

Report to: PLANNING COMMITTEE

Date: 23 March 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Site of former Old Roar House, Old Roar Road, St Leonards-on-sea

Proposal: Construction of new 2-storey 4 bedroomed house

Application No: HS/FA/15/00191

Recommendation: Grant Full Planning Permission

Ward: CONQUEST
File No: OL70080V
Applicant: Gemselect per Mr Butters Butters David Grey
51 Havelock Road Hastings TN34 1BE

Interest: Developer
Existing Use: Vacant corner of development site.

Policies

Conservation Area: No
National Planning Policy Framework: No Conflict

Hastings Local Plan, Hastings Planning Strategy:

FA1 (Strategic Policy for Western Area)

FA2 (Strategic Policy for Central Area)

SC1 (Overall Strategy for Managing Change in a Sustainable Way)

EN2 (Green Infrastructure Network)

EN3 (Nature Conservation and Improvement of Biodiversity)

EN4 (Ancient Woodland)

H1 (Housing Density)

H2 (Housing Mix)

H3 (Provision of Affordable Housing)

T3 (Sustainable Transport)

Hastings Local Plan, Development Management Plan

LRA4 (Old Roar House, Old Roar Road)

DM1 (Design Principles)

DM3 (General Amenity)

DM4 (General Access)

DM6 (Pollution and Hazards)

HN9 (Areas of Landscape Value)

Public Consultation

Adj. Properties:	Yes
Advertisement:	No
Letters of Objection:	15
Petitions Received:	0

Application Status: Not Delegated

Notes

Neighbours Expire: 24 July 2015 Members Expire: 24 July 2015 or same as advert expiry if later.

Neighbours Checked on site: Y
Objection letters read: Y
Site Visited: 01.7.2015

Summary

This application was previously presented to Planning Committee on the 26th August 2015. At this time a resolution to grant permission subject to conditions was agreed:

A) That the Development Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act 1990 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 26 November 2015 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 2011-2018.

The applicant was unable to meet the deadline of the 26th November 2015 in respect of a completed legal agreement under section 106 of the Town and Country Planning Act 1990, or resolution of viability issues. However, a completed legal agreement under section 106 of the Town and Country Planning Act 1990 has now been submitted. As a result the applicant has requested an extension to the deadline until the 25th March 2016. An overall time extension to assess the application has been agreed until the 1st April 2016 in Order to facilitate this. It is recommended that the resolution of grant be amended to remove the deadline of 26th November 2015 and replaced with a new deadline of the 1st April 2016.

The report below is identical to that previously brought to committee with the exception of the proposed deadline with the recommendation which is amended.

A copy of the previous committee report is attached for reference.

The Site and its Location

The site is located on the south eastern side of Old Roar Road and is located within the development site for the approved 2014 application mentioned above. The site is currently being used as the storage compound and site office area for the workers on site. The area is of land surrounded by woodland/mature trees.

The trees along the boundary with Old Roar Road form a dense screen and are protected by a group Tree Preservation Order (TPO). Another TPO covers the trees along the sites northern boundary.

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

Details of the Proposal and Other Background Information

This application has been submitted following on from the grant of permission (HS/FA/14/00052) for the redevelopment of the main site with 10 houses and 4 apartments, including the retention and enhancement of existing areas of woodland.

The main considerations are the impacts of the proposal on the character and appearance of the area, highway safety, biodiversity, amenity, ecology and trees. After considering all matters, I recommend the proposal for approval subject to conditions.

The proposal is for the erection of a detached 4-bedroom dwelling with an attached garage. The dwelling is shown to have a private garden, parking area and bin store within the curtilage.

The access to the new dwelling will be gained via the previously approved access under the 2014 application.

During the application consideration process discussions were held with the agent and the Council's Arboriculturalist. As a result of these conversations, the location of the dwelling was altered to ensure there would be a minimal impact on the protected trees along the boundary with Old Roar Road and the surrounding properties.

Relevant Site History

- HS/FA/14/00770 Variation of condition 22 (approved plans) of planning permissions
HS/FA/14/00052 - amendment to road layout - Granted 03.07.2015
- HS/FA/14/00052 Redevelopment of site with 10 houses and 4 apartments, including the retention and enhancement of existing area of woodland,
Granted 09.07.2014
- HS/FA/13/00499 Redevelopment of site with 10 houses and 4 apartments, including the retention and enhancement of existing areas of woodland.
Granted 18 December 2013.
- HS/OA/07/00997 Redevelopment of site with 10 houses and 4 apartments, including the retention & enhancement of existing areas of woodland.
Granted 01 February 2008.

Details of Consultations

East Sussex Highways have stated that the proposal is unlikely to have a significant impact on the existing highway.

The Council's Arboriculturalist has stated that, following on from the amended site layout, the development proposal could work alongside the existing trees. This is subject to planting and landscaping conditions.

A total of 15 letters of objection were submitted in response to the consultations. The main issues within these letters include the impact on the highway and levels of parking, the level of noise while the existing development is taking place, the impact on the trees and the impact on wildlife.

A petition was also submitted however it is considered invalid as it does not meet the Council's petition requirements because it does not set out the reasons for the objection on the same page as the signatures, so people signing the petition might not have been clear what they were signing.

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".

Character and Appearance

Having reviewed the proposed plans, I am of the opinion that the proposed new dwelling would be in keeping with those previously approved on the surrounding site. Although this dwelling is closer to the highway than those previously approved, an adequate level of screen is to be retained and can be added to by landscaping condition. This will ensure that there is no detrimental impact on the streetscene.

Living Environment

Policy DM3 of the Hastings Development Management (DM) Plan Revised Proposed Submission Version sets out minimum internal floor areas for new dwellings. These standards state that a residential property with 4 bedrooms shall have a minimum floor area of 106m². The proposed dwelling meets 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 proposal complies and the resultant living accommodation is acceptable.

In terms of the potential impact on the existing dwellings on site, it is apparent that this dwelling has been located in a position to ensure there would not be an adverse impact in terms of light, outlook, overbearing impact or privacy. It is therefore considered that future occupants will experience a good quality living environment.

Highways and Transport

The previous approvals HS/FA/14/00052 & HS/FA/13/00499 included conditions ranging from parking spaces and cycle storage to visibility and drainage. As this application is for a similar style of dwelling I would suggest that some of these conditions are imposed again.

With regards to the use impact of the additional traffic movements created as a result of the new dwelling, the Highways Authority have stated that this is unlikely to have an unacceptable impact.

Ecology

This application has been supported by an ecological scoping survey. This document is an update to the report from 2013 which accompanied the previous planning applications.

The new report concludes that the proposal would not result in adverse impacts on protected animal species.

The report does however identify a protected plant species (Toothwort) within the planning application site boundary. The report states that '*the protection of this Toothwort site remains paramount*'. The identified area of the site is currently protected by Heras fencing and I would suggest imposing a condition requiring that a suitable level of protection remains in place during the development. I would also suggest that, as part of a landscaping condition, details are provided underlining how it is proposed to protect this area for the foreseeable future.

Trees

As part of the original submission for this application, a tree survey was submitted with 3 trees (T1, T5 & T6) identified for removal. As stated above, the location of the proposed dwelling has been amended and as a result moved away from this cluster of trees. I take into account the recommendation that T6 be removed imminently as it is deceased. However, I would suggest that, in light of the relocation of the dwellinghouse and the recommendations of the ecologist's report, in relation to the protection of this area due to the presence of Toothwort, a condition be imposed requiring details of whether these trees are still required to be removed. If their removal is required to facilitate the development, information should be submitted as part of the landscaping condition detailing proposed replacement tree planting.

With regards to the protected trees to the rear of the site, the Council's Arboriculturalist has stated that, following on from the relocation of the dwelling, the scheme is considered acceptable subject to conditions.

Drainage

Southern Water were not formally consulted as part of this application, however, due to the nature of the development, I would suggest the drainage conditions imposed on the previous applications be carried across to this scheme.

Affordable Housing

Policy H3 in the adopted Hastings Planning Strategy 2011-2028 requires a financial payment towards the off site provision of affordable housing on sites such as this where there is a net increase in the number of dwellings. Table 7 states:

- b) Housing developments on Greenfield land will be expected to make the following provision for affordable housing:

Site size range (number of net dwellings)	Percentage requirement	On-site provision required? Yes/No	Or, financial contribution in lieu of on-site provision? Yes/No
1-4	20% financial	No	Yes

	contribution		
5-9	20%	Yes	Yes
10-14	40%	Yes	Yes
15+	40%	Yes	No

In November 2014 the Government announced that affordable housing should no longer be sought for developments of 10 or fewer houses. For 11 or more local planning authorities would still be able to apply their affordable housing policies, so we stopped applying this policy to smaller developments. However, more recently a High Court Challenge determined that the Governments decision was unlawful so we are again able to apply Policy H3 in full. This change has come very late in the process for this application, but nevertheless it is considered reasonable to require an affordable housing payment.

Conclusion

I am of the opinion that the proposal has been designed to ensure that a good quality living environment is created for future occupants without resulting in adverse impacts on the amenity of neighbouring residents, the character of the area, highway safety or ecology.

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

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

Recommendation:

A) That the 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 March 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) Grant permission subject to the above

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. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

(iii) No occupation of any of the 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.

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 and removed, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
4. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation
5. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; other vehicle and pedestrian access and hard surfacing materials.
6. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the dwelling or in accordance with the programme agreed with the Local Planning Authority.
7. The dwelling hereby approved shall not be occupied until readily accessible external storage space for refuse bins awaiting collection and cycle storage space have been provided to the satisfaction of the Local Planning Authority. These storage facilities shall be retained for their intended purposes thereafter.
8. With the exception of internal works the building works, including site clearance and excavation, site deliveries and collections, required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

9. There shall be no obstruction to visibility (over 0.8 metres above the level of the adjoining footway) within splays, details of which shall be submitted with the details specified in Condition 1.
10. The development shall not be occupied until the parking area and garaging have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
11. No building hereby permitted shall be occupied until the same has been connected to the main drainage system in accordance with the details specified in condition 2.
12. No development shall commence until a plan of site landscaping and ecological enhancements have been submitted to and approved in writing by the Local Planning Authority. This shall include:
 - (i) site landscaping.
 - (ii) ecological enhancements.
 - (iii) a management plan for the future short and long term management of both retained and created habitats outlining how the management of the area of Toothwort will be secured into the future.
 - (iv) landscaping specifically designed to mitigate against the effects of artificial lighting and increased human access/disturbance.

Ecological enhancements shall particularly focus on the ancient woodland but shall cover techniques and designs aimed at ecological enhancements for other wildlife in accordance with the requirements of the Ecological Scoping Survey by Martin Newcombe dated 4th February 2015.

13. No development shall take place until protective fencing and warning signs have been erected as detailed in the approved Tree Protection Plan SA/956/14 in accordance with condition 3 (above). All permanent fencing and warning signs will be maintained in accordance with the plan, unless otherwise approved in writing by the Local Planning Authority.
14. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
15. The windows shown serving the bathroom and en-suites shall be obscure glazed and remain as such at all times.
17. The development hereby permitted shall be carried out in accordance with the following approved plans: 15.685/01 & 15.685/02

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of development and to prevent increased risk of flooding.
3. In the interests of the visual amenity and to ensure the tree belt fronting Old Roar Road is adequately maintained.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
6. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
7. To secure a satisfactory standard of development.
8. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
9. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
10. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
11. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
12. To protect features of recognised nature conservation importance.
13. To protect features of recognised nature conservation importance.
14. To protect features of recognised nature conservation importance.
15. In the interests of the amenity of the neighbouring and residential occupiers. (Hastings Local Plan 2004 Policy DG1)
17. 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. Consideration should be given to the provision of a domestic sprinkler system.
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Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/15/00191 including all letters and documents