

AGENDA ITEM NO: 6 (c)

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on 3 December 2015 had two options proposed, option A and option B. The applicant has requested that option A be withdrawn for consideration and only option B be assessed as part of this outline planning application (as per the proposal description described above).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