

AGENDA ITEM NO:5 (a)

Report to: PLANNING COMMITTEE

Date: 19 October 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: **Offices and Premises, 383 Battle Road, St Leonards-on-sea, TN37 7BE**

Proposal: **Demolition of existing garage and rear extension and erection of 2 no 4 bedroomed semi detached dwellings in the rear grounds of the property.**

Application No: **HS/FA/15/00474**

Recommendation: **Grant Full Planning Permission**

Ward: HOLLINGTON
File No: BA90383
Applicant: Hastings and Rother Voluntary Association for the Blind per Asset Construction Consultants 1
Dittons Mews St Leonards on Sea TN38 9TQ

Interest: Freeholder
Existing Use: Curtilage of No. 383 Battle Road

Policies
Conservation Area: No
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 1
Petitions Received: 1

Application Status: Not delegated - Petition received

Site and Surrounding Area

The site consists of a large semi detached premises on the west side of Battle Road. The property was originally detached however is now attached to No. 385 following the erection of a side extension in the 1980s. In the 1970s the premises was also extended to the rear with the addition of a large flat roof extension. The premises is set back from the highway with a large area of parking to the front. Due to the topography of Battle Road No.385 is sat in a higher position than No. 383 and 381. The site also rises to the rear with the properties in

Willingdon Way being at a higher ground level than those in Battle Road. To the left of the site is a public right of way (Hastings 43) that leads through to Willingdon Way. There is also a passage way to the rear of the site however, this is not an adopted public right of way. Along the boundary with the public right of way and along the rear boundary, there is a mix of metal railings and brick wall of approx 1.8 m in height. Behind the site are the single storey properties in Willingdon Way. In close proximity to the site at the rear of 393 Battle Road, there is a similar development to that proposed in this instance which was approved in the 1970s.

The main premises on site at No. 383 has previously been used as an office premises and this use is proposed to continue.

The surrounding area is made of a mixture of architectural styles and scale of properties. The immediately adjacent properties (Nos 385-381) are more traditional in style, whereas the properties in the wider area are more modern with a mix of bungalows, flats and single dwelling houses.

Constraints:

- High Pressure Pipeline Buffer Zone
- Public Right of Way adjacent to the site.

Proposed development

This is a fully detailed application. The proposal is for the erection of a pair of 2 storey, 4 bedroomed semi detached dwellings within the curtilage of No. 383 Battle Road. To facilitate the erection of these dwellings, it is proposed to demolish an existing garage and the flat roof rear extension presently serving No. 383. Access to the site will be via Battle Road. Amended plans have been received to hip the roofs on either side and relocate the bin store positions.

The application is supported by the following documents:

- Plan - 14-3119-03C
- Plan - 14-3119-02D
- Design and Access statement
- Ecology Statement

Relevant Planning History

- | | | |
|---|---------------------------|---|
| - | HS/FA/76/00389
Granted | Erection of rear extension to form new dancing studio.
07/09/1976 |
| - | HS/74/00468
Granted | Change of use of part of the ground floor from private dwelling into children's dance studio.
29/05/1974 |
| - | HS/FA/87/00326
Granted | Change of use of premises to meeting hall for blind association
19/06/1987 |

- HS/FA/87/00892 Erection of single storey side extension and internal alterations
Granted 07/12/1987
- HS/OA/88/00498 Erection of block of five warden care flatlets
Refused 01/08/1988
- HS/OA/83/00387 Erection of two storey building comprising of seven flats
Granted 28/09/1993

Development Plan Policies and Proposals

Hastings Local Plan – Planning Strategy (2014)

FA1 - Strategic Policy for Western Area

SC1 - Overall Strategy for Managing Change in a Sustainable Way

H2 - Housing Mix

H3 - Provision of Affordable Housing

T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan (2015)

LP1 - Considering Planning Applications

DM1 - Design Principles

DM3 - General Amenity

DM4 - General Access

DM6 - Ground Conditions

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.

To achieve sustainable development, economic, social and environmental gains should be sought jointly.

Paragraph 12 of the NPPF states that, "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up to date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraph 14 of the NPPF states, "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-taking."

Specific to decision-taking, the NPPF states that this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted."

Paragraph 17 sets out 12 Core Planning Principles which include a requirement that planning should:

- 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;'

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites. Where policies are considered out-of-date planning permission should be granted unless the adverse impact significantly and demonstrably outweighs the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted (paragraph 14).

Paragraph 58 of the National Planning Policy Framework States, "..Planning policies and decisions should aim to ensure that developments:

- will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion;

and

- are visually attractive as a result of good architecture and appropriate landscaping."

Paragraph 187 of the NPPF states that, "Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work pro actively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

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

Planning Practice Guidance

Design - Paragraph 026 states that 'decisions on building size and mass and the scale of open spaces around and between them, will influence the character, functioning and efficiency of an area. In general terms, too much building mass compared with open space may feel overly cramped and oppressive, with access and amenity spaces being asked to do more than they feasibly can. Too little and neither land as a resource or monetary investment will be put to best use'.

Details of Consultations

Southern Water - No objection subject to condition

ESCC Flood Risk Management Team - No objection subject to condition

Representations

In respect of this application 93 neighbouring properties were consulted, a site notice was displayed and an advert was placed in the local paper. In response to this 1 letter of objection was received and a petition with 13 signatures was submitted.

The concerns within these letters relate to:

- Loss of privacy
- Loss of light
- Disruption during building phase

These concerns are discussed in more detail within the report below.

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".

Layout and Design

The total site area is 0.08 hectares with the main focus of the development being confined to the rear section of the site. The proposed dwellings are shown to be 13.5 metres in length, 5.5 metres each in width (11m in total) and approximately 7.7 metres in height to the ridge. The dwellings are shown to be 12 metres from the rear boundary, 0.95 metres from the side boundaries of the site and approximately 19 metres from the rear of 383 Battle Road.

The units are shown to be two storey and are to be finished in brick and cladding with a concrete tile roof. The dwellings are shown to be of a relatively modern design with projecting gables to the front and rear.

Loss of existing use

Policy E1 of the Hastings Planning Strategy requires that land and premises currently, or last used for employment purposes – including B1, B2 & B8 or any of a use of a similar character not falling within a specified use class - will be retained in such use unless it is demonstrated that there is no reasonable prospect of their continued use for employment purposes or it would cause serious harm to local amenities. As stated above the premises at No. 383 Battle Road is to be retained with the development being contained within the rear of the site. The curtilage of No. 383 and the rear extension are presently not used and as a result are in a poor condition. As it is proposed to retain the existing employment premises on site, it is considered that the proposal meets the requirements of this policy and as such is considered acceptable.

Impact on Character and appearance of area

Scale and appearance of the proposal

Within the Hastings Development Management 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. It goes on to state that allowing some flexibility in the form a development might take can sometimes result in a more imaginative and innovative scheme being built.

As shown on the submitted elevation plan (14-3119-03B) there are groundworks proposed as part of the development. As a result of these works, the ground levels of the dwellings are shown to be positioned lower in part than the existing ground level of the site. This has been proposed with the aim of lessening the visual bulk of the new dwellings when viewed from the neighbouring properties. As a result of these ground works, the proposed dwellings are shown to be a maximum of 70cm taller than the single storey dwelling at the rear and 30cm taller than the ridge height of No. 383 Battle Road. When taking into account the topography of the site and the distance between the existing premises and the development exceeding 19m, it is considered that the development would not appear overbearing or overly dominant within the site.

The proposed materials and finishes of the dwellings are detailed to be facing brick (brown/red) and fibre cement cladding (White) with concrete tiles (brown/red). These materials are similar to those at 282 Battle Road directly opposite the site. When viewing the proposal within the context of the immediate neighbours to the site, it is apparent that there is little reflection of the architectural character of the No. 385 or 381 Battle Road. However, when viewed within the wider street scene, it is considered that due to the mix of dwellings and architectural styles, the proposal is acceptable.

Impact on the Streetscene

When viewing the site from Battle Road it is apparent that due to the scale of the existing premises at No.383, the new dwellings will be, in the majority, screened from the street scene. There will be glimpses visible between the existing properties, when travelling along Battle Road, however, these will be minimal and unobtrusive. Similarly the site will also be visible when travelling along the public right of way adjacent to the site and the passageway at the rear. Although from these locations the development will be clearly visible due to the retention of the existing boundary wall, there will be a high level of screening. Taking these factors in to account, it is considered that there would not be an unacceptable impact on the existing street scene.

Living Environment

Policy DM3 of the Hastings DMP 2015 states that, in order to achieve a good living standard for future users of proposed development and its neighbours, it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This Policy goes on to state that dwellings with 4 bedrooms require a minimum internal floor area of 106m².

The Department for Communities and Local Government also recently produced Technical Guidance for Space Standards (TGSS). These standards require that the minimum internal floor area for a 4 bedroom, three storey unit is 103m².

Having calculated the floor area for the dwelling, it is apparent that the proposed unit meets these requirements and as such is considered to provide an acceptable level of internal floor area.

Point (g) of Policy DM3 of the Hastings DM Plan states that appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings, the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. In this instance the proposed curtilage to the rear of the new dwelling is shown to be 12 metres in length to the rear of the dwelling and 10.5 metres to the front. The proposed development, therefore, meets the requirements of this policy

Impact on Neighbouring Residential Amenities

Policy DM3 of the Hastings DM Plan states that in order to achieve a good living standard for future users of a proposed development and its neighbours, it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This policy goes on to state that permission will be given for development where the use of the scale, form, height, mass and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, overshadowing, loss of daylight) of neighbouring properties. As stated above concerns have been raised by the residents at No. 381 in terms of loss of light, and loss of privacy. These concerns are acknowledged and have been considered as part of the application.

With regards to the potential for overlooking, the proposed dwellings are located a sufficient distance from existing properties to the front and rear to ensure there are no harmful levels of overlooking. Oblique views of neighbouring gardens from first floor windows of residential properties is a typical form of development in an urban area such as this. Therefore, whilst there may be oblique views into neighbouring gardens from the proposed front and rear elevations these are not direct views, harmful or uncharacteristic of the area. No side elevation windows are proposed at first floor level and a condition is attached to remove rights to add side windows. Taking this into account, it is considered that the proposed development would not have an unacceptable impact in terms of loss of privacy or overlooking and as such is considered acceptable. The position of the proposed buildings is such that they will be sufficiently removed to ensure there is no loss of light into neighbouring dwellings.

Ecology

This application is supported by a Preliminary Ecology Report carried out by The Ash Partnership dated July 2015. This report has advised that a walkover survey of the site was carried out on the 23rd June 2015 to provide an extended phase 1 habitat survey. Within this report, it states that there are no signs of badgers within the site and there is only the potential for breeding birds. The appraisal concludes that no additional surveys are considered necessary to accompany the application; however, various mitigation measures are suggested to enhance the level of biodiversity within the site following the development.

Highway Safety/Parking

Included within this development is the provision for onsite parking for 4 vehicles. Having carried out the assessment using the car parking demand calculator provided by East Sussex County Council it is apparent that the suggested provision for a development such as this is 5.40 spaces. Although the onsite provision falls below this figure, it is considered that due to the level of on street parking available along Battle Road, there is adequate alternative parking within close proximity to the site. Taking this into account it is considered that, on balance, the parking provision is acceptable and meets the requirements of Policy DM4 of the Hastings DM Plan.

As shown on plan 14-3119-02D the access to the development is via a shared driveway from Battle Road. The large parking area is accessed via a wide dropped kerb that spans the full width of the site. Along the side boundaries at the front of the site there is a low level wall and open railings with a hedge. Having stood in the site facing Battle Road there is clear and open visibility on to the Highway. Taking this in to account, it is considered that the access is acceptable and also meets the requirements of Policy DM4.

Drainage

As part of this submission, the agent has completed the SUDs toolkit in relation to the provision of sustainable urban drainage systems on site. Having reviewed the SUDs report generated from this toolkit it is apparent that there is a requirement to provide 2 treatments on site. Presently no details have been provided of the proposed methods for providing SUDs on site. Although this is not ideal, it is considered that as the proposed development site is not within a designated flood zone, this level of information could be required as part of a condition and assessed prior to commencement in conjunction with ESCC and Southern Water.

Affordable Housing and other contributions

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. In light of this, the Planning Authority is unable to seek an affordable housing contribution in relation to this application.

Conclusion

Taking the above in to account, it is considered that the proposed development by virtue of its design, size and scale would have an acceptable impact on the character of the existing street scene and the amenity of the surrounding residents. The development is therefore considered to comply with the development plan in accordance with Section 38 (6) of the 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 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. Prior to commencement of development details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
3. Prior to commencement of development details of the proposed Sustainable Urban Drainage Systems required on site shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the County Flood Risk Management Team. Development shall not proceed on site until and unless measures deemed to be necessary by the Authorities have been incorporated in the development proposals
4.
 - (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 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.
5. Prior to commencement of the development hereby approved details of all existing trees and hedgerows to be retained on site, together with measures for their protection in the course of development shall be submitted to and approved in writing by the Local Planning Authority.
6. Prior to occupation of the development hereby approved a scheme of soft landscaping shall be submitted to and approved by the Local Planning Authority. This 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. The soft landscaping shall then be carried out in accordance with the approved details.

7. Prior to occupation of the dwellings hereby approved full details of the hard landscaping works shall be 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 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.). The hard landscaping shall then be carried out in accordance with these details.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows other than those expressly authorised by this permission shall be constructed in the side elevations of the development hereby approved.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no extension or external alteration to the property shall take place without the grant of an additional planning permission.
10. Prior to completion of the development hereby approved the measures outlined in the submitted ecological appraisal carried out by The Ash Partnership dated July 2015 shall be 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 time scales 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.
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. The development hereby permitted shall be carried out in accordance with the following approved plan and details: 14-3119-02D, 14-3119-03C, Ecological Appraisal Report dated July 2015 and Arboricultural Appraisal Report dated July 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 standard of development.
4. To prevent increased risk of flooding.
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 ensure a satisfactory form of development in the interests of the character and amenity of the area.
8. In the interests of the amenity of the neighbouring residential occupiers.
9. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
10. To ensure a satisfactory standard of development.
11. To safeguard the amenity of adjoining residents.
12. 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.
 4. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
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Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/15/00474 including all letters and documents