

Report to: PLANNING COMMITTEE

Date of Meeting: 14 December 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: **Rear of 4 Wykeham Road, Hastings, TN34 1UB**

Proposal: **Construction of eight apartments on land at the rear of 4 Wykeham Road**

Application No: **HS/FA/16/00002**

Recommendation: **Grant Full Planning Permission**

Ward: BRAYBROOKE
Conservation Area: No
Listed Building: No

Applicant: Gemselect 59/60 High Street Battle East Sussex TN33 0EN
Interest: CERT B owner/ interested parties notified
Existing Use: Vacant land allocated for residential development.

Public Consultation

Site Notice: No
Press Advertisement: Yes - General Interest
Letters of Objection: 11
Petitions of Objection Received: 1
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated - Petition received

1. Site and Surrounding Area

The site is land to the rear of 4 Wykeham Road. The site is a steeply sloping site that fronts onto the north side of Braybrooke Road. The site is neighboured to the left (west side) by 55 Braybrooke Road, an existing block of flats (Wykeham Heights) situated so that it fronts onto Braybrooke Road with rear vehicle access from the end of Wykeham Road. Wykeham Road is a no through road that ends in a turning circle to the north-west of Wykeham Heights (No.55).

The right hand (east) side of the site is bounded by the steep tree covered sloping front garden of 59 Braybrooke Road. No.59 Braybrooke Road house is situated well back from the road (approximately 21m) and is stepped forward of no.4 Wykeham Road. From No.59 onwards, the next four dwellings are also stepped forward coming close to Braybrooke Road by nos.69 and 71.

There is public access from the end of Wykeham Road down to Braybrooke Road via a set of steep narrow steps that run to the west side of Wykeham Heights. There is no public road access to the rear of the application site. Vehicle access from Braybrooke Road up to No.59 Braybrooke Road is via a shared, steep sloping drive that terminates at the turning area to the front of No.59, short of the application site. To the front of the application site, north side of Braybrooke Road there is double-yellow line parking restriction, on the opposite, south side of the road there is a resident parking scheme.

The opposite side of Braybrooke Road is characterised by Victorian three-storey buildings and behind these lies the railway line. To the south lies the town centre within walking distance. Linton Gardens Historic Park lies to the west of the property.

Constraints

Badger Forage area

SSSI - Pipelines, pylons and overhead cables re residential development of 100 units or more.

1 in 1000 years surface water flood risk to Braybrooke Road at front of site (affecting far side of road).

2. Proposed development

Construction of eight apartments on land at the rear of 4 Wykeham Road:

A proposed new eight-apartment, block of flats would be situated to the front of the site fronting Braybrooke Road. The proposed block would fill the full width of the site as a detached building. It would be four storeys high (ground, first, second and third floor) viewed from the front but only three storeys high viewed at the rear due to the steep sloping topography of the site. The third floor would be in the roof space designed as a mansard style roof with inset dormer windows to both front and rear.

This application follows previous planning application reference HS/FA/11/00794 for the erection of 6 two bedroom flats with off-street parking. This application was allowed on appeal in 2012 (APP/B1415/A/12/2171885). This new application would be an increase from 6 flats up to 8 flats.

The submitted plans (P1002 J Plans and elevations) show the scale of the previous application allowed on appeal denoted by a dotted red line for comparison. The current proposal is an increase of around 20-25% of the volume. The roof ridge height would be increased by some 1.2m, from the previously approved height of 11.6m up to 12.8m. The rear (north) elevation would extend in depth by a further 1.5m (the depth of the building approved on appeal was approximately 10m and the depth of building for this application is 11.5m).

The 8 flats proposed are three 1 bedroom flats and five 2 bedroom flats.

Parking at ground floor level shown on the previously approved scheme (HS/FA/11/00794) has been replaced in this application with accommodation. This proposal does not include car parking provision. There is a cycle shed built into the front of the flats at ground floor level.

A built in refuse store is located within the footprint of the building with doors opening adjacent to Braybrooke Road.

The application is supported by the following documents:

- VKHP-Consulting Ltd draft Construction Method Statement Report and the Survey Plan with Survey Plan 14.06.17
 - VKHP-Consulting Ltd Addendum Technical Information 19 January 2017
 - Typographic Report 1
 - Typographic Report 2
 - Gemselect Survey Drawing 02.06.2017
 - Foundation Engineering Services Ground Investigation

 - Gabriel Geo Consulting Letter report reference 17616/LRpt1 (28th March 2017)
 - Gabriel Geo Consulting Letter report reference 17616/LRpt2 (8th September 2017)

 - Sylvan - Arb, Arboricultural & Woodland Management Tree Report
 - Martin Newcombe Wildlife Management Consultancy Ecology Scoping Survey

 - HR Wallingford Surface Water Storage Report
 - ESCC Sustainable Urban Drainage (SUDs) Support Tool for small scale development document
 - SUDs Statement

 - Design and Access Statement
 - Peter Court Associates Further Planning Statement

 - Construction Stage Waste Management Plan
 - RGP Transport Planning Parking Provision Technical Note
- other:
- Confidential Financial Viability Report Gemselect (exempt from Freedom of information Act and public view).
 - Confidential Affordable Housing Submission (exempt from Freedom of information Act and public view).

Relevant Planning History

- HS/FA/12/00121 Proposed erection of building for 6 two bed flats, with parking at ground floor. Withdrawn
- HS/FA/11/00794 Proposed erection of new building for 6 two bed flats, with parking at ground floor. Allowed on appeal 08.10.12
- HS/FA/08/00187 Proposed erection of 6 two bedroom flats with off-street parking. Refused
- HS/FA/68/00991 Erection of garage. Granted
- HS/FA/58/00478 Erection of bungalow and garage. Granted
- HS/OA/52/00289 Lay-out of four building plots. Granted

Note:

HS/FA/08/00187 was refused for the erection of 6 two bedroom flats with off-street parking. The applicant submitted a further application reference HS/FA/11/00794 again for erection of 6 two bedroom flats with parking and this application was given officer recommendation for approval. The application went before planning committee and was refused. The Council's grounds for refusal were lack of car parking space. The applicant appealed and the appeal was allowed subject to planning conditions.

Subsequently a further application was submitted under reference HS/FA/12/00121 for 6 two bed flats with parking but this application was withdrawn before it was determined.

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

- Policy FA2 - Strategic Policy for Central Area
- Policy DS1 - New Housing Development
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy SC3 - Promoting Sustainable and Green Design
- Policy SC4: Working Towards Zero Carbon Development
- Policy SC7 - Flood Risk
- Policy EN3 - Nature Conservation and Improvement of Biodiversity
- Policy T3 - Sustainable Transport

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

- Policy LP1 - Considering planning applications
- Policy LP2 - Overall Approach to Site Allocations
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM4 - General Access
- Policy DM5 - Ground Conditions
- Policy SAP8- 4 Wykeham Road

Other Policies/Guidance

Supplementary Planning Document (SPD) -Parking Provisions in New Developments

Department for Communities and Local Government – Technical housing standards – nationally described space standard (March 2015)

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.

3. Consultations comments

Highways - No Objection

While the lack of on-site car parking provision is less than ideal it is not a significant issue. Given the earlier appeal decision to allow a block of flats on this site, the two additional flats for this application would be relatively minor. The submitted Transport Statement parking survey shows there is scope on local roads to accommodate additional cars, there is scope to cater for this level of on-street parking in the area. The accessibility of the site and the proximity to local services and facilities would significantly reduce the need for resident reliance on private car ownership. Highways recommend one covered and secure cycle storage space should be provided per residential flat (condition 15).

Housing Officer - No Objection

While the Housing Officer recommended 20% affordable housing (1.6 units) to be indistinguishable from market units in accordance with policy H3 of HDMP this comment needs to be viewed in the context of the current position of the Ministerial Statement of 2nd March 2015 and National Planning Guidance that contributions should not be sought from developments of 10 units or fewer, and which have a combined gross floorspace of no more than 1000sqm. (This development does not have a gross floor area of more than 1000sqm).

Ecology Officer - No Objection

The submitted Ecology appraisal report found no ecological impact nor are further ecology studies required. The report states that there is a need for biodiversity improvements in association with the proposed development should it be approved and a planning condition is proposed requiring an ecological method statement for wildlife features.

Environmental Health - Noise - No Objection

Environmental Health has no objection in principle to this development. They do have concern at possible noise and dust nuisance during the construction/operational phases and recommend conditions to manage these.

SSE Water - neither supports or object to this application

The public sewer is a combined system receiving both foul and service water flows and no greater water flow than currently received can be accommodated in the system. In order to

protect drainage apparatus, Southern Water request, that if permission is granted, the conditions and informatives they have recommended be attached. They advise that the applicant should investigate alternative means of surface water disposal considering the options for discharge to available watercourse or discharge to soakaway.

ESCC Sustainable Urban Drainage Authority (SUDs) No Objection

The applicant has followed the recommendations of the SUDs Toolkit and therefore SUDs are happy with the principles proposed to manage surface water run-off at the site. They recommend details of the surface water drainage design and maintenance be secured through planning conditions.

Refuse Officer - No Objection

The refuse officer advises that where access from refuse truck on the highway to the bin store area does not have steps obstructing movement, a recommended 1280/1100litre bulk bin it will be acceptable. Any bulk bin should be made of metal and black in colour (HBC do not provide bulk bins). In the case of steps between the bin store and the collection point, seagull-proof bags would be provided for each tenant. The road is on a weekly refuse collection.

Building Control – No Objection

Building Control commented that subject to Southern Water Authority approval and a satisfactory full ground site investigation report being submitted they have no objection.

Keith Gabrielle Geotechnical Consultant- Neither supports or objects to this application

Keith Gabrielle's services were engaged by HBC for professional opinion on the land stability and assessment of the Geo-technical land stability reports by VKHP Consulting that were submitted on behalf of the applicant. Initially Keith Gabrielle had concerns over the land stability issues and a further report addendum was submitted by VKHP in response to his concerns. A final Letter Report (dated 8th September 2017) from Keith Gabrielle shows that his concerns have been addressed. He recommends pre-commencement planning conditions that will enable the proposal to proceed regarding land stability in compliance with planning policy DM5 of Hastings Development Management Plan.

Arboricultural Officer - neither supports or objects to this application

All trees currently growing on the development footprint will be removed. The tree officer comments that the trees to be removed are of only moderate quality however as landscape assets they will be missed. The scale of the proposal does not provide space for replacement tree planting but the officer asks that options aimed at mitigating the loss of trees through replacement planting be explored by the applicant.

4. Representations

13 Objections received from 13 different properties raising the following concerns:

- Lack of on-site car-parking in area of high parking demand;
- Small car turning space at end of Wykeham Road;
- Steep hill location not conducive to cycle use;
- Restricted service road (access);
- Infringement of rights of way.
- Over intensive development of site;
- Out of character with rest of street;

- South elevation too close to properties opposite on Braybrooke Road causing overlooking and loss of privacy;
- Lack of lift system (access);
- Internal space below acceptable space standards;
- Lack of adequate waste storage and related odour nuisance.
- Noise disruption during construction phase;
- Impact on neighbour amenity from loss of privacy and loss of light.
- Lack of affordable housing or social rented housing contribution to support local housing need.
- Geo-technical land/ soil instability of site / Site inherently unstable and therefore unfit for development;
- Destabilisation of land due to tree loss;
- Possible subsidence caused to neighbouring dwellings;
- Sustainable Urban Drainage issues re water infiltration and soakage (drains at lower end of Braybrooke Road);
- Natural Spring run-off from site onto Braybrooke Road/ watercourse/spring that runs directly through the site and actively overflows into open pavement gully in front of development site;
- Impact of foundations on storm flood defence drain.
- Loss of natural habitat/ biodiversity.
- Damage to protected trees (Preservation Order No.294).

Petition signed by 52 people received

The petitioners object to the proposal on the following grounds:

- Excessive parking pressure in the area;
- The proposal is out of character with existing homes and detrimental to the character of the area;
- It would be over intensive development for the residential area;
- It would give rise to unacceptable overlooking of neighbouring properties both front and rear;
- Destruction of green space on Braybrooke Road;
- Insufficient provision for affordable housing; and
- The land is unstable and unsuitable for construction.

5. Determining Issues

The main issues in determining this application are as follows:

- Land stability - whether the site (ground condition) is fit for proposed development;
- Impact of development on the character of area;
- Impact on neighbour amenity, whether the development would cause unacceptable loss of light or privacy to neighbouring properties;
- Highway safety and appropriate car parking provision for the proposed development;
- Cycle storage and bin storage;
- Impact on ecology of site;
- Loss of trees.

These identified issues are discussed in full below.

a) Principle

The principle of a flat development for this site is established in Policy SAP8 of the Hastings Local Plan - Development Management Plan (2015) and by the previous allowed planning appeal for development of a 6 flat block on this site. 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 good access to public transport, shops, services and facilities and so the development is considered acceptable in principle subject to other local plan policies.

b) Land Stability

Policy DM5 of Hastings Development Management Plan addresses ground conditions - that in the case of land potentially subject to instability (such as steeply sloping sites or in an area with a history of instability), convincing supporting evidence from a relevant and suitably qualified professional must be supplied before planning permission is granted. The evidence should satisfy the LPA that any actual or potential instability would be overcome through appropriate remedial, preventative or precautionary measures.

In this case the applicant undertook professional assessment of the site by VKHP- Consulting (Civil and Structural). Their letter of the 20th January 2017 stated that their report provided sufficient information to show that the requirements of policy DM5-Ground Conditions in relation to land instability had been met. Because of the steep slope of the site and extent of local concern regarding land stability the Local Planning Authority engaged consultant (Gabriel Geo-Consulting) to assess the submitted report and details. Further to direct communication between Keith Gabrielle and VKHP- Consulting (Civil and Structural) a further VKHP Addendum Technical Information Report was submitted to the LPA and in response to this and the Final Letter Report by Keith Gabrielle (GabrielGeo-Consulting) dated 8th September 2017 the LPA is satisfied that the evidence submitted complies with policy DM5 that any actual or potential instability would be overcome through appropriate measures. Keith Gabrielle has recommended pre-commencement planning conditions to be met prior to commencement of development on site and these have been attached (see conditions 8 & 9).

c) Impact on Character and appearance of area

Policy DM1 of Hastings Development Management plan provides design principles for new development including that all proposals must reach a good standard of design and take in account protecting and enhancing local character. Objections have been received that the proposed block of flats would be out of character with the rest of the street and be over intensive development of the site.

The proposed flat development will face onto Braybrooke Road which is a busy access road into the town centre. The adjacent neighbouring site has recently been developed for a similar block of flats scheme. The south side of Braybrooke Road is mainly characterised by high 3-to-4 storey terraced Victorian dwellings of which a number have been sub-divided into flats. There are 2, two-storey detached dwellings and a pair of two-storey semi-detached dwellings situated immediately opposite to the application site on Braybrooke Road but these are not typical of this streetscene; they are infill dwellings for the gap between the two tall terrace ends on either side. The block of flats proposed is considered to be of an acceptable design in this street scene. It has a mansard roof with dormer windows serving the fourth floor, reducing the appearance of height (between approximately 12.6m to ridge height measured from front east side and 13.4m front west side, measured on the Braybrooke Road frontage), the difference in height being due to the slope of Braybrooke Road. The front

aspect has a good symmetry and is considered to sit well into this site on Braybrooke Road. The rear of the property will be partially screened from public view due to the lack of rear public road access and by the steep slope of the site. The proposed ground excavation of the slope means that at the rear only the third floor will be above the rear garden level of dwelling No. 4 Wykeham Road.

d) Layout

The layout is for five 2 bedroom /3 person flats and three 1 bedroom /2 person flats and this is considered to be an acceptable mix of dwellings in this particular edge of town centre location. The flats would provide small dwelling accommodation for occupants rather than family sized dwellings, and this is considered appropriate to this steep site, situated on a busy road. The close proximity to local services and facilities in the nearby town centre and good public transport services makes these proposed flats acceptable. They are situated close to substantial detached dwellings along Wykeham Road and tall properties along Braybrooke Road that are mainly traditional large Victorian dwellings and so this flat development is considered to provide a suitable mix of housing in this location.

The internal layout of the property shows the eight proposed flats would each meet national minimum space standards as set by the Department for Communities and Local Government – Technical housing standards – nationally described space standard (March 2015).

Each flat has south facing windows for the main living areas which are situated to the front. The two ground floor flats will receive less light from the south (front), by virtue of having smaller front windows than the upper floors, and they will have long narrow open plan living / kitchen-dining spaces (measuring some 2.5m width x 11m depth). However, the light-wells to the rear (north) while not ideal due to the high slope of the land behind, will provide additional light so that the received natural lights levels are not considered to be unacceptable such that this flat development should be refused. The internal layout of the flats shows the standard of accommodation is acceptable.

Appropriate refuse storage has been built into the front of the property with access for collection from Braybrooke Road. A cycle storage area has been built into the front elevation at ground floor level measuring some 3.4m in depth x 2.5m in width (8.5sqm), which is considered to provide sufficient cycle parking for 8 cycles.

The existing dwelling house 4 Wykeham Road would retain a rear garden of only 8.3m, which length is shorter than the 10m appropriate length for a family dwelling of policy DM3 of Hastings Development Management Plan. However, the submitted section drawing No. P1001 Rev I shows that the garden as existing falls off after this 8.3m length due to the steep slope of the land and therefore the dwelling will retain its useable rear garden space.

To the rear of the proposed flats, the garden space would be 8.5m in depth and the steep rear garden slope would make this area a steep screen between the two properties, rather than a traditional level garden space.

There will be little private external amenity space for the occupants of the proposed flats, however, Linton Gardens lies just to the north of the site and would provide outdoor amenity opportunity for occupants so this proposal can be supported.

e) Impact on Neighbouring Residential Amenities

Policy DM3 of Hastings Development Management Plan requires new development to avoid any adverse impact on the amenity of neighbouring properties. In this case, the houses opposite, on the south side of Braybrooke Road, are a sufficient distance away (approximately 20m) to maintain both adequate privacy and light.

The properties most affected by this development are 4 Wykeham Road, the immediate neighbouring dwelling no.59 Braybrooke Road and Wykeham Heights flats that border the site to the west.

The owner of 59 Braybrooke Road has raised the concern that his dwelling would be overlooked and that he would be looking out at a brick wall. The side brick wall of the proposed flats would be set well down in height relative to the front garden area of No.59 due to the planned excavation of the application site and the natural steep slope of the land. The front part of No.59's garden is taken up by the steep tree covered slope down to Braybrooke Road which is a relatively unusable garden space because of the steepness of the slope. It is this steep sloped garden area that the proposed flats would be situated adjacent to. There would be no side windows overlooking No.59 as the only proposed side windows are raised windows at ground floor height that would be below the height of the adjacent land. The rear top floor bedroom windows of the flats would be around 10m view distance away from the nearest window of No.59 but would have an in-direct angled line of view and is not considered to detract from the privacy of the neighbouring properties such that this application should be refused.

No.59 is set further back from Braybrooke Road than the proposed flats. The steep slope of the land and the planned depth of excavation of the site will set the flats well down (planned excavation depth, approximately 9m depth measured at the rear of the site) and this would prevent unacceptable overshadowing. At the height proposed shown on the section plan (P1001 Rev I), only the top floor of the flats would be visible above the height of the remaining garden level of 4 Wykeham Road and the pitched style of roof would help to keep overshadowing to acceptable levels. The proposed flats roof ridge height would be slightly lower than the eaves height of No.59.

The eaves height of the flats would protrude only approximately 2m above the remaining garden level of 4 Wykeham Road. At roof ridge height it would protrude approximately 3.8m and so only a relatively small portion of the development would be visible from No.4 and No.59. Overall the height of the proposed eight flats is only 1.2m higher than the six flats allowed on appeal and the slope of pitch of the roof would be reduced slightly from approximately 24° to 21° causing little significant increase in over-shadowing.

The forward position of the proposed building from no.59 is not considered to be unacceptable given the existing staggered building line of detached dwelling houses that are set back from Braybrooke Road. The proposed flats are not considered harmful to the character of the area, they will sit well with the recent neighbouring flat development Wykeham Heights.

The Geo-technical report explains how the garden land of no.59 will be supported when the site is excavated. There are no upper floor side windows proposed in the flats that would detract from neighbour privacy and a condition would be attached that there must be no alteration to the windows without permission from the LPA (Condition 14).

Both existing dwellings No.4 and No.59 are south facing and will still receive sufficient sunlight and daylight. The rear windows of flats at top floor level would look towards 4

Wykeham Road with a viewing distance of some 17m. However, the angle of the viewing height, with the flats even at top floor level being lower than the windows in the rear elevation of 4 Wykeham Road, would be screened by the proposed 2m high boundary partition and is not considered unacceptable.

The ground level of the front garden at No.59 Braybrooke Road, before it slopes steeply down to Braybrooke Road (some 14.5m from the house), next to the proposed excavated area of the application site would leave only the upper floors of the proposed flats (ridge 6.5m height visible above the adjacent garden land level of No.59. Flat eaves height (some 8.5m from the house) would be approximately 2.5m high rising to 4.5m at the front of the chalet style roof. Due to the slope of the garden land the roof ridge height of the flats would be below the eaves height of property number 59 and thereby appear no higher than a chalet style bungalow) when viewed from the back of No.59. Although the height and mass of the block of flats would still appear as a two storey building from the front garden of no. 59 it is noted that this part of their garden forms the shared driveway into their site. Moreover this relationship has already been approved at appeal, as noted in the history section above.

The proposed flats would stand adjacent to the existing flats Wykeham Heights. There are three small opaque glazed side windows in the east elevation of Wykeham Heights. While the two blocks of flats would stand only approximately 2.4m apart, this is not considered to create unacceptable loss of daylight to the existing Wykeham Heights flats as the three side windows in the east elevation are opaque glazed and so do not serve main living rooms and as existing these windows are heavily over-shadowed by the tree covered slope the flats are set into. The proposed development of the new flats on the neighbouring site is not considered to significantly detract from the received daylight of the existing flats Wykeham Heights.

Policy SAP8 of Hastings Development Management Plan is a site specific policy for this site, 4 Wykeham Road, allocating the site for residential development (possible net capacity 6 dwellings). The proposal for 8 dwellings on this site does not conflict with policy SAP8. The proposal makes efficient use of land in compliance with policy DM1.

The design of the property is considered acceptable.

The flats are not considered harmful to the amenity of the neighbouring dwellings that this proposal should be refused.

f) Ecology

The applicant submitted the Martin Newcombe Wildlife Management Consultancy Ecology Scoping Survey and has stated in the submitted Design & Access Statement that, though the space for ecological enhancement is limited, some biodiversity improvement will be undertaken in accordance with the ecology report.

The report found no ecological impact or further ecology studies required for this site. The report states that there is a need for biodiversity improvements in association with the proposed development should it be permitted and proposes a planning condition (condition 6) requiring an ecological method statement for wildlife features such as bespoke bat roost structures, erection of bird boxes in buildings/structures; creation, restoration and enhancement of semi-natural habitats; tree/hedgerow, shrub and wildflower planting/establishment. The landscaping condition would require inclusion of such measures as appropriate.

g) Trees

The applicant submitted the Sylvan - Arb, Arboricultural & Woodland Management Tree Report and the Council's Arboricultural Officer was consulted and acknowledges that all trees currently growing on the development footprint will be removed and that while the trees to be removed are of only moderate quality, they will be missed as landscape assets. 14 trees are planned to be removed of which 1 is category U (poor condition), 8 are category C trees (low value) and 5 are category B (moderate value).

The scale of the proposed development does not provide space for replacement tree planting. The Arboricultural Officer has raised no objection to the proposal but has asked that options aimed at mitigating the loss of trees be explored by the applicant. Condition 4 has been attached for submission of soft landscaping details, and it is envisaged that a soft landscaping scheme would 'green' the site sufficiently to soften the loss of amenity value of trees. Condition 6, as discussed above, requires a method statement for the creation of new wildlife and habitat features to offset as far as practicable the loss of biodiversity and this is considered to help off-set the loss of biodiversity the trees provide. Policy SAP8- 4 Wykeham Road of Hastings Development Management Plan allocates this site for housing development and so loss of trees has already been agreed in principle.

h) Highway Safety/Parking

Policy DM4 of Hastings Development Management Plan requires new development to comply with the parking standards set out in the adopted Parking Provisions SPD (listed above). Parking was the main planning appeal issue for the earlier refused application HS/FA/11/00794 for a 6 apartment block. The appeal inspector considered that this site location is close to the railway station and bus stops and to the services, facilities and attractions of the town centre and that this is the type of location where potential occupiers might not need a car. The appeal was allowed.

ESCC Highways Authority (ESCC) has been consulted and they have commented that the lack of on-site parking is not ideal, however given the appeal inspectors decision, although this proposal would add two additional flats this increase over and above the 6 flats already allowed would be relatively minor. ESCC note that the submitted transport statement (RGP Transport Planning Parking Provision Technical Note) shows that there is scope on local roads to accommodate additional cars and therefore refusal on parking grounds could not be justified. ESCC comments also take into account the sustainable position of the site in close proximity to local services and facilities which would significantly reduce the need for residents to rely on private car ownership. ESCC recommended that any consent should include a planning condition for appropriate cycle storage provision.

In response to Highways comments the amended plans and elevations drawing (P1002 Rev J) shows a secure in-built cycle store measuring 3.4m in depth x 2.5m in width (8.5sqm) accessed from front ground floor level and this is considered to be acceptable. A planning condition would be attached that the cycle store provision must be retained at all times (condition 15).

There has been local concern raised over suitable access for construction vehicles. The submitted Construction Stage Waste Management Plan states that the excavation will involve the excavation of approximately 420 cubic metre of soil material from the site. Due to the tight nature of the site with no public highway access to the rear a planning condition would be attached for submission a suitable traffic management plan throughout construction works to be approved in writing by the LPA (condition 13).

i) Bin Storage;

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and the means for its removal. Submitted plan P1002 Rev J shows an integral waste storage facility built into the left hand (west side) of the front elevation, sufficient to house 2 Euro Bins, and with level access to Braybrooke Road. The waste officer advised that where access from refuse truck on the highway to the bin store area does not have steps obstructing movement recommended 1280/1100litre bulk bin will be acceptable. Any bulk bins should be made of metal and black in colour (HBC do not provide bulk bins). The road is on a weekly collection. The integral bin store is considered to be compliant with policy DM3.

j) Affordable Housing and other contributions

The Housing Officer was consulted and while they initially recommended 20% affordable housing (1.6 units) to be indistinguishable from market units in accordance with policy H3 of HDMP this comment needs to be viewed in the context of the current position of the Ministerial Statement of 2nd March 2015 and current National Planning Guidance that contributions should not be sought from developments of 10 units or fewer, and which have a combined gross floorspace of no more than 1000sqm. This development is for fewer than 10 dwelling units and does not have a gross floor area more than 1000sqm and, therefore, no affordable housing is required. Policy SAP8 of Hastings Development Management Plan sets out that development proposals for this site should include affordable housing however the Government's current Planning Policy Guidance over-rides this policy.

k) Sustainable Construction

The site is within a sustainable location with good access to public transport, shops, services and facilities. Policies SC1 – SC3 of Hastings Planning Strategy require new development to be sustainable promoting green design, appropriate climate change mitigation and adaptation measures to enable a low carbon future. The sustainable location and the flats would be built to modern Building Regulation standards and are considered acceptable. The appeal decision was allowed for a similar development on this site.

l). Sustainable Urban Drainage (SUDs)

The ESCC SUDs Tool-Kit document submitted recommended that an assessment of the ground conditions and associated hazards assessment be undertaken by a suitably qualified geotechnical engineer and this has been undertaken as discussed above under land stability.

The HR Wallingford report submitted concludes that while infiltration for surface water run-off may be possible at the site, the lack of space and the potential for slope instability caused by infiltration over a small area means that this method is not proposed at this location. It is proposed that surface water discharge is attenuated, using an underground storage tank, and then discharged to the public combined sewer in Braybrooke Road. The report proposes a storage tank between 6.5 and 10 cubic metres be used to attenuate flows from the development with the final tank size confirmed at detailed design stage when the drainage network and storage tank can be modelled (a 10m tank would allow for slower rates of limited discharge).

East Sussex County Council SUDs have been consulted and they are satisfied that the applicant has used their on-line Took-Kit for Sustainable Urban Drainage appropriately and that the submitted HR Wallingford report for the surface water storage requirements of the site are sufficient that they can support this application. They suggest that a planning condition be attached to require details of the surface water drainage design and maintenance proposals (condition 3).

Southern Water has been consulted and has advised that the public sewer is a combined sewer, receiving both foul and surface water flows and that no surface water flows greater than currently received can be accommodated in the system. They advised that the applicant investigate alternative means for surface water disposal by considering discharge to available watercourse/dischARGE to soakaways. They also raise concern that no soakaways should be located within 5m of the public sewer.

Southern Water advised that no development should take place within 3m of the sewer. The plan attached indicates a foul water sewer crossing the site running under the proposed building. Southern Water has however also advised that it may be possible to divert the public foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity. SW has suggested planning conditions and an informative to be attached to any planning decision to approve.(Conditions 3 & 15 and informative 6).

Given the above it is considered necessary that pre-commencement planning conditions be attached to ensure a formal application is made for connection to the public sewer and a sewer capacity check be carried out to identify a possible appropriate connection point and/or possible diversion of the public sewer and that foundation for the proposed development must first be agreed with SW.

6. Conclusion

The proposed development is in a sustainable location and the principle of development for a block of flats on this site is set by site specific planning policy (SAP8) in the Local Plan. Previous planning permission was allowed on appeal for a similar scheme for development of a block of six flats on this site and this development, and this proposal while increasing the scale of the previous proposal, is not considered to have a significantly greater impact which would justify refusal of this application. The close proximity to transport links and facilities and services in the town centre make this proposal for a car-less development in this sustainable location acceptable. The proposed flats are not considered to cause unacceptable harm to the amenity of neighbouring dwellings and meet the national space standards for new dwellings providing accommodation of an acceptable standard. The submitted land stability reports have satisfied that any actual or potential land instability of the site may be suitably overcome and appropriate pre-commencement planning conditions are attached. Southern Water have not objected to this proposal, which indicates build over a public sewer, subject to recommended planning conditions that have been attached and details of surface water drainage and maintenance have been conditioned as requested by ESCC Sustainable Urban Drainage Authority. The application is recommended for approval subject to planning conditions.

These proposals 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.

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

P1001 I; P1002 J; P1003; P1004.
3.
 - i) Construction of the development shall not commence until details of the proposed final land drainage scheme including means of foul sewerage and surface water disposal/management and have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
 - ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings / flats hereby approved shall take place until those works have been completed.
 - iii) No occupation of any of the dwellings or flats hereby approved shall take place 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.
4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping. 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.
5. 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 otherwise 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 or mitigation features 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.

6. Prior to occupation of the dwellings hereby approved a method statement for creation of new wildlife and habitat features, e.g. bespoke bat roosts structures, erection of bird boxes in buildings/structures; creation, restoration and enhancement of semi-natural habitats; tree, hedgerow, shrub and wildflower planting/establishment. The content of the method statement shall include the following:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant).

7. No occupation of the dwellings hereby approved 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. Submitted details shall include finished levels of contours; means of enclosure; pedestrian and cycle access; hard surfacing materials and proposed and existing functional services above and below ground including their positions (e.g. drainage, power, communications cables, pipelines, manholes).

8. Prior to construction works starting on site ground investigation must be undertaken and the findings submitted to and approved in writing by the Local Planning Authority.
- i) these investigations are required:
- to obtain parameters for foundation design purpose;
 - before any further slope analyses are undertaken, a suitable ground investigation must be undertaken to assess whether there are any sub-horizontal shear faces in the clays below the site;
 - any sub-horizontal shear faces in the clays below the site should be modelled in slope stability analyses.

Continuous undisturbed sampling or coring is required in the clays in order to enable an adequate assessment of the presence of any pre-existing shear surfaces by a suitably experienced engineering geologist or geotechnical engineer.

9. Prior to construction works starting on site further Contractors Method Statement must be submitted to and approved in writing by the Local Planning Authority to include but not limited to:
- The adequacy of the temporary piling platforms;
 - The use of temporary support on the flank boundaries (where not supported by the bored pile walls (BPWs));

- Allowance for 8 separate stages of excavation in the rear part of the site, such that each row of anchors is installed and “locked” before the ground is excavated down to the level for the next row of anchors;
- The design of the bored pile walls (BPWs) and associated ground water control system, to ensure no loss of ground can occur between the piles from the adjoining land;
- The final design of the excavated slope behind the proposed building (where the excavations will be approximately 9m deep) including associated slope stability analyses.

The Method Statement as approved must be fully implemented and adhered to.

10. 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.

11. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwelling flats hereby permitted have been submitted to/made available* on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
12. The developer must provide details to the Local Planning Authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.
13. Prior to commencement of development a Traffic Management Plan (TMP) for management of removal of site waste and movement / parking of construction vehicles throughout the development works must be submitted to and approved in writing by the Local Planning Authority (LPA). The approved plan must be fully implemented unless otherwise first agreed in writing with the LPA.
14. No additional windows shall be inserted or alterations made to the windows hereby approved unless application has first been made to and approved in writing by the Local Planning Authority.
15. The cycle storage provision hereby approved shall be retained for cycle storage use at all times.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of proper planning to help prevent risk from flooding and/ or land instability because adequate land drainage is fundamental to the stability of the excavated slope.
4. To safeguard the amenity of adjoining residents and the character of the area.
5. To safeguard the amenity of adjoining residents, occupants and the character of the area.
6. To protect and/or mitigate the loss of features of recognised nature conservation importance.
7. To safeguard the amenity of adjoining residents and the character of the area.
8. In the interests of proper planning to ensure land stability of the site in compliance with policy DM5 of Hastings Development Management Plan (2015).
9. Reason In the interests of proper planning to ensure land stability of the site in compliance with policy DM5 of Hastings Development Management Plan (2015).
10. To safeguard the amenity of adjoining residents.
11. In the interests of the visual amenity of the area.
12. In the interests of proper planning and to help prevent increase in flood-risk.
13. In the interests of residential amenity and highway safety.
14. To protect local amenity.
15. To provide for modes of sustainable transport.

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. The extent of the temporary piling platforms required for safe operation of the piling rig shown on Temporary Works drawings 235517 - SK01 & SK02, do not extend sufficiently beyond each of the steps in the capping beams to allow safe installation of all the pipes. Use of scaffold staging may be required in some locations to enable the safe installation of the bored pile walls (BPW) profiles shown on these drawings. You are referred to the Gabriel Geo Consulting Letter Report on Land Stability Assessment, dated 8th September 2017 paragraph 2.5.

4. Your attention is drawn to the guidance in paragraph 120 of the National Planning Policy Framework:

120. To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

5. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.

6. Formal application to Southern Water for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

The foundation for the proposed development must be agreed with Southern Water before work can commence.

7. Due to the nature of the highway in the vicinity of some locations, construction traffic has the potential to damage the carriageway and/or verges. The Highway Authority will require the applicant to reimburse their legitimate expenses in making good any such damage. Prior to the commencement of development the applicant should contact the Area Highway Manager on 0345 60 80 193 to arrange a photographic survey and joint inspection of the local highway network.

Officer to Contact

Ms N Ranson, Telephone 01424 783253

Background Papers

Application No: HS/FA/16/00002 including all letters and documents