this guidance, the Planning Strategy identifies that there is need for additional family size dwellings across the Borough which has an unusually high number of flats (paragraphs 8.3 - 8.8, Policy H2).

In this case the proposal has been designed to minimise the impact on the neighbouring properties and, as mentioned above, the dwelling is shown to be 4 bedroom and has an adequate size garden which makes the dwelling suitable for a family. Included within the proposal are both photo-voltaic and water solar panels, rainwater harvesting and an air source heat pump.

Taking these factors into account I am of the opinion that the proposal does represent sustainable development and that it will help achieve the aims of both local and national planning policy.

Affordable Housing

On the 13 May 2016 an order was issued by the Court of Appeal which gives legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014. As part of the Ministerial Statement there are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development.

These circumstances are that;

- Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm
- In designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985?, which includes National Parks and Areas of Outstanding Natural Beauty

- Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home

In light of this the Council are unable to seek an affordable housing contribution in relation to this application.

Local Listing

It should be noted that, during the consideration process of this application, an alternative application has been submitted to the Planning Policy Department seeking to have the area of land along this portion of West Hill Road listed as a non designated heritage asset. The site identified as part of this local listing application does include the application site at No. 99 West Hill Road. Having discussed the local listing process with the Planning Policy Team, it is apparent that the process itself is still evolving but the Panel will likely sit for assessment early in the new year. The Panel's recommendation would then be taken to Cabinet shortly after. In light of this, it is unlikely that a decision on the local listing would be issued before January/February 2016. It should also be noted that if the local listing of this site is granted it would not render the site undevelopable. Taking this into account, I am of the opinion that it would be unreasonable of the Council to delay the determination of this application in lieu of the decision on the local listing.

Other considerations

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

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

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 development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the proposed dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
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 above ground 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; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
6. The development shall not be occupied until the 2 parking areas have been provided in accordance with the submitted plan (Drawing No.DRWG/DH/03). Thereafter the parking areas shall be retained for that use and shall not be used other than for the parking of motor vehicles.
7. The development shall not be occupied until cycle parking areas have been provided in accordance with the submitted plan (Drawing No. DRWG/DH/04).
8. No development shall take place until the investigations outlined in paragraph 6.1 of the submitted Land Stability Assessment by GabrielGeo Consulting, dated 5th October 2015 have been carried out and the resulting report and/or plans submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved report/plans.
9. 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.
10. During the construction phase the following Ecology requirements shall be adhered to;

Mammals

- Gaps should be left beneath any perimeter fencing to allow free access for foraging mammals.

- Any trenches left open overnight should incorporate a ramp – such as a scaffolding plank – to allow any trapped wildlife to escape.

Nesting birds

- The timing of any construction activity should recognise the possibility that nesting birds might be present. Disturbance should therefore be avoided during the recognised bird nesting season which ranges from the beginning of March to the end of July.

Reptiles

- All vegetation should be regularly maintained at a short height - or removed - to prevent the development of habitat which is favourable to reptiles.
- Site clearance of vegetation should be done with care, and in such a way as to enable any reptiles that might be present to be safely driven towards retained or adjacent habitat.
- Piles of debris, including logs, tiles, rubbish and vegetation all have the potential to be colonised by reptiles; such material should not be allowed to accumulate. If such debris does appear it should be removed off site by dismantling it carefully by hand, which will then allow any reptiles that may be present to escape.
- Compost heaps, or piles of vegetation waiting to be burnt, can provide a favourable habitat, particularly to hedgehogs and slow worms. Any dismantling of such heaps should be done by hand and with care, to ensure that any animals or reptiles they may contain are not injured. If possible, alternative compost heaps should be established elsewhere on the site to ensure that a continuity of habitat is retained.

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 dwelling hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwelling 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. The surface water management proposals formulated for the detailed design stage should be supported by detailed hydraulic calculations showing a 'like for like' discharge rate between the existing and proposed scenarios during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events.
 13. The development hereby permitted shall be carried out in accordance with the following approved plans and details: DRWG/DH/01, 02, 03, 04, 05. JC/KD/01A and Land Stability Assessment carried out by GabrielGeo Consulting dated 5th October 2015.

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.
3. To ensure a satisfactory form of development 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 visual amenity.
6. In the interests of the amenity of the neighbouring residential occupiers.
7. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
8. To protect future residents and users of the development in the interests of Health and Safety.
9. To safeguard the amenity of adjoining residents.
10. In the interests of the safety and wellbeing of potential wildlife on the site.
11. To prevent increased risk of flooding.
12. To prevent increased risk of flooding.
13. 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. East Sussex County Council, must be consulted regarding the provision of a vehicular pavement crossing to Highway Authority's standard of specification and construction and at the applicant's expense.

Contact: highways@eastsussex.gov.uk 0345 6080 193.

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 Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
6. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/15/00511 including all letters and documents

Agenda Item 6c

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**Garage between 28 - 30 Priory Close
Hastings
TN34 1UJ**

Outline - Demolition of garage and erection of a dwelling



Assistant Director Housing & Built Environment
Hastings Borough Council,
Aquila House, Breeds Place,
Hastings, East Sussex TN34 3UY
Tel: 01424 451090
email: dcenquiries@hastings.gov.uk

Date: Jul 2016

Scale: 1:1,250

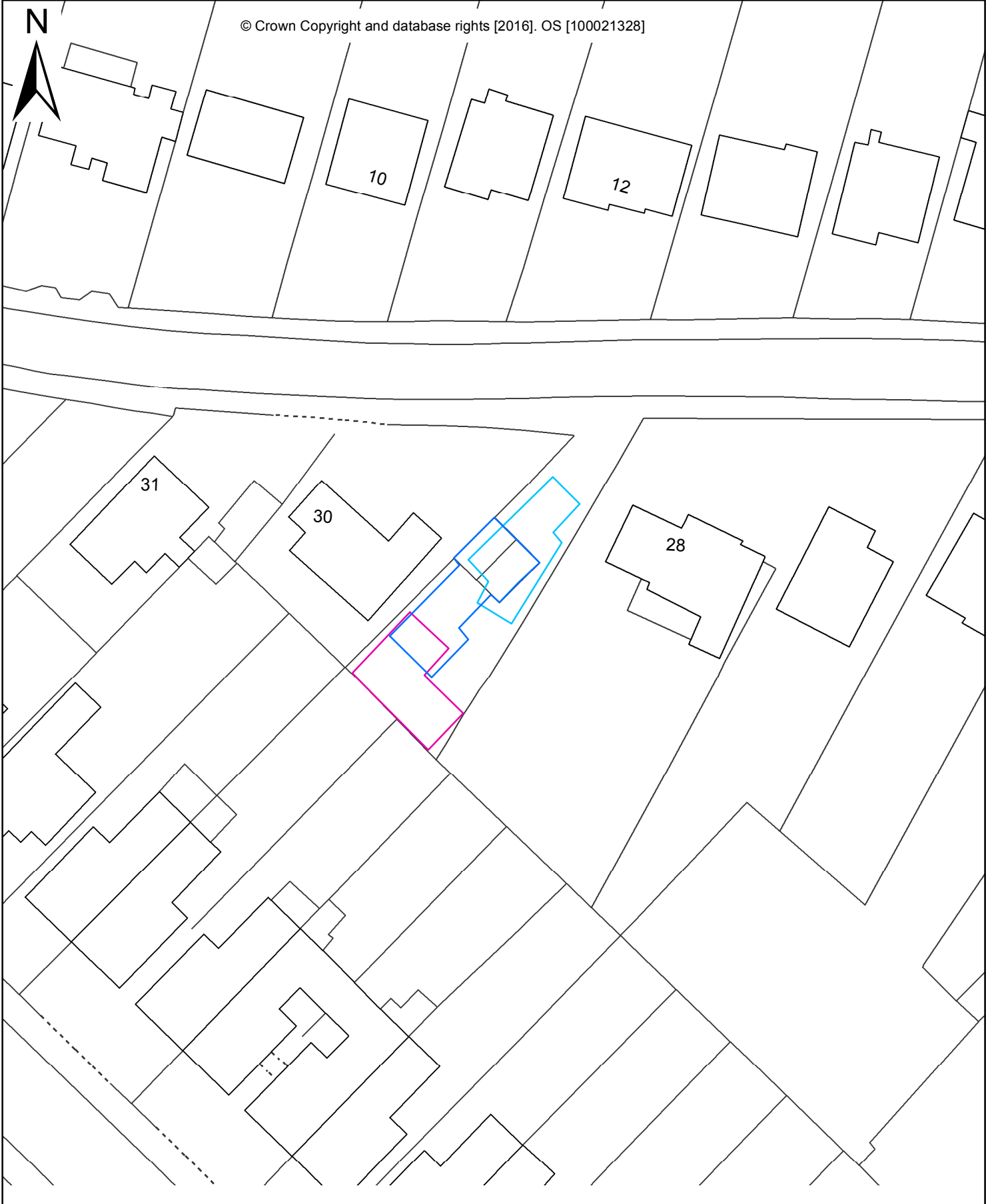
Application No. HS/OA/15/01019

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HS/OA/15/01019

APPENDIX A

Current Application
 12_00361
 13_00465

Date: Jul 2016

Scale: 1:500

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Report to: PLANNING COMMITTEE

Date: 27 July 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: **Garage between 28 - 30 Priory Close, Hastings, TN34 1UJ**

Proposal: **Outline - Demolition of garage and erection of a dwelling**

Application No: **HS/OA/15/01019**

Recommendation: **Grant Outline Planning Permission**

Ward: BRAYBROOKE

File No:

Applicant: Mr Green per Speer Dade Planning Consultants 29 Kings Drive Hassocks West Sussex BN6 8DX

Interest: Freeholder

Existing Use: Vehicle garages

Policies

Conservation Area: No

Listed Building: No

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

Unilateral Undertaking: Received

Notes

Neighbours Expire: 09 February 2016 Members Expire: 09 February 2016 or same as advert expiry if later.

Neighbours Checked on site: Yes

Objection letters read: Yes

Site Visited: 28 January and 30 June 2016

Summary

The proposal is for outline planning permission for the demolition of the double garage and erection of a new single storey detached dwelling with all matters reserved for consideration in the future.

The application as submitted on 3 December 2015 had two options proposed, option A and option B. The applicant has requested that option A be withdrawn for consideration and only option B be assessed as part of this outline planning application (as per the proposal description described above).

The main issues to consider are the principle of development, impact of the proposal on the character and appearance of the area, the effect of the proposal on the living conditions of the occupiers of no. 28 and no. 30 Priory Close (in relation to outlook, loss of daylight/sunlight and privacy), whether future occupiers of the dwelling would experience acceptable living conditions in relation to privacy and external garden space, impact on highway safety/parking, ecology and on the mature Pedunculate Oak (protected by tree preservation order 279) located to the north east of no. 30 Priory Close.

This application has attempted to overcome recent refusal reasons and more specifically is considered to have successfully addressed the most recent appeal dismissal on the previous scheme (Appeal Ref: APP/B1415/A/12/2183312). There were 3 main issues in respect of the dismissed appeal:

1. The effect of the proposal on the character and appearance of the area;
2. The effect of the proposal on the living conditions of the occupiers of no. 28 and no. 30 Priory Close in relation to outlook, loss of daylight/sunlight and privacy; and
3. Whether future occupiers of the dwelling would experience acceptable living conditions in relation to privacy and external garden space.

The site lies within the urban area of Hastings where new housing is acceptable in principle, subject to relevant Local Plan policies. After considering all matters and taking into account the objection letters submitted, it is considered that the proposal is acceptable subject to conditions.

Site and Surrounding Area

The site is located on the southern side of Priory Close and has a site area of approximately 306m². It is situated between no. 28 and no. 30 Priory Close and comprises a double garage towards the north of the site with a concrete driveway in front and an area of rough grassland with no trees or shrubs behind. Access is via an existing dropped kerb. The existing double garage is built up to the boundary with no. 30 Priory Close and is brick built with a flat roof. The site is enclosed on the north-west and south-west boundaries by a close board fence and the south-east boundary with no. 28 Priory Close comprises an established hedgerow.

The topography of the site slopes from south-east to north-east area (ground level rises from the road to the rear boundary), with the adjoining residential properties at no. 28 Priory Close (detached bungalow) at a lower level, and no. 30 Priory Close at a higher level (detached bungalow). The character of this part of Priory Close is generally single storey bungalows.

Both nos. 30 and 31 Priory Close have less private rear garden amenity space available than the subject site, approximately 109m² and 100m², respectively. The closest distance between the rear building line setback and the rear boundary for each of these properties is approximately 4.5m (no.30) and 5.9m (no.31). The overall site area of no.30 is approximately 417m² (26% larger than subject site) and no. 31 is approximately 348m² (only 12% larger than subject site). All other surrounding properties have a larger site area greater than the two properties mention above.

The site is covered by the following constraints:

- Susceptible to ground water flooding
- A mature pedunculate oak (protected by tree preservation order 279) located to the north east of no.30 Priory Close. Specific constraints from this tree in relation to the subject site include:

- a) Root protection areas
- b) Tree shade
- c) Seasonal nuisance
- d) Routing of future services
- e) Crossing limb overhanging the driveway within the site, see section 3.3 of Arboricultural Survey, dated 12 January prepared by PJC Consultancy Ltd, ref: 3895/16.

Proposed development

The proposal is for outline planning permission for the demolition of the double garage and erection of a new single storey detached dwelling with all matters reserved for consideration in the future.

The application as submitted on 3 December 2015 had two options proposed, option A and B. The applicant has requested that option A be withdrawn for consideration and only option B be assessed as part of this outline planning application (as per the proposal description described above).

The indicative drawings submitted show a single storey, two bedroom detached dwelling (3 person home) incorporating a low-profile contemporary living flat roof, together with two private off road parking bays.

The height of 2.9m (when measured from natural ground level/excavated ground floor level to top of flat roof) would remain the same as the existing garage, the internal floor to ceiling height will be 2.54m and the maximum depth would be 15.3m. The dwelling ranges in width between 6.4m (visible from Priory Close), 4.3m (middle section of dwelling) and 5.85m (rear elevation).

Materials include timber panels, glazed floor to ceiling windows, glazed bi fold doors, high level windows and glazed front door.

The proposed dwelling would have a gross floor area/footprint of 86.4m², overall site area of approximately 306m², 5m rear garden depth (when measured from the closest distance between the rear building line setback and the rear boundary) and private garden amenity area of approximately 128m² (nos. 30 and 31 Priory Close have approximately 109m² and 100m²).

Although indicative drawings regarding design and internal layout have been included it is not being assessed as this application is for outline planning permission only as all matters are reserved.

The application is supported by the following documents:

Application form, dated 3 December 2015

Drawing no. 487/OS (Site Location Plan)

Drawing no. 487/B1B (Option B Site Plan)

Drawing no. 487/B2A (Option B Floor plan)

Drawing no. 487/B3A (Option B Section AA)

Drawing no. 487/B4A (Option B Section BB)

Drawing no. 487/B5A (Option B Section CC)

Drawing no. 487/B6A (Option B Elevations)

Drawing no. 487/B7A (Block Plan)

Planning Statement

Arboricultural Survey, dated 12 January 2016 prepared by PJC Consultancy Ltd (ref: 3895/16)

Details for photographs taken during Wildlife survey, dated 7 September 2015 including photos 1 to 5.

Wildlife/Ecology Survey and Report, dated 7 September 2015

Relevant Planning History

There have been six previous applications for this site, of which all were refused by the Planning Officer. HS/OA/12/00361 and HS/OA/82/00414 were both refused permission on appeal and these are detailed below.

HS/OA/13/00465: Removal of Double Garage and replacement with Detached Bungalow. **Refused** on 22 July 2013 (**no appeal**) for the following reasons:

1. The site is considered to be of insufficient size to allow the development proposed to be carried out satisfactorily due to its shape and narrow road frontage to Priory Close.
2. The proposed development is considered out of keeping with the immediately surrounding area and would lead to overdevelopment of this restricted site. The proposed dwelling would be located forward of the established building line, causing harm to the regular rhythm and appearance of the street. It is therefore out of character the area and contrary to policy DG1 of the Hastings Local Plan 2004 in relation to:
3. Sympathy with the appearance and character of the area and suitability in scale, massing, design, appearance, materials, layout and siting, both in itself and in relation to nearby buildings (including parts of buildings), spaces and views.

HS/OA/12/00361: Single storey detached chalet bungalow. **Refused** on 25 June 2013 (and **appeal dismissed**) for the following reasons:

1. Impact on the amenity of the neighbouring property of 30 Priory Close due to the loss of privacy, outlook and natural light.
2. Insufficient size site to allow the development proposed to be carried out satisfactorily due to its shape and narrow road frontage to Priory Close.

3. Out of keeping with the immediately surrounding area and would lead to overdevelopment of this restricted site.

HS/OA/82/00484: Erection of bungalow with garage or parking space. **Refused** on 29 September 1982 (and **appeal dismissed**) for the following reasons:

1. Insufficient size site to allow the development proposed to be carried out satisfactorily due to its shape and narrow road frontage to Priory Close.
2. Out of keeping with the immediately surrounding area and would lead to overdevelopment of this restricted site.
3. Harm to the amenities at present enjoyed by the occupiers of the adjoining dwelling at 30 Priory Close.

HS/OA/74/00853: Erection of a bungalow and garage. **Refused** on 24 October 1974 for the following reasons:

1. Insufficient size site to allow the development proposed to be carried out satisfactorily due to its shape and narrow road frontage to Priory Close.
2. Out of keeping with the immediately surrounding area and would lead to overdevelopment of this restricted site.
3. Harm to the amenities at present enjoyed by the occupiers of the adjoining dwelling.

HS/OA/72/01272: Erection of two bedroom bungalow. **Refused** on 29 September 1972 for the following reasons:

1. Insufficient size site to allow the development proposed to be carried out satisfactorily due to its shape and narrow road frontage to Priory Close.
2. Out of keeping with the immediately surrounding area and would lead to overdevelopment of this restricted site.
3. Harm to the amenities at present enjoyed by the occupiers of the adjoining dwelling.
4. The application does not make provision for any off-street car-parking within the site to comply with the Local Planning Authority's car-parking standards.

HS/OA/72/00472: Erection of detached house with integral garage, and demolition of existing garages. **Refused** on 28 April 1972 for the following reasons:

1. Insufficient size site to allow the development proposed to be carried out satisfactorily due to its shape and narrow road frontage to Priory Close.
2. Harm to the amenities at present enjoyed by the occupiers of the adjoining dwelling.
3. Out of keeping with the immediately surrounding area which is predominantly bungalow housing of a density of considerably less than proposed.

Development Plan Policies and Proposals

Hastings Local Plan – Development Management Plan (DMP) (2015)

The following policies are applicable:

- LP1 - Considering Planning Applications
- DM1 - Design Principles
- DM3 - General Amenity
- DM4 - General Access

DM6 - Pollution and Hazards
HN7 - Green Infrastructure in New Developments
HN8 - Biodiversity and Green Space

Hastings Local Plan – Planning Strategy (HPS) (2014)

The following policies are applicable:

DS1 - New Housing Development
FA2 - Strategic Policy for Central Area
H1 - Housing Density
H2 - Housing Mix
H3 - Provision for Affordable Housing
T3 - Sustainable Transport
SC1 - Overall Strategy for Managing Change in a Sustainable Way
SC2 - Design and Access Statements
SC3 - Promoting Sustainable and Green Design
SC4 - Working Towards Zero Carbon Development
SC7 - Flood Risk
EN3 - Nature Conservation and Improvement of Biodiversity

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision making.

Paragraph 17 affirms that planning should pro actively drive and support sustainable economic development; reusing land that has been previously developed and support the transition to a low carbon future; planning should be a creative exercise in finding ways to enhance and improve the places in which people live their lives; secure high quality design and a good standard of amenity for occupants.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 refers to importance of design to the built environment.

Paragraph 58 design aims include:

- adding to the overall quality of the area
- optimising the potential of the site to accommodate development
- responding to local character and reflecting the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation - being visually attractive as a result of good architecture

Paragraph 60 states that policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 187 states that local planning authorities should look for solutions rather than problems.

Paragraph 197 states that local planning authorities should apply the presumption in favour of sustainable development in assessing and determining development proposals.

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance (2013)

Supplementary Planning Document (SPD) - Parking Provision in New Developments (2013)

The Department for Communities and Local Government, Technical Housing Standards - Nationally Described Space Standard (2015)

Consultations comments

Arboricultural Officer has no objections subject to a condition.

East Sussex County Council (ESSC) Highways has no objections subject to conditions.

"The road serving the site is in relatively poor condition and would benefit from being upgraded and resurfaced; however, as the road is privately owned and the development is only for a single dwelling ESSC could not justify an insistence on these works being carried out as part of the proposal."

Environment and Natural Resources Manager has no objections.

"The area of land in question has been surveyed and not found any protected species constraints to development. There is therefore no further ecology consideration on this application."

Representations

There have been 3 letters of objection received raising the following concerns:

- a) Presence of badgers and foxes
- b) Information in relation to the future maintenance of the proposed green roof has not provided
- c) Loss of privacy - overlooking into conservatory and garden of no. 28 Priory Close and proximity to no. 30 Priory Close
- d) Side of house not a good escape route
- e) No front door, difficulty getting furniture into house via side entrance
- f) Claustrophobic house with no views/outlook
- g) Will be overlooked by surrounding properties
- h) Increase of on street parking demand depending on the size of vehicles used by future occupiers of the site
- i) Lorries using road during construction would further damage Priory Close
- j) Branches falling onto the driveway of the subject site from the preserved mature oak tree at no. 30 Priory Close
- k) Potential hazardous damage to future parked cars within the driveway as they could be showered with debris/branches/sap from the preserved mature oak tree at no. 30 Priory Close
- l) Loss of light, privacy and reduced views/outlook to no. 30 Priory Close
- m) Flat roof will create an eyesore when viewed from no.30 Priory Close
- n) Design is out of character with the area
- o) Site is unsuitable for a dwelling
- p) Additional traffic
- q) No improvement road works for Priory Close mentioned
- r) Reduced air quality due to kitchen extractor vent and boiler exhaust
- s) Potential damage to neighbouring properties the development could cause
- t) Potential damage to the protected mature oak tree
- u) Ecology and Arboricultural questioned plus
- v) Internal space standards not meet
- w) Proposed materials not in keeping with the existing style of dwellings
- x) Surface water hasn't been considered
- y) New footings/foundations would encroach no.30 Priory Road
- z) Excavation works changing existing ground level

Determining Issues

The main issues to consider are the principle of development, impact of the proposal on the character and appearance of the area, the effect of the proposal on the living conditions of the occupiers of no. 28 and no. 30 Priory Close (in relation to outlook, loss of daylight/sunlight and privacy), whether future occupiers of the dwelling would experience acceptable living conditions in relation to privacy and external garden space, impact on highway safety/parking, ecology and on the mature pedunculate oak (protected by tree preservation order 279) located to the north east of no.30 Priory Close.

Affordable housing contributions no longer apply to developments such as this, given the recent change in national planning policy in this regard.

Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

As stated within Appeal Decision: APP/B1415/A/12/2183312, the site lies within the Urban area of Hastings where new housing is acceptable in principle. The main issues therefore are:

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the living conditions of the occupiers of no. 28 and no. 30 Priory Close in relation to outlook, loss of daylight/sunlight and privacy; and
- Whether future occupiers of the dwelling would experience acceptable living conditions in relation to privacy and external garden space.

Impact on character and appearance of the area

The planning history shows there have been six previous refusals for the same proposal idea of a new dwelling on the land. The size of the land has not changed since the last refusal in 2013, but this application has managed to overcome recent refusal and dismissal reasons in relation to character and appearance as follows:

a) The location of the proposed dwelling footprint has changed. A comparison between different dwelling site layout locations for all previous applications can be seen within Appendix A (site layout of all previous planning applications).

The two most recent applications are discussed in more detail below regarding the site layout.

HS/OA/13/00465 - Removal of double garage and replacement with detached bungalow. See Appendix A for site layout location. The site layout shows the new dwelling set forward of the established building line by 6.9m. This was not considered by the Council to follow the pattern of development and, therefore, to be out of character with the area. Comments were made in the previous planner officer's report making reference to the previous appeal decision, regarding an alternative siting to conform to the building line and concern over restricted width of the dwelling if a bungalow were to be built further forward in the plot. However, no revised scheme was presented to Council.

HS/OA/12/00361 - See Appendix A for site layout location. The drawing shows the site layout submitted as part of this application. The inspector considered that the form of development would be in complete contrast to nos. 28 and 30 Priory Close, which all sit relatively close to the road and follow a consistent building line. The inspector commented that, if the bungalow were to be built further forward in the plot to conform to the building line on either side, the width of the bungalow would be so restricted as to lead to a cramped

overdevelopment of the site. Furthermore, as the bungalow proposed had a pitched roof, the inspector considered a loss of light would occur, together with a loss of privacy owing to the location of the bungalow and the low level boundary screening (at the time of this application and appeal there was a low boundary fence). The inspector stated that it was not clear how any alternative location or orientation for the proposed chalet would overcome these difficulties. Concern was also raised by the inspector regarding the living conditions of future occupiers of the proposed dwelling. These concerns arose from the siting of the dwelling and its relationship with no.30 Priory Close. The dwelling was also located at the rearmost part of the site and consequently, no rear garden was proposed, although there was significant area of amenity space to the front of the dwelling.

These issues have been addressed in this application as follows:

a) The positioning on site of the proposed dwelling now respects and sits comfortably between the existing building lines of both nos.28 and 30 Priory Close whilst maintaining regular rhythm/pattern and appearance between these properties. It is now not considered to be out of keeping with the immediately surrounding character and appearance of the area.

b) The boundary screening with no. 30 Priory Close consists of a close boarded fence with an overall height of 1.8m. The setback between the proposed west elevation (facing no. 30 Priory Close) with the boundary of no. 30 Priory Close will be 1.1m, which is not dissimilar to neighbouring properties in Priory Close in terms of distance to respective side boundaries. In addition, the distance between the east elevation (facing no. 28 Priory Close) and no. 28 Priory Close of 1.8m to 5.4m provides more space between the proposed building and side boundary compared to the majority of other properties located within Priory Close. Therefore, the proposed development will not leave an impression of being enclosed between the existing dwelling either side, reducing the potential for a cramped form of development in relation to the character and appearance of the surrounding area. It is noted that the proposed dwelling will be the same width, position and height as the existing garage on site and therefore, although the site narrows in width towards the road, there will be no real difference in terms of built form or spacing from that existing and therefore no real change on the character of the area.

c) There would not be any detrimental impact on the outlook from windows of habitable rooms in the side elevation of no.30 Priory Close owing to the low-profile contemporary living flat roof design, no higher than the existing garage or the boundary fence. The previously refused applications showed a higher bulk of roof with eaves and ridge above the fence line by approximately 2.794m (HS/OA/12/00361) and 1.9m (HS/OA/13/00465) , respectively. The living roof would also soften the change in outlook. Although the current outlook from the side windows of no. 30 Priory Close is over an area of grassland, the intervening fence and topography of the site is such that the outlook into the application site is restricted. The more far reaching outlook across the site as viewed from no. 30 Priory Close would be preserved. A condition will be placed on the consent ensuring the living roof has an ongoing maintenance plan.

d) The proposed height is 2.9m, which is the same as the existing garage. The formerly proposed pitched roof has been removed, and new scheme incorporates a low-profile contemporary living flat roof. This will result in less alteration to the street scene. Although the indicative drawings show the front fenestration would change slightly to incorporate a new fenestration with four high level windows, this would not impact on the street scene as it is not dissimilar in bulk/massing/height of the existing double garage when viewed from Priory Close.

e) The height and width of the proposed dwelling facing Priory Close is small relative to the adjacent properties, limiting its impact on the street scene.

f) In terms of the size of the proposed dwelling it is felt that the dimensions provided will ensure that they remain in keeping with the size and scale of neighbouring properties in the area and not considered to be overdevelopment of the site.

g) The flat roof design of the dwelling allows the building to be centrally located in order to follow the pattern of staggered development in Priory Close.

h) The space around the dwelling would provide ample opportunity for landscaping as appropriate.

There will not be any significant impact on the character and appearance of the area. The proposal is considered to be acceptable having regard to policy SC1 of the HPS and policy DM1 of the DMP.

Impact on Neighbouring Residential Amenities

The effect of the proposal on the living conditions of the occupiers of no.28 and 30 Priory Close (in relation to outlook, loss of daylight/sunlight and privacy) must be considered.

There is a significant difference in the impact on the amenity on no.30 Priory Close from that of the previously refused applications, that being a low-profile contemporary living flat roof, which reduces impact in terms of loss of light when compared to the previously proposed pitched roof dwelling in earlier applications. Furthermore, the close bordered boundary fence now in place is higher than the one which existed at the time of application HS/OA/12/00361.

The indicative drawings show that the 25 degree vertical angle, projected from the side window at no.30 Priory Close, would not be breached thereby demonstrating the windows of its habitable rooms would continue to receive adequate daylight.

There would not be any detrimental impact on the outlook from windows of habitable rooms in the side elevation of no.30 Priory Close owing to the low-profile contemporary living flat roof design, no higher than the existing garage or the boundary fence. The previously refused applications showed a higher bulk of roof with eaves and ridge above the fence line by approximately 2.794m (HS/OA/12/00361) and 1.9m (HS/OA/13/00465), respectively. The living roof would also soften the change in outlook. Although the current outlook from the side windows of no. 30 Priory Close is over an area of grassland, the intervening fence and topography of the site is such that the outlook into the application site is restricted. The more far reaching outlook across the site as viewed from no. 30 Priory Close would be preserved. A condition will be placed on the consent ensuring the living roof has an ongoing maintenance plan.

The application will not have any issues in relation to loss of privacy for either no. 28 or 30 Priory Close because the proposed dwelling will sit below the close boarded fence with no.30. In addition, the high level windows and large glazed windows proposed within the east elevation (side facing no. 28 Priory Close) prevent the opportunity for any overlooking/interlooking onto no. 28 Priory Close). Furthermore, a hedge exists along the boundary with no. 28 Priory Close, which also ensures there will be no privacy issues in terms of overlooking/interlooking between these properties.

Taking into account the above comments, the proposed impact on the neighbouring amenities, specifically nos. 28 and 30 Priory Close is considered to be acceptable having regard to policy DM3 of the DMP and overcomes concerns that related to the previously refused applications.

Living Environment

External Space

The most recent refusal and appeal concluded that due to the size of the plot, it would be too small to accommodate a new dwelling and would overdevelop an already restricted site. This was backed up by the Planning Inspector who said *"if the bungalow were to be built further forward in the plot to conform with the building line on either side, the width of the bungalow would be so restricted as to lead to a cramped overdevelopment of the site."* This application has managed to overcome the refusal reasons as follows:

a) Although the proposed private garden amenity space (approximately 128m²) is less than the private garden amenity space provided by the majority of properties within Priory Close, both nos.30 and 31 Priory Close have less private garden space available than the subject site, approximately 109m² (approximately 14.8% less than the subject site) and 100m² (21% less than the subject site), respectively. Given the proposed private garden amenity space is larger than the neighbouring properties mentioned above it would be unreasonable to refuse this application based on private amenity space.

b) Policy DM3(g) requires new dwellings to have at least 10m of private garden space (normally at the rear). The indicative plans show a proposed private rear garden depth of 5.5m from the proposed rear building line setback. Although the lack of private garden space to the rear is less than ideal, on its merits a refusal could not be justified as the adjacent property at no.30 Priory Close is 4.5m (when measured from its closest point between the rear building line setback and rear boundary). The rear garden depth at no.31 Priory Close 5.9m, which is also below standard.

c) The proposal site incorporates a substantial amount private garden space along the eastern side of the site, 20.8m deep (measured from the front building line to the rear boundary, increasing in width from 1.8m to 5.4m), which is considered to be acceptable given the unusual shape of the plot (increasing in width size from the front to the rear of the property).

d) The setback between the proposed west elevation (facing no. 30 Priory Close) with the boundary of no. 30 Priory Close will be 1.1m, which is similar to neighbouring side setbacks throughout Priory Close (for example nos. 24 and 26 Priory Close, when measured from closest setback point from eastern elevation to adjacent property boundary).

e) In addition to point (d), the distance between the east elevation (facing no. 28 Priory Close) and no. 28 Priory Close provides more space between the proposed dwelling and side boundary compared to many other properties located within Priory Close.

f) Examples where the distance between the closest side building line setback point and neighbouring property are less than 1.1m as proposed include no. 28 Priory Close (0.70m) and no. 25 Priory Close (0.55m). Both of these examples relate to their eastern side building line setback to neighbouring property boundary.

g) The existing garage footprint area of approximately 36.1m² is to remain as existing, which would make up approximately 41.7% of the proposed ground floor area of the proposed dwelling (no change to existing front/side building line setbacks, floor area, height and width). The width of the proposed plot where the new footprint area to the rear of the existing garage begins is 9.5m increasing to 11.5m to the rear building line setback. The width of the plot in relation to the new footprint area is similar to neighbouring properties plot width size.

h) The application site will not feel enclosed by the adjacent property at no.30 Priory Close by virtue of it being a single storey dwelling.

i) The neighbouring property at no.28 Priory Close is set forward of the proposed front building line, which means there is less of an overbearing affect from the application site compared to previous schemes, specifically HS/OA/13/00465 and HS/OA/72/01272. See Appendix A.

j) The overall site area is approximately 306m². The overall site area of no.30 Priory Close is approximately 417m² (26% larger than subject site) and no.31 is approximately 348m² (only 12% larger than subject site). All other surrounding properties have a larger site area greater than the two properties mention above, however, given the properties unique shape and being only 12% smaller in overall plot size with no.31 Priory Close it would difficult to justify refusal based on overall plot size, especially given that the proposal manages to provide more private garden amenity space than the neighbouring properties at nos. 30 and 31 Priory Close

Therefore, based on the above comments, the location of the proposed dwelling will not leave an impression of being a cramped development as sufficient space around the dwelling will be provided allowing future occupiers to experience a satisfactory external living environment.

Internal Space

Policy DM3 of the DMP sets standards for internal space for dwellings. The plan requires that dwellings of 2 bedroom/3 person have a minimum internal floor area of 66m².

The Department for Communities and Local Government, technical housing standards – nationally described space standard, March 2015 should also be taken into consideration for all new dwellings. The following minimum internal floor area of 61m² and storage space of 2m² is required for a 2 bedroom, 3 person, single storey dwelling.

The proposed dwelling has a gross internal floor area of 86.4m², which exceeds the requirements for minimum gross internal floor area as outlined within Table 1 and in relation to policy DM3 as described above. Furthermore, the proposal meets all the technical requirement as outlined within Section 10 of The Department for Communities and Local Government, technical housing standards – nationally described space standard, March 2015, except for not proposing a minimum storage area of 2m². The proposed dwelling has enough room to incorporate the required minimum storage space. A condition will be placed on the consent ensuring these details are submitted for approval.

The proposed dwelling will not create any adverse impact for future occupiers in terms of amenity relating to loss of privacy, overshadowing, interlooking, overlooking, loss of daylight as the proposed dwelling has:

a) a sufficient distance from the existing mature oak tree preventing any issues with overshadowing.

b) a single storey and sits below the close board fence line with no.30 Priory Close and a hedge exists along the boundary with no.28 Priory Close.

c) a varying style and position of windows which allow sufficient daylight to enter plus prevents any issues relating to interlocking or loss of privacy.

Taking into account the above comments, the proposed living environment for future occupiers is considered to be acceptable having regard to policy DM3 of the DMP.

Impact on Highway Safety/Parking

Objections have been submitted regarding parking issues and access for lorries (during constructions), the proposal has been considered by the Local Highway Authority (LHA) and no objection has been raised. The submitted objections do not provide sufficient evidence to outweigh the consultation response from the LHA.

The indicative plans show two car parking spaces being provided. The LHA are satisfied that suitable parking has been provided. A condition has been suggested in relation a cycle parking area on site. These details will need to be submitted for approval.

As stated above, concern has been raised regarding access for lorries during construction works on a road which has many cars parked on street. It would not be possible to condition this as Priory Close is the only access road into the site and it is considered that there will not be severe disruption through the delivery of building supplies. Furthermore, the LHA stated that although the road serving the site is in relatively in a poor condition and would benefit from being upgraded and resurfaced, as the road is privately owned and the development is only for a single dwelling ESCC, resurfacing cannot be justified as part of this application.

Given the comments of the LHA, it is not considered that there will be any harm to highway safety and sufficient car parking has been proposed. The proposal is considered to be acceptable having regarding to policies SC1 and T3 of the HPS and policy DM4 of the DMP.

Ecology

The agent provided a wildlife/ecology survey and report as part of their application. The Environment and Natural Resources Manager has concluded that there are no protected species relevant for this application and there are no ecology considerations.

Taking account of the submitted ecology information and the comments from the Council's ecology specialist, the proposed development is considered to comply with policies SC1 and EN3 of the HPS and policies HN7 and HN8 of the DMP.

Impact on Mature Pedunculate Oak (protected by tree preservation order 279)

There is a preserved mature oak tree on the neighbouring site of no.30 Priory Close.

The agent provided an Arboricultural Survey as part of their application. The Council's Arboricultural officer concluded that option A is not supported as it proposes to develop outside the existing footprint, which would likely damage the roots of the mature oak tree and would also be situated beneath its branches. Option A has however been removed from the application. Option B is supported as previously discussed above. A condition will be placed on the consent ensuring that the measures for protection during construction must be undertaken as stipulated within section 4 of the Arboricultural Survey.

Taking account of the submitted arboricultural information and the comments from the Council's Arboricultural officer, the proposed development is considered to be acceptable.

Other Considerations

Drainage

In order to ensure that the proposal makes adequate provision for foul and surface water drainage, it is recommended that a condition is imposed requiring drainage details to be submitted for approval.

Conclusion

This is an outline planning application with all matters reserved. Full details will be submitted at a later stage but there is sufficient information to establish the principle of development at this site for option B (only option now proposed). With this in mind the proposed development is not considered to cause any harm to the character of the area, to the neighbouring residential amenities, to the living environment of future occupiers, highway safety will not be compromised, the site can accommodate sufficient parking and there will not be any harm to protected ecology or the mature pedunculate oak tree located to the north east of no.30 Priory Close. It is recommended that option B of this outline planning permission be granted subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Page 37 Planning and Compulsory Purchase Act 2004 which 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 Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the scale, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted, shall be carried out in accordance with the following approved plans:

487/B1B, 487/B2A, 487/B3A, 487/B4A, 487/B5A, 487/B6A, 487/B7A & 487/OS (indicative only)
6. The development shall not be occupied until parking areas have been provided in accordance with the submitted drawing no.487/B1 and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
7. The development shall not be occupied until a cycle parking area has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
8. The development shall not be occupied until details of readily accessible external storage space for refuse bins awaiting collection has been submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be provided in accordance with the approved details prior to any occupation.
9.
 - (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 and thereafter maintained.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed and thereafter maintained
 - (iii) No occupation of the dwelling 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 and thereafter maintained.
10. The reserved matters details submitted for conditions 1 & 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028. The details 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 and thereafter maintained.

11. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband and thereafter maintained.
12. 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.
13. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.
14. 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.
15. 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.
16. No development above ground 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 boundary treatment, finished levels or contours; means of enclosure; car parking layouts pedestrian access; hard surfacing materials; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
17. 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.

18. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
19. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping in conjunction with a roof plan, specifically in relation to the approved green roof, which shall include planting plans, written specifications, schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation and maintenance programme and thereafter maintained.
20. No development shall take place until all measures outlined in section 4 of the submitted Arboricultural Survey prepared by PJC Consultancy Ltd, dated 12 January 2016 have been fully implemented.
21. No development shall take place until a plan has been submitted to and approved by the Local Planning Authority showing a minimum built-in storage area of 2m² has been incorporated within the approved dwelling.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. To ensure an adequate level of off-street parking to serve the development.
7. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
8. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
9. To prevent increased risk of flooding.
10. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
11. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
12. To safeguard the amenity of adjoining residents.

13. In the interests of highway safety and for the benefit and convenience of the public at large.
14. To ensure a satisfactory form of development in the interests of the visual amenity.
15. To ensure a satisfactory form of development in the interests of the visual amenity.
16. To ensure a satisfactory form of development in the interests of the visual amenity.
17. To ensure a satisfactory form of development in the interests of the visual amenity.
18. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1).
19. To ensure a satisfactory form of development in the interests of the visual amenity.
20. To ensure good arboricultural practice.
21. To ensure satisfactory storage space is provided for future occupiers.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. A formal application for connection to the public foul sewerage system may be required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
3. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
4. 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.
5. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without the consent of Southern Water.
6. Consideration should be given to the provision of a domestic sprinkler system.

7. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended), 15 December 2015.

Officer to Contact

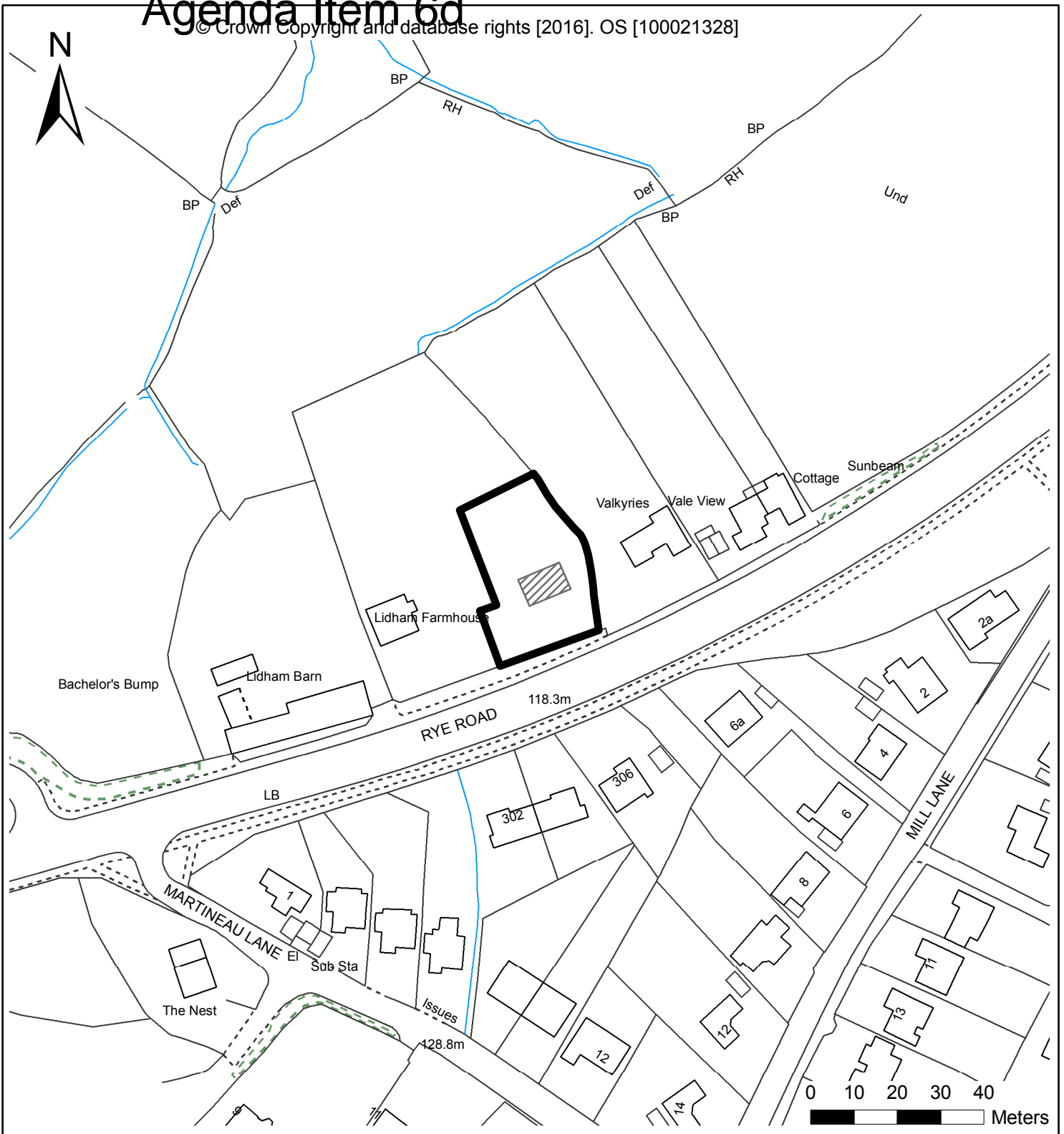
Mr Y Watt, Telephone 01424 783336

Background Papers

Application No: HS/OA/15/01019 including all letters and documents

Agenda Item 6d

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Land adjoining Lidham Farmhouse
Rye Road
Hastings
TN35 4LL

Erection of two storey dwelling



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Aquila House, Breeds Place,
 Hastings, East Sussex TN34 3UY
 Tel: 01424 451090
 email: dcenquiries@hastings.gov.uk

Date: Jul 2016

Scale: 1:1,250

Application No. HS/OA/15/00719

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Report to: PLANNING COMMITTEE

Date: 27 July 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Land adjoining Lidham Farmhouse, Rye Road, Hastings, TN35 4LL

Proposal: Erection of two storey dwelling

Application No: HS/OA/15/00719

Recommendation: Grant Outline Planning Permission

Ward: ORE

File No: RY30291T

Applicant: Mr & Mrs Allison per Tubwell Design Tubwell Nurseries Tubwell Lane Maynards Green, Heathfield. TN21 0BY

Interest: Freeholder/Leaseholder

Existing Use: Curtilage of existing residential dwelling

Policies

Conservation Area: No

Listed Building: No

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

Site and Surrounding Area

The site comprises a large open area of land to the east of Lidham Farmhouse, set approximately 2.4m below Rye Road, and screened by 2m high fencing from the road. It is bordered by Valkyries to the east, another large detached property with a 2 storey garage to the rear, and Lidham Farmhouse to the west. A variety of trees and hedgerows, including leylandii and other vegetation ranging between 3m to 8m in height, form the boundary treatment from both the property to the east, the High Weald Area of Outstanding Natural Beauty (AONB) to the rear, and the existing residential dwelling (Lidham Farmhouse) to the west. An existing driveway running northwards from Rye Road separates Lidham

Farmhouse from the application site, although the open piece of land to which this application relates still forms part of the curtilage of the existing dwelling.

An identified watercourse runs to the rear of the application site, although a significant distance away from its boundary.

The site is constrained by:

- Area affected by groundwater flooding
- Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ)
- AONB to the rear (although not within application site boundary)
- River Network (although not within the application site boundary)

Proposed development

This is an outline planning application with all matters reserved for the erection of a detached two storey dwelling. As all matters are reserved, the applicant is seeking approval for the principle of the development only and would submit full details of the scheme if and when they receive outline planning permission. In order to establish whether this application can be approved, the applicant has submitted an indicative layout of the site in order to demonstrate that the proposed development can be accommodated on site. Existing access is available from the current driveway serving Lidham Farmhouse.

Specific issues in relation to location of the dwelling and its proximity to the sewer were raised at an early stage, and the proposed location of the dwelling was amended as a result of Southern Water comments. The application has been assessed on this amendment.

The application is supported by the following documents:

- Sustainable Drainage Systems (SUDs) toolkit
- Design Statement
- Affordable Housing Statement
- Phase 1 Ecological Statement
- Tree Schedule and Arboricultural Impact Assessment

Relevant Planning History

HS/OA/99/00086 Erection of 2 x 3 bed chalet bungalows with integral garages
REFUSED 9 April 1999. APPEAL DISMISSED

Development Plan Policies and Proposals

Hastings Local Plan – Planning Strategy (2014)

Policy FA5 - Strategic Policy for Eastern Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy SC7 - Flood Risk

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy EN7 - Conservation and Enhancement of Landscape

Policy H3 - Provision of Affordable Housing

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering Planning Applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM6 - Pollution and Hazards

Policy HN8 - Biodiversity and Green Space

Policy HN9 - Areas of Landscape Value

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Consultation comments

East Sussex County Council (SUDs) - no objection

The site is not located within a problem area in respect of the watercourse to the rear of the application site, and as such, they have no objection to the proposal

Environment Agency - no objection

The Environment Agency note that the watercourse to the rear of the application site is not a main river and the site is not within a flood zone, so they have no comments to make.

Rother District Council - no objection

Suggest a condition is added that requires an appropriate landscaping scheme to be submitted, to ensure there is no adverse effect on the landscape of the High Weald AONB

Borough Arboriculturalist - no objection

Notes that the proposal does not appear to have an impact on trees of a significant value, but requests a condition relating to the provision of planting

Environment and Natural Resources Manager - no objection

Notes that no protected species have been identified and requests the addition of a condition requiring a construction environmental management plan (biodiversity).

Southern Water - no objection in principle

Southern Water originally objected due to the location of the proposed dwelling over a sewer. Following the submission of amended plans, they no longer object but note that exact position of the public sewer must be determined on site before the layout of the proposed development is finalised. Also suggest conditions and informative's relating to connection to the public sewer and means of foul sewerage disposal.

High Weald AONB Unit - no comment

Note that the site is outside of the AONB and within the curtilage of an existing residential dwelling, and therefore have no comments to make.

Representations

3 letters of objection have been received raising the following concerns:

- The siting of the property in line with the adjacent dwelling, Valkyries
- impact on natural light to adjacent property
- Intrusion into privacy of adjacent occupiers
- Concern about additional driveways
- Location of site in terms of greenbelt and AONB - the property will not be in keeping
- Suggest single storey dwelling will be more appropriate

Determining Issues

Principle

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

Site layout

The proposed two storey dwelling is indicated on the submitted site plan as being located to the east of the existing driveway serving Lidham Farmhouse, set back approximately 13m from the road. A distance of approximately 5m will separate the dwelling with the boundary of the neighbouring property, Valkyries, to the east. A substantial rear garden of over 50m in length, backs on to the AONB to the rear.

The existing boundary treatment on both side boundaries and to the front, will remain, and the required 3m clearance of the sewer has been accommodated in the amended site plan, following Southern Water's original concerns.

A SUDs report has been submitted, which provides detail on the volume of attenuation that could be provided via brown roofs and rainwater harvesting. These methods will not involve land take-up although given the size of the site, this would be unlikely to raise additional concerns. The details will be considered following approval of outline permission at the detailed application stage, although it should be noted that the brown roof and water butt should be linked in accordance with the SUDs report recommendation.

This is large plot of land and a single dwelling can be comfortably accommodated within its grounds, with adequate amenity space around it. Its siting as indicated on the amended site plan will bring the front elevation of the dwelling generally in line with the adjacent dwellings on either side, continuing the existing building line along this frontage. Whilst concern has been raised from neighbouring properties about the siting of the dwelling in this location, and suggestions made that the dwelling is moved further back, it is considered that the existing building line should be continued as far as possible. A significant deviation from is likely to have a harmful impact on the streetscene, as well as neighbouring residential amenities in terms of overlooking and loss of privacy. These points are discussed in more detail below.

The existing driveway will be retained and will serve the new dwelling. Therefore there will be no additional access points created, which was the subject of some objector concerns.

The site layout as indicated therefore, is considered acceptable for this development, and in accordance with Policy DM1 of the Development Management Plan 2015.

Impact on character and appearance of area

Some of the objections received raise concerns about the impact of the proposed dwelling on the character and appearance of the area, referring back to the previous refusal of permission in 1999 for 2 dwellings, which was dismissed at appeal. In 1999, the land was being used for agricultural purposes and was protected by Local Plan policy as being outside of the built up area boundary. Both the local authority and the inspector at the time raised concern about the impact of such development on the rural nature of the site and its surroundings.

The built up boundary no longer exists and has been removed from the proposals map attached to the Local Plan, and although the land in question has been enclosed to form part of the residential curtilage of Lidham Farmhouse, its authorised use remains agricultural. Just one dwelling is proposed in this application, as opposed to the two under the refused permission, therefore lessening the impact in terms of the density of development and the impact on its rural nature and appearance.

Given the topography of the site, the proposed dwelling will be located at a significantly lower level than the road. The existing front boundary fencing is to be retained, and taken together with the site levels, it is not considered that the proposal will have a significant impact or prominence in the streetscene.

Taking account of the governments aims for delivering new homes in suitable locations, and the presumption in favour of sustainable development, it is not considered that the same concerns as raised in the 1999 refusal of permission can be justified in this instance, particularly taking account of the NPPF and policies in the current Hastings Local Plan. The site is not identified as being in a rural location protected by environmental designations, and it is considered that environmental impacts can be mitigated by condition. Landscape issues and potential impacts on the AONB are discussed in more detail later in this report.

Impact on neighbouring residential amenities

The objections submitted raise concerns about the impact of the dwelling on neighbouring residential amenities, particularly in terms of loss of light, privacy and outlook to the adjacent property, Valkyries.

Existing boundary treatment between the application site and Valkyries comprises thick, high vegetation, which reduces in height as the garden extends to the rear. At the point of the dwelling's proposed location, this boundary treatment varies in height from 3m up to 8m closest to the proposed location of the dwelling. The indicative drawings show the footprint of the proposed dwelling 5m from the side boundary of Valkyries at its closest point. The only visible window in the side elevation of this neighbouring property is a velux roof window, and as such, it is not considered that the level of overlooking would be significant. The provision of windows in the east side elevation, or any other means of overlooking that could arise would be further considered at the detailed application stage, although given the level of boundary screening in place, and the distance between the proposed dwelling and its neighbour, it is unlikely that a significant level of harm will be caused.

It has been suggested by neighbours that the siting of the new dwelling is altered to be in line with the two-storey garage structure located to the rear of Valkyries. Whilst this suggestion is noted, I consider that the impact on the amenities of the neighbours would in fact be more significant in this location - there would be more potential for overlooking from the new dwelling towards the rear windows of Valkyries from its front elevation, and the boundary screening is lower in height at this point along the boundary.

Over 20m (including the existing driveway) will separate the dwelling from Lidham Farmhouse to the west, minimising any impact on occupiers from this property.

Taking the above considerations into account, it is not considered that the siting of a two storey dwelling in the proposed location would have an undue detrimental impact on the amenities of neighbouring residential occupiers, and is therefore in accordance with the requirements of Policy DM3 of the Development Management Plan 2015.

Impact on landscape and biodiversity

As discussed above, the site is no longer constrained by the built up area boundary. The boundary of the High Weald AONB is immediately adjacent to the rear boundary of Lidham Farmhouse but is located approximately 38m north of the proposed rear boundary of the application site. As such no development is proposed to take place within this designation.

The High Weald AONB Unit have not raised any concern about the proposed development, and as such, it is not considered that the development of a single dwelling in this location will have an adverse impact on the AONB.

Three category C1 trees would need to be removed to make way for new dwelling. Category C trees are defined as trees of low quality with an estimated remaining life expectancy of at least 10 years, or young trees with a stem diameter below 150 mm. As such, whilst this loss is regrettable, they are not of a standard that should constrain the development and their loss is considered acceptable. Furthermore, the trees are not protected by a Tree Preservation Order and it is the applicant's intention to replant in lieu of those lost. A replanting scheme will be required by condition, which will help mitigate against the negative impact the loss of these trees will have. The Borough Arboriculturalist has not raised an objection to the scheme, and as such, it is considered that should sufficient mitigation be provided, the proposal is acceptable in this regard.

The ecology survey submitted with this outline application has taken account of the potential presence of protected species and habitats of conservation importance. The habitats on site were all considered to widespread and common, and no plant species were listed as being of principle conservation importance. No further surveys in respect of badgers, roosting bats or great crested newts are considered necessary. However, precautionary measures in terms of common toad and hedgehogs, breeding birds and hedgehogs will be required by condition.

Affordable housing

Whilst an affordable housing statement has been submitted, the Government's recent change in national planning policy means that affordable housing contributions are no longer sought for residential development of 10 units or less. Policy H3 of the Planning Strategy 2014 therefore no longer applies.

Other site constraints

The proposed development does not constitute the scale of development that warrants further consultation with Natural England with regard to the sites location within a SSSI IRZ. Neither the Environment Agency or East Sussex County Council as the Lead Local Flood Authority have raised any concerns in light of the site's proximity to a watercourse at the rear.

No infiltration measures are proposed as part of the application, and groundwater flooding has not been raised as an issue in the SUDs report. Taking these considerations into account it is not considered that the proposed development raises significant concern in terms of exacerbating the current groundwater levels.

Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions

and conditions are attached which require details of surface and foul water drainage. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Conclusion

Taking account of the above considerations, it is not considered that the proposed development of a two storey dwelling in this location will have a significant detrimental effect on the amenity of neighbouring residential occupiers, the streetscene, or any environmental designations. The circumstances surrounding the rural nature of this site have changed over time, and the site is no longer located outside of a built up area boundary. Given the Government's drive to deliver new homes, and the presumption in favour of sustainable development, the principle of development in this location is considered acceptable. The proposal therefore complies with the development plan in accordance with Section 38 (6) of the Page 37 Planning and Compulsory Purchase Act 2004 which 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 Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site, parking, cycle storage and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

6. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.
7.
 - (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, in consultation with Southern Water.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed.
 - (iii) No occupation of the dwelling 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.
8. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water:

1. The exact position of sewers (to be determined on site) before the layout of the proposed development is finalised
2. The measures undertaken to protect public sewers

Development shall be carried out in accordance with the details approved prior to the commencement of development.

9. The reserved matters details submitted for conditions 1 and 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy 2014. The details 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.
10. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre based broadband.
11. 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.
12. During any form or earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site. Details of this equipment should be submitted to and approved in writing by the Local Planning authority prior to the

commencement of development.

13. 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 (including replacement trees for those lost); 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.
14. 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.
15. No development above ground 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; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.
16. 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.
17. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
18. No development shall take place until the measures outlined in the submitted Phase 1 Ecological Report (November 2015) prepared by Wildlife Splash Limited have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document, 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.

19. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reasons:

- 1. The application is in outline only.
- 2. The application is in outline only.
- 3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
- 4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
- 5. For the avoidance of doubt and in the interests of proper planning.
- 6. In the interests of the visual amenity of the area.
- 7. To prevent increased risk of flooding.
- 8. To prevent increased risk of flooding.
- 9. To ensure a satisfactory standard of development in accordance with Policy SC3 of the Hastings Planning Strategy 2014.
- 10. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014.

11. To safeguard the amenity of adjoining residents.
12. To prevent contamination and damage to the adjacent roads.
13. In the interests of the visual amenity.
14. In the interests of the visual amenity.
15. To ensure a satisfactory form of development in the interests of the visual amenity.
16. To ensure a satisfactory form of development in the interests of the visual amenity.
17. In the interests of the visual amenity of the area.
18. To protect features of recognised nature conservation importance.
19. To protect features of recognised nature conservation importance.

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 maybe required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or 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 House Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
5. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without the consent of Southern Water. No new soakaways should be located within 5m of public sewer.
6. Consideration should be given to the provision of a domestic sprinkler system.

7. The applicant is advised to consult the Environment Agency regarding the use of a sewerage treatment plant, which disposes of effluent to sub-soil irrigation. The owner of the premises will need to maintain the works to ensure its long term effectiveness.

Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

Application No: HS/OA/15/00719 including all letters and documents

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Agenda Item 7

Agenda Item 7

Report to: Planning Committee

Date: 27 July 2016

Report from: Planning Services Manager

Title of report: **PLANNING APPEALS & DELEGATED DECISIONS**

Purpose of report: To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 13 June to 15 July 2016

Recommendations: That the report be noted

Address/ Application Number	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
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The following appeals have been received:

Nothing to report

The following appeals have been withdrawn:

18-20 Russell Street, Hastings TN34 1QU HS/FA/15/00893	Change of use from retail and storage to 2 x 2 bed houses	Refuse Planning Permission	Delegated	Planning
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The following appeals have been allowed:

Nothing to report

Type of Delegated Decision	Number of Decisions
Granted	66
Refused	6
Withdrawn by Applicant	2

Background Papers:

Various correspondence with Planning Inspectorate

Report written by:

Gillian Griffin - Tel: (01424) 783323

Email: dcenquiries@hastings.gov.uk