

Planning Committee Agenda

Thursday, 20 July 2017 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Tourist Information Centre entrance.

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

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PLANNING COMMITTEE

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Present: Councillors Street (Chair), Scott (Vice-Chair), Beaver, Clarke, Edwards, Dowling, Roberts, Rogers, Webb and Wincott

174. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Cartwright.

175. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Beaver (all Councillors)	179a – 10 Claremont, Hastings	Personal - Correspondent is a former Councillor of Hastings Borough Council
Webb	178a – 35 Tower Road, St. Leonards on Sea (5a) and 145.1 – 10 Claremont, Hastings	Personal – Knows some of the objectors

176. MINUTES OF THE MEETING HELD ON 5 APRIL 2017

RESOLVED – that the minutes of the meeting held on 5 April 2017 be approved and signed by the Chair as a true record.

177. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

178. PLANNING APPLICATIONS ATTRACTING A PETITION:

178.1 35 Tower Road, St. Leonards on Sea

Proposal: Construction of thirteen apartments comprising 3 x 1, 8 x 2 and 2 x 3 bedrooms.

Application No: HS/FA/16/00857

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Existing Use:	Mixed uses including retail, residential, upholstery, car sales and car repairs
Conservation Area	No
Listed Building	No
Public Consultation	18 letters of objection and 1 petition and 1 letter of support received.

The Principal Planner, Mr Batchelor, presented this report for construction of thirteen units as a mix of 3x1, 8x2 and 2x3 bedrooms and 13 undercroft parking spaces (two of which are disabled parking bays).

Members were informed of an update to the report:-

- Since the publication of the Planning Committee Agenda, an additional representation has been submitted. The representation makes comments on the committee report.

Members were shown plans, photographs and elevation drawings of the application site.

The Principal Planner reminded members that a former application was submitted in 2015 under planning application reference HS/FA/14/00968, for the construction of fourteen apartments comprising 5 x 1, 6 x 2 and 3 x 3 bedrooms. The application was withdrawn on 26th July 2016 due to concerns raised about parking. The redevelopment of the site was supported in principle and the applicant was given advice in respect of parking, design and affordable housing before submitting a further application. The changes to the application include:

- Removal of one residential unit from the ground floor to allow for revised parking, refuse storage and cycle storage.
- The lowering of the proposed building by 1m (compared with the previous application).
- Changes to the layout of some flats.
- The reduction in the size of the building adjacent to 30 St. Peters Road.
- Various elevational changes including the substitution of the mostly rendered façade for a buff white-grey brick.

William Third, petitioner, spoke against the application, he raised concern regarding the forced eviction of the businesses and referred to Policy E1 regarding retention of Employment land. He said that the development of 13 flats will cause loss of amenity, increased number of vehicles, pollution and parking problems over an already stressed area. He said the overall appearance is incompatible with a Victorian terrace and felt that the affordable housing will have a negative impact. He stated that surface water flooding is a regular occurrence and he raised further concern regarding noise and disturbance and congregating youths. He recommended that planning permission be refused.

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Mr Third said he would welcome alternative development on site; however the site behind needs light and ventilation.

Jacob Chadwick, the project architect and agent for the application, spoke in support of the application. He said they had addressed the effect of the proposals on Cornfield Terrace following the deferred application. He said he had met with local residents since the application was passed and changed the scheme by lowering the building by 1 metre, amending the garden wall and widening the pavement. The scheme offers 15 parking bays for 13 units, an increase of 3 bays. The site is set back x 2½ times. Having reviewed the scheme he said it makes positive impact.

Mr Chadwick said they undertook a site visit following the last meeting. He met two of the applicants (not residents); he was taken into No. 30 and took photos from their property. He said a lot of changes came out of the meeting.

Mr Chadwick said his consultant had looked into the drainage issues. The report he had done was very thorough to identify possible risks. He said that an intensive investigation will be undertaken later. He said they may need to divert a public sewer and that there is a statutory instrument that allows this to be done.

The Principal Planner addressed the issues raised by the petitioner, he said it was not a planning process to protect the business; it is whether the use is viable. An employment case would not be sustainable. Off-street parking needs to be balanced with other issues. Underground parking would cause no harm as the area is busy. Air pollution matters are considered by Sussex Wide Guidance. No objection was received from Environmental Health. The building is not significant enough to warrant protection. Gates near the underground parking would detract from the design of the building and shutters will attract graffiti. Passive surveillance operates in the area. The applicant has done a desk top drainage study; details will be required by HBC and the local water authority for checking. The proposal has been conditioned within daylight guidance. . The applicant has indicated up to 100% affordable housing. We agreed to 20% affordable housing for 13 flats.

The Principal Planner said Condition 6 covers planting; there will be areas of planting near Tower Road and at the rear of the site. The green roof won't be seen from street level. There will be a mixture of materials, form and texture. Everything seen as white should be rendered. The building should have modern interpretation. The Principal Planner confirmed that no development can commence until the relevant pre-commencement conditions are approved, including drainage. If they can't be approved the redevelopment won't stay as it is.

During discussion, Councillor Scott recommended a note to the applicant regarding the inclusion of a domestic sprinkler system.

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Councillor Scott proposed a motion to approve the application as set out in the resolution below with the inclusion of note 6. This was seconded by Councillor Beaver.

RESOLVED – by (9 votes to 1 against) that the Planning Services Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure affordable housing, unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms with a reduced provision or without the affordable housing. In the event that the Agreement is not completed or the viability issue not resolved by 24 November 2017 that permission be refused on the grounds that the application does not comply with Policy H3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

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:

9729/00, 2A, 03I, 04E, 06D, 07F, 08B and 09
3. No development shall take place above ground until sample of the materials to be used and details of their location in the construction of the external surfaces of the flats hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Notwithstanding that shown on the approved drawings a sample of render shall be submitted in place the white-grey buff brick. Development shall be carried out in accordance with the approved details;
4. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; hard surfacing materials; and connection to surface water drainage;
5. 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;
6. All planting, seeding or turfing for the approved garden and planting areas, as shown on drawing no.9729/03I, shall be carried out prior to

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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;

7. Before they are installed details of the balcony and roof terrace balustrades 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;
8. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 and in accordance with the hierarchy of policy SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 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;
9. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband;
10. Prior to the commencement of development, including any demolition, a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. Given the restrictions of the access and/or the approach road the hours of delivery/collection should avoid peak flow times and the size of vehicles should be restricted. The development shall be carried out in accordance with the approved scheme;
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 new accesses shall be in the positions shown on the approved drawing no. 9729/03I and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted;

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13. The development shall not be occupied until the parking areas have been provided in accordance the approved drawing no. 9729/03I. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles. The parking areas shall also remain unallocated;
14. The building shall not be occupied until the existing accesses shown on submitted drawing no. 9729/03I have been stopped up and the kerb and footway reinstated in accordance with details to be to submitted to and approved in writing by the Local Planning Authority;
15. Prior to 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 Local Planning Authority, to prevent contamination and damage to the adjacent roads. The development shall be carried out in accordance with the approved details;
16.
 - (i) Construction of the development, including demolition, 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; and
 - (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.
17. The details required by condition 16 above shall include measures which will be undertaken to divert/protect the public sewers and water mains;
18. The details required by condition 16 above shall:
 - be based on the principle of surface water management outlined on Monson's drawing no. 8282K-01A included in their document 'Drainage strategy & sustainable drainage, management and maintenance plan', dated 01 March 2017 (Issue A);
 - ensure surface water runoff from the proposed development should be limited to 3.5 l/s for all rainfall events, including those

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with a 1 in 100 (plus climate change) annual probability of occurrence;

- evidence the runoff rates in the form of hydraulic calculations on the detailed drainage drawings; and
 - ensure that the hydraulic calculations take into account the connectivity of the different surface water drainage features.
19. Prior to the commencement of development details of flood resilient measures to the ground floor shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved measures;
20. Prior to the commencement of development a maintenance and management plan for the entire drainage system should be submitted to and approved in writing by the Local Planning Authority. The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence should be provided that these plans will remain in place in perpetuity;
21. All windows shown on the approved drawings as obscure glazed shall remain obscure glazed and non-opening at all times;
22. No development, including demolition, shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority;
23. i) Prior to the commencement of development, including any demolition, a detailed Phase 2 (intrusive) contaminated land report shall be submitted to and approved in writing by the Local Planning Authority. The report should follow the recommendations listed in the Phase 1 Desk Study and Reconnaissance Report by Leap Environmental Ltd (Ref LP1171, dated 25 May 2016);
- ii) Should any contaminant pathways be identified in the Phase 2 report, prior to the commencement of development, a Phase 3 (remediation) report shall be submitted to and approved in writing by the Local Planning Authority;
- iii) The development shall be carried out in accordance with any

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approved remediation and mitigation of the phase 3 report; and

- iv) Prior to the occupation of the development a verification report must be submitted to and approved in writing by the Local Planning Authority. The verification report shall include photographs of the works undertaken and demonstrate that the works have been carried out satisfactorily and the remediation targets have been achieved.**

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 the visual amenity of the area;**
- 4. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 5. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 6. To ensure a satisfactory form of development in the interests of the visual amenity;**
- 7. In the interests of the visual amenity of the area;**
- 8. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy;**
- 9. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy;**
- 10. In the interests of vehicular and pedestrian safety;**
- 11. To safeguard the amenity of adjoining residents;**
- 12. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 13. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**
- 14. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway;**

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15. In the interests of highway safety and for the benefit and convenience of the public at large;
16. To prevent increased risk of flooding;
17. To prevent increased risk of flooding;
18. To prevent increased risk of flooding;
19. To prevent increased risk of flooding;
20. To prevent increased risk of flooding;
21. In the interests of the amenity of the neighbouring residential occupiers;
22. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework; and
23. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.

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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended);
4. A formal application for connection to the public foul sewerage system is required in order to service this development and should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For more advice or to make the application for connection please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk;
5. The applicant is encouraged to help the existing businesses on site relocate to alternative premises; and

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6. **Consideration should be given to the provision of a domestic sprinkler system.**

179. OTHER PLANNING APPLICATIONS:

179.1 10 Claremont, Hastings

Proposal:	Change of Use from Retail (A1) To Sui-Generis (Private Vehicle Hire Co)
Application No:	HS/FA/16/00860
Existing Use:	Vacant retail unit
Conservation Area:	Yes - Hastings Town Centre
Listed Building	No
Public Consultation	15 letters of objection received.

The Planning Services Manager, Mrs Evans, presented this report for the change of use from retail A1 to Sui-Generis (Private Vehicle Hire Co).

Members were informed of several updates to the report:-

- *For clarification, paragraph under the heading **Impact on Neighbouring Residential Properties**.*
- *For clarification purposes, the proposed opening hours should read as:*

05:00 – 00.00 – Sunday-Wednesday

05.00 – 00.00 – Thursday

00.00 – 00.00 – Friday & Saturday

Members were shown plans and photographs of the application site.

The private hire company occupies the basement and ground floor of a three storey building which is located in a commercial section within Hastings Town Centre Conservation Area. There are no proposed alterations to the exterior of the property. Internal changes involve minor alterations to the seating area for waiting customers.

No taxi waiting is proposed outside the premises apart from those picking up customers directly from the internal waiting area. Taxis will be kept at members of staff's addresses until in use and will run from one customer to the next. The road is restricted by Zone B parking restrictions which extend up until 8pm. The taxis will not have a parking space.

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Members discussed the impact of taxis in the area and the temptation to drop off customers outside the premises. The Planning Services Manager suggested that members could grant temporary planning consent if they were so minded.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Rogers.

RESOLVED – (unanimously) that planning permission be granted subject to the following conditions:-

1. The change of use hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. The premises shall not be used except between the following hours:-

05:00 - 00:00 - Sunday - Wednesday
05:00 - 00:00 - Thursday
00:00 - 00:00 - Friday & Saturday
3. Prior to installation, details of any proposed external CCTV cameras and external lighting shall be submitted to and approved in writing by the Local Planning Authority. The cameras shall then be installed in accordance with the approved details;
4. The business shall be operated in accordance with the details set out in the Site Waste Management Plan dated 28.09.2016;
5. The business shall be operated in accordance with the details set out in the letter dated 10.05.2014 and signed 11.05.2015; and
6. The change of use hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 16/848A.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;
2. To safeguard the amenity of adjoining residents;
3. In the interests of the visual amenity of the Conservation Area;
4. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
5. To ensure a satisfactory form of development in the interests of the

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character and amenity of the area; and

6. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place; and
4. A separate application, will be required to be submitted and assessed in accordance with the Advertisement Regulations, if it is proposed to install signage or advertisements in conjunction with the proposed use of the premises.

179.2 210 Hillside Road, Hastings

Proposal:	Upper floor bedroom extension over existing single storey addition.
Application No:	HS/FA/17/00050
Existing Use:	Dwellinghouse
Conservation Area:	No
Listed Building	No
Public Consultation	6 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for an upper floor bedroom extension over existing single storey addition.

Members were shown plans, photographs and elevations of the application site.

The Planning Services Manager explained that a number of objections had been received raising concern regarding overshadowing and loss of light. She explained that the footprint of the extension was as per the existing single storey and that the

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extension was slightly bigger than that which would be allowed under permitted development. Should the extension be repositioned a further 0.6m (approx.) the development would fall under permitted development and not require planning. The report states that a BRE Daylight and Sunlight Assessment was undertaken which confirms that there will not be a harmful loss of light into the building. The Planning Services Manager confirmed the BRE Daylight and sunlight assessment was carried out on the 21st March in accordance with planning guidance.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Scott.

RESOLVED – (unanimously) that planning permission be granted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

16-2443-01 - 07 REV A,
3. 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.

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; and
3. To safeguard the amenity of adjoining residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning; and
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

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paragraphs 186 and 187 of the National Planning Policy Framework.

180. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that two planning appeals had been dismissed. She also reported on the number of delegated decisions.

All matters had arisen between 25 March to 12 May 2017.

The report was noted.

(The Chair declared the meeting closed at. 7.37 pm)

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PLANNING COMMITTEE

21 JUNE 2017

Present: Councillors Street (Chair), Scott (Vice-Chair), Cartwright, Dowling, Roberts, Rogers, Wincott, Beaver and Clarke

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Edwards. Apologies for lateness received from Councillor Cartwright.

2. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Cartwright	5a – Site of Former Dane Court Nursing Home, 32-36 Chapel Park Road, St. Leonards on Sea	Prejudicial –Submitted a letter of objection against the application.
Scott	5a - Site of former Dane Court Nursing Home, 32-36 Chapel Park Road, St. Leonards on Sea	Personal – Member of East Sussex County Council, Adult Social Care and Highways.

3. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

With the agreement of the Chair, the Committee resolved to change the order of items on the agenda. Item 5B Little Acres Farm, Frederick Road, Hastings, was discussed first.

4. PLANNING APPLICATIONS ATTRACTING A PETITION:

4.1 Little Acres Farm, Frederick Road, Hastings (HS/FA/17/00003)

Proposal: Erection of 32 dwellings, formation of vehicular and pedestrian access, parking spaces and associated landscaping (Amended description)

Application No: HS/FA/17/00003

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Existing Use:	Residential
Conservation Area	No
Listed Building	No
Public Consultation	14 letters of objection and 1 petition received.

The Principal Planner, Miss Philips, provided an update to the report. She requested this item be deferred to enable officers to consider the last minute changes made by the applicant and consult with the Council's Legal Department.

Councillor Rogers proposed a motion to defer the application as set out in the resolution below. This was seconded by Councillor Roberts.

RESOLVED - (unanimously) to defer the application.

4.2 Site of Former Dane Court Nursing Home, 32-36 Chapel Park Road, St. Leonards on Sea

Proposal:	To create a 90-bed Care Home facility, with associated staff/visitor parking
Application No:	HS/FA/16/00740
Existing Use:	Vacant site – former residential care home
Conservation Area	No
Listed Building	No
Public Consultation	44 letters of objection and 2 petitions received.

Having declared his prejudicial interest, Councillor Cartwright was absent from the Chamber during discussion and voting.

The Principal Planner, Ms Roots, presented this report for the erection of a 90 bed care home facility on a vacant site, with associated staff/visitor parking. The building will be 4 storeys in height when viewed from Chapel Park Road and extending to 5 storeys at the rear. The building will be of brick construction with elements of white render. The care home will provide for 10 full-time and 5 part-time members of staff.

Members were informed of several updates to the report:-

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- 2 x additional objections – in addition to previous points made, one providing feedback on officer report
- Challenges made regarding implementation of policy – maintain that policies have been interpreted correctly in this decision making process, particularly with regard to DM1 and DM3 where the focus is on the impact of the development in terms of design and amenity, and not other interpretations of the policy
- Update on tree retention – 9 category C trees to be lost mostly on western boundary (replacement planting)
- Confirmation from Waste team that storage location is suitable

Members were shown plans and photographs of the application site.

The Principal Planner advised that this was a complex site and a number of objections had been received, these relate to landscaping, traffic and access, design and layout, ecology, impact on neighbouring residential occupiers and impact on sewerage system. She said there were a number of significant ecological constraints; these had been identified in the survey report.

A petition was also received from Mr Melvyn Johnson who was not present. The Chair asked if there was anyone else present to address the committee on this application. There was not.

Dr Susan Roberts, petitioner, spoke against the application, she said it does not constitute sustainable development. The development will generate more traffic, air pollution, flooding/drainage. The construction will destroy the ecology of a greenfield site. The development, she said, lacked vision. She said that she would not object to any development but felt the 90 bed care home was inappropriate for the site. She said its size had not been addressed and all of the objections had been ignored.

Mr Carl Ward, representing the applicant, spoke in support of the application. He said the application was for a 90 bed care home whereas the previously approved application was for an 80 bed care home. The use on this site has been established. The proposal is to provide a four storey development with a pitched roof (5 storey at the back). This was stated at pre-application stage. They undertook public consultation, visited the house next door and took on board comments regarding height and traffic calming. They have had numerous discussions with the Council's ecologist regarding the badgers. They have complied with planning policy and followed national guidance. All matters agreed and they are happy to be conditioned.

The Principal Planner referred to the comments made by Dr Roberts and said this was sustainable development which makes use of vacant land bringing it back into use. The proposed development is bigger than what was there; it is a large plot. She explained that they worked with East Sussex County Council Highways regarding traffic noise. Several re-consultations took place regarding access issues; these were all ironed out and met with the Highway Authority requirements.

Murray Davidson, Environment and Natural Resources Manager said there is a large badger sett in the centre of site. We are guided by National Planning Policy, local planning policy and statutory guidance to deal with protected species. Policy EN3 requires developer to ensure their proposal mitigates or compensates for

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unavoidable damage. We worked with the applicant and agreed the badger sett could not survive as the sett was right underneath the site, to compensate an artificial sett was agreed. The applicant came forward with proposals and we gave planning conditions on report. Before development starts, monitoring reports will need to show the badgers using the artificial sett.

Murray Davidson explained how artificial badger setts are used and referred to the large badger sett at the Link Road which was successful. He explained that the applicant is responsible for monitoring the relocation. Their ecologist is a member of the chartered ecologists, they set out strategy, monitor and work with us. We will not give a start date for the works until we are satisfied the badgers have been successfully relocated. He said that any development on this site will have adverse impact, as the badgers are in rubble, not in soil. The badgers have excavated into demolition material. He explained that badgers are very territorial; the sett proposed is a "des-res" within the same colony. The size of the new artificial sett is 10m x 8m and will have three breeding chambers. Mr Davidson explained how the badgers were encouraged to relocate to another sett. He said the methodology was to build an artificial sett, put out straw, food and entice them to the new sett. He said it would be a slow process over a period of time closing the other sett using gates.

Councillor Scott recommended a note to the applicant regarding the inclusion of a domestic sprinkler system.

Councillor Wincott proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Clarke.

RESOLVED – by (7 votes to 1 against) that planning permission be granted subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 1273-F01 Rev D (Proposed Access Arrangements with Traffic Calming Feature)
 - 1273-03 (Existing/Proposed On-Street Parking Arrangement)
 - 1273-06 (Refuse Vehicle Tracks)
 - 1386_100 Rev A (Existing Site Plan)
 - 1386_200 Rev M (Proposed Site Plan)
 - 1386_201 Rev H (Proposed Floor Plans)
 - 1386_202 (Block Plan)
 - 1386_203 (Proposed Roof Plan)
 - 1386_300 Rev F (Proposed Elevations)
 - 1386_301 Rev D (Street Scenes)
 - 1386_302 Rev C (Site Section)
 - KL.328.001 Rev O (Soft landscaping proposal)
 - 1386-LP
3. With the exception of internal works, the building works required to

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carry out the development allowed by this permission together with deliveries to and from the premises, must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

09.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

- 4. No development shall take place until the measures outlined in the submitted ecological statements and reports set out below have been fully implemented, unless:**
- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring or conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;**
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority**

The submitted reports referred to are:

- Preliminary Ground Level Bat Roost Assessment of Trees (Middlemarch Environmental, May 2016)**
- Reptile Survey (Middlemarch Environmental, June 2016)**
- Badger Survey (Middlemarch Environmental)**
- Amended Badger Mitigation Strategy (Middlemarch Environmental)**
- Pre-development Arboricultural Survey (Middlemarch Environmental, December 2015)**
- Composite Ecology Report (Middlemarch Environmental, December 2016).**

- 5. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:**
- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and**

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- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
6. The development shall not commence until the artificial badger sett has been installed/constructed in accordance with the submitted badger mitigation strategy RT-MME-123315-01 dated August 2016 and subsequent revision dated December 2016 - Rev A. by Middlemarch Environmental;
7. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person (e.g. an ecological clerk of works or on-site ecologist) have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details;
8. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
- a. Risk assessment of potentially damaging construction activities.
 - b. Identification of "biodiversity protection zones".
 - c. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d. The location and timing of sensitive works to avoid harm to biodiversity features.
 - e. The times during construction when specialist ecologists need to be present on site to oversee works.
 - f. Responsible persons and lines of communication.
 - g. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h. Use of protective fences, exclusion barriers and warning signs.

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

9. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan, CEMP, Biodiversity. All

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protective fencing and warning signs will be maintained during the construction period in accordance with the approved details;

10. No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to monitor the effectiveness, use and success of the artificial badger sett. The content of the Strategy shall include the following:
 - a. Aims and objectives of monitoring to match the stated purpose.
 - b. Identification of adequate baseline conditions prior to the start of development.
 - c. Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
 - d. Methods for data gathering and analysis.
 - e. Location of monitoring.
 - f. Timing and duration of monitoring.
 - g. Responsible persons and lines of communication.
 - h. Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme;

The monitoring strategy will be implemented in accordance with the approved details and cover a period of ten years from the installation of the artificial sett;

11. The new access shall be in the position shown on the submitted plan [number 1273-F01 rev D] and laid out and constructed in accordance with details to be secured within a S278 agreement with the Highway Authority;
12. No development shall commence until such time as a technically accepted highway scheme [layout of the new access, relocation of carriageway narrowing feature, access protection lines, reposition of designated parking bays, street lighting and signage] and details

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incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway scheme shall be completed prior to first occupation of the development hereby permitted;

13. Prior to the commencement of development a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include details of a temporary access, wheel washing facilities, compound areas for storage of materials/machinery/plant and contractor vehicles, turning area, routing of vehicles;
14. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details shown on drawing 1273-F01 rev D or which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use and shall not be obstructed;
15. The development shall not be occupied until car and cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for those uses;
16. No deliveries by vehicles of 7.5 tonnes and over shall be taken at or despatched from the site at any time;
17. Prior to occupation of development a Servicing Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority which will indicate how deliveries are to be undertaken Servicing Management Plan shall be implemented as approved thereafter;
18. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water and East Sussex County Council Flood Management Team. In addition to the foul drainage, the following details should also be provided:
 - Evidence (in the form of hydraulic calculations) to show that surface water runoff from the proposed development will be limited to 5 l/s (as proposed in submitted drainage strategy) for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. The hydraulic calculations should take into account the connectivity of the different surface water drainage

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features.

- A maintenance and management plan for the drainage system - to state who will be responsible for managing all aspects of the surface water drainage system, including any piped drains.
- (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the building hereby approved shall occur until those works have been completed.
- (iii) No occupation of the building 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.
19. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
- A plan detailing how the environmental impact of the construction work will be controlled, in light of the potential of proposed construction works to cause disturbance through noise and dust
 - A report on any lighting scheme, detailing the provision for the avoidance of 'spill light'
 - Any plant to heat the buildings, or other equipment (e.g. kitchen extract flue)

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed;

20. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces (and associated hard landscaped areas and all retaining and boundary walls) of the care home 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;
21. No development shall take place above ground until full details of all boundary enclosures (including walls, fences and railings) have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected before the building to which it relates is occupied;
22. No flood lighting or other means of external illumination of the building or site shall be provided, installed or operated except in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority. Any such report

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should detail the provisions for the avoidance of 'spill light' - light that obtrudes beyond the area it was intended to light into surrounding areas or properties;

- 23. The building shall not be brought into use until full details of refuse and hazardous material storage have been submitted to and approved in writing by the Local Planning Authority, and provided in accordance with the approved details. These facilities shall thereafter be retained in accordance with the approved details, unless otherwise first approved in writing by the Local Planning Authority;**
- 24. Prior to the commencement of construction, details of the climate change mitigation and adaptation measures to be used in the development hereby approved shall be submitted to, and approved in writing by the Local Planning Authority;**
- 25. A plan detailing how the environmental impact of the construction work will be controlled, in terms of the developments potential to cause disturbance to residential amenity through noise and dust, shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of work;**
- 26. Details of any plant eg to heat the buildings or other equipment eg kitchen extract flue, shall be submitted to and approved in writing by the Local Planning Authority prior to installation; and**
- 27. No works shall commence until a full travel plan has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The Travel Plan must thereafter be implemented in accordance with the approved details.**

Reasons:

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. For the avoidance of doubt and in the interests of proper planning;**
- 3. To safeguard the amenity of adjoining residents;**
- 4. To protect features of recognised nature conservation importance;**
- 5. To protect features of recognised nature conservation importance;**
- 6. To protect features of recognised nature conservation importance;**
- 7. To protect features of recognised nature conservation importance;**
- 8. To protect features of recognised nature conservation importance;**

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9. To protect features of recognised nature conservation importance;
10. To protect features of recognised nature conservation importance;
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
12. In the interests of road safety;
13. In the interests of highway safety and for the benefit and convenience of the public at large;
14. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
15. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
17. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway;
18. To prevent increased risk of flooding;
19. To safeguard the amenity of adjoining and future residents;
20. In the interests of the visual amenity of the area;
21. To ensure a satisfactory form of development in the interests of the character and amenity of the area;
22. To safeguard the amenity of adjoining and future residents;
23. To ensure a satisfactory form of development in the interests of residential amenity;
24. In accordance with Policies SC3 and SC4 of the Development Management Plan 2015;
25. To safeguard the amenity of adjoining and future residents;
26. To ensure a satisfactory standard of development; and
27. In accordance with Policy T4 of the Hastings Planning Strategy 2014, to contribute to improved transport infrastructure particularly for pedestrians, cyclists and public transport.

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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. **Formal applications for connection to the public foul sewerage system, and the water supply, is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk;**
4. **The applicant is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed to the kitchen and other food rooms/areas, for advice on satisfying the requirements of food safety law; and**
5. **If during development and excavations any suspicions become evident or are aroused as to the potential or presence for any contaminated land, then works should immediately cease and a contaminated land assessment / ground investigation report be carried out which should then be submitted to and approved in writing by the Local Planning Authority prior to the work, associated with the permission hereby granted, commencing.**
6. **Consideration should be given to the provision of a domestic sprinkler system.**

4.3 Little Acres Farm, Frederick Road, Hastings (HS/LA/17/00032)

Proposal: Discharge of Section 106 Planning Obligation – The provision of two x 2 bedroom, four x 2 bedroom and two x 3 bedroom units of affordable housing – dated 20/07/2010 of Outline Permission HS/OA/08/000017 (Demolition of existing detached bungalow & outbuildings to provide the erection of 30 residential units)

Application No: HS/LA/17/00032

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Existing Use:	Residential (vacant land)
Conservation Area:	No
Listed Building	No
Public Consultation	5 letters of objection received.

The Principal Planner, Ms Phillips, presented this report to discharge a S106 Planning Obligation attached to an outline planning permission ref: HS/OA/08/00017, dated 20 July 2010 in respect of the provision of 25% affordable housing (demolition of existing detached bungalow and outbuildings to provide for the erection of 30 residential units).

Members were shown plans and photographs of the application site.

The Principal Planner advised the committee that the provision of 30 dwellings is extant. The applicant has submitted a viability report which concluded the extant scheme cannot provide affordable housing. The Principal Planner therefore recommended the S106 Planning Obligation be discharged.

Councillor Charman, Ward Councillor for Tressell, was present and spoke against the application. She said social housing was being sacrificed for overdevelopment in this town to eradicate social housing, it is dense, of poor design, of minimum cost and maximum development, and this creates a larger profit for the developer and brings down sales. She said policies needed to be changed on a national level.

Mr Pozerskis, Valuer, Bruton Knowles, undertook the viability scheme. He said he compared both cases, the second case was deemed more viable. He said he ran reduced profit on the scheme and still couldn't find a way of making it work.

Councillor Beaver proposed a motion to approve the change as set out in the resolution below, this was seconded by Councillor Cartwright.

RESOLVED – (unanimously) to agree to discharge the S106 Agreement dated 20th July 2010 in respect of the provision of 25% affordable housing.

5. OTHER PLANNING APPLICATIONS:

5.1 Flat 14, Wilton House, Grosvenor Gardens, St. Leonards on Sea

Proposal: Proposed third floor extension to existing second floor flat to form bedroom and terrace area.

Application No: HS/FA/17/00149

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Existing Use:	Residential
Conservation Area:	Yes – Grosvenor Gardens
Listed Building	No
Public Consultation	3 letters of objection received

The Planning Services Manager, Mrs Evans, presented this report for a third floor extension to existing second floor flat to form bedroom and terrace area.

The Planning Services Manager provided an update to the report:-

- The original application form for this proposal was updated. The name of the applicant remained unchanged and the later application form comes c/o Elevations Design Ltd.

Members were shown plans and photographs of the application site.

The Planning Services Manager confirmed that it is proposed to increase the floor space and bring it within the national minimum internal space standards. She stated that there were similar extensions along the terrace. The extension will provide a bedroom with en-suite shower-room / WC and a small roof terrace area. The materials will be contemporary. Public objections received referred to blocking the light into the bathroom of Flat 18, structural stability, and the fire escape route. This is dealt with under Building Regulations. The Conservation Officer made no objections.

Councillor Beaver proposed a motion to approve the application as set out in the resolution below. This was seconded by Councillor Roberts.

RESOLVED – (unanimously) that planning permission be granted subject to the following conditions:-

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission;**
2. **The development hereby permitted shall be carried out in accordance with the following approved plans:**

17.863/02 Rev B
3. **The terrace area hereby approved must at all times be kept clear of external obstruction or screening that would block or screen the existing rear window;**
4. **The materials to be used in the construction of the external surfaces of the extension hereby permitted shall be those shown on approved**

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drawing number 17-863/02 Rev B:
Zinc sheet finish
Grey UPVC windows and doors
Galvanized metal handrail

5. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

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 neighbour amenity;
4. In the interests of the visual amenity of the area; and
5. To safeguard the amenity of adjoining residents.

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; and
3. The proposal is for extension and alteration to residential dwelling(s) to which the Building Regulations 1991 apply. The grant of this planning permission does not affect or reduce any need for building regulation necessary before the development takes place.

6. PLANNING APPEALS AND DELEGATED DECISIONS

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The Planning Services Manager reported that one planning appeal had been received and one planning appeals had been dismissed. She also reported on the number of delegated decisions.

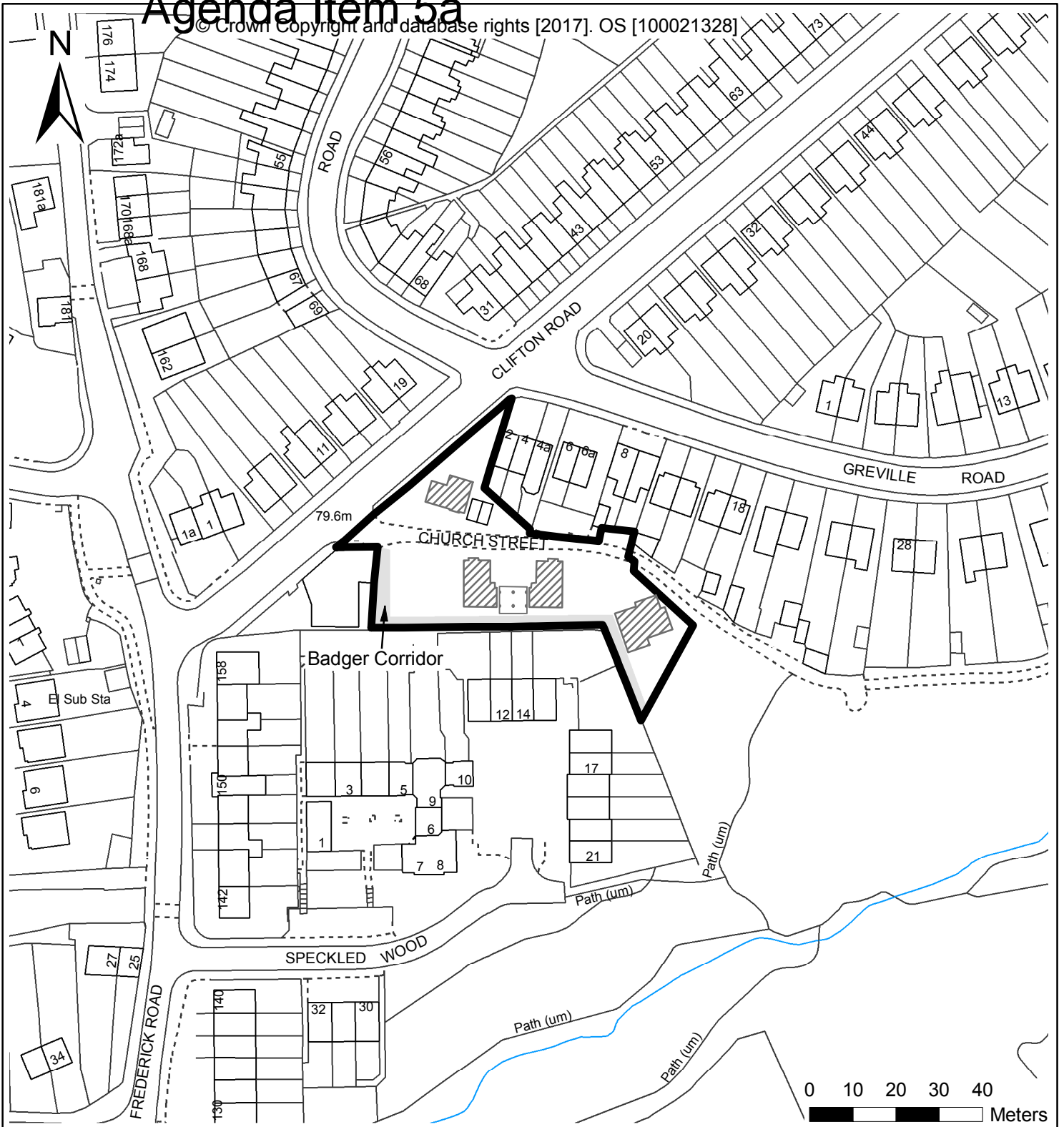
All matters had arisen between 15 May 2017 to 9 June 2017.

The report was noted.

(The Chair declared the meeting closed at. 7.22 pm)

Agenda Item 5a

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Land at Church Street Hastings

Approval of reserved matters, scale, external appearance of the buildings and the landscaping of the site, following Outline Approval HS/OA/14/00876 - Development of site to provide five dwellings



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

Date: Jul 2017

Scale: 1:1,250

Application No. HS/DS/17/00194

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: Land at Church Street, Hastings
Proposal: Approval of reserved matters, scale, external appearance of the buildings and the landscaping of the site, following Outline Approval HS/OA/14/00876 - Development of site to provide five dwellings

Application No: HS/DS/17/00194

Recommendation: Approve Reserved Matters

Ward: TRESSELL
File No: GR60000X/02V
Applicant: Forte Bailey LTD per Chris Anderson Architects Ltd 4 Western Road Southborough Tunbridge Wells TN4 0HG

Interest: Freeholder
Existing Use: Brownfield parcel of land

Policies
Conservation Area: No
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 319
Petitions Received: 1 Letters of Support: 4

Application Status: Delegated

Notes

Members Expire: No
Neighbours or same as advert expiry if later.
Advert Expires: 05 May 2017
Objection letters read: Y
Site Visited: 14 April 2017

Site and Surrounding Area

The application site is an irregular area of land located to the east of Clifton Road, on both sides of Church Street. Church Street itself is an informally maintained, single-track road that provides access to the rear of a number of properties fronting Greville Road. A triangular section of the site is on the north side of Church Street, bounded to the north-west by Clifton Road and on the other side by the curtilage of 2 Greville Road. The surrounding area is predominantly residential with two-storey houses to the north, south and west. To the south are the properties in Speckled Wood and to the south east is an area of undeveloped land, known locally as 'Speckled Wood'. Church Street provides access to Speckled Wood.

The site slopes from north to south, with the properties in Greville Road being at a much higher land level than those to the rear in Speckled Wood. The highest point of the site is denoted as 85.000 and the lowest 78.000. This is typical of the topography of the surrounding area.

Constraints

Flooding Surface Water 1 in 100

Flooding Surface water 1 in 1000

Flooding Groundwater

Historic Landfill Buffer 250m Buffer

Asset of Community Value - Unsuccessful

SSSI Impact Risk Zone

Background

Outline planning permission for 5 dwellings was approved in 2014. As part of that assessment, means of access and appearance were considered reserving scale, external materials and landscaping for subsequent consideration as part of a reserved matters application.

Proposed development

The current application seeks to address the reserved matters (scale, external materials and landscaping) and in so doing enable development to proceed. The details submitted within this application are similar to those shown in the previous outline application. The houses are similarly positioned and remain as two storey dwellings.

The units proposed on site are as follows:

Plot 1 - Two Bedroom, eaves height (front elevation) 4.8 metres, eaves height (rear elevation) 3.2 metres, central point ridge height 7.3 metres

Plot 2 - Three Bedroom, eaves height 4.8 metres, highest ridge point 7.8 metres

Plot 3 - Three Bedroom, eaves height 4.8 metres, highest ridge point 7.8 metres

Plot 4 - Two Bedroom, eaves height 4.8 metres, highest ridge point 7.9 metres

Plot 5 - Two Bedroom, eaves height 4.8 metres, highest ridge point 7.6 metres

Plots 1, 4 and 5 all have two external parking spaces and plots 2 and 3 have a single external parking space and a garage. Each property has a bin store and cycle store within their curtilage.

The application is supported by the following documents:

- Contamination Risk Assessment (document reference 11661 - September 2016)
- Ecology Report prepared by the Ash Partnership, dated November 2016
- SuDSmart Pro Report (report reference 65364R1 - November 2016)

Relevant Planning History

- | | | |
|---|----------------|--|
| - | HS/OA/80/00794 | Residential development comprising two houses and thirty-eight flats and garages |
| | Granted | 18/02/1981 |
| - | HS/OA/87/00488 | Erection of five houses and new access road |
| | Granted | 03/08/1987 |
| - | HS/DS/87/00783 | Erection of houses, 5 parking spaces and new access road in pursuance of outline consent HS/OA/87/00488) |
| | Granted | 13/11/1987 |
| - | HS/OA/14/00876 | Development of site to provide five dwellings |
| | Granted | 05/02/2015 |
| - | HS/FA/16/01013 | Development of site to provide 5 dwellings. |
| | Withdrawn | 27/02/2017 |

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA5 - Strategic Policy for Eastern Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy EN2 - Green Infrastructure Network
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy H1 - Housing Density
Policy H2 - Housing Mix
Policy T3 - Sustainable Transport
Policy DS1 - New Housing Development

Hastings Local Plan – Development Management Plan (2015)

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 HN7- Green Infrastructure in New Developments
Policy HN8 - Biodiversity and Green Space
Policy CVO4 - Church Street

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.

Consultations comments

Highways - **No Objection**, subject to conditions 5, 13, 14, 15 of HS/OA/14/00876 and condition 8 of this permission

Environment and Natural Resources Officer - **No Objection**, subject to conditions 7, 8 and 9 of HS/OA/14/00876

Southern Water - **No Objection**, subject to condition 6 of HS/OA/14/00876

Borough Arboriculturalist - **No objection**

Waste Management - **No Objection**, subject to condition 8

Environmental Health Officer - **No objection**, subject to condition 4 and 5

Natural England - **No Comments**, referred to standing advice

Representations

In respect of this application, a site notice was displayed at the site and an advert was placed in the local paper. In response to this, 324 representations were received. Of these representations, 319 were objections, 4 were in support of the development. A petition with 22 signatures was also received.

The concerns within the letters of objections include:

- Impact on ecology on site
- Impact on Badgers on site
- Setting a precedent for further development in Speckled Wood
- Loss of an area used for public enjoyment
- Land used by Scouts
- Concerns the application as submitted is flawed
- Legal rights of the Council being only to maintain the site
- Development contrary to Cllr Chowney's mandate
- Contamination of the Ore Stream

- The allocation of the site within the Local Plan
- Loss of area of open space and insufficient green spaces in locality
- Loss of Greenbelt and woodland
- Impact on light to the properties in Greville Road
- Inability to access parking space associated with No. 2 Greville Road
- Access to gas metre at the side of No. 2 Greville Road
- Loss of light as a result of fencing
- Loss of privacy
- Presence of Japanese Knotweed
- Drainage capacity
- Land levels unsuitable due to steepness
- Worsen existing levels of parking
- More parking needed in Ore
- Creation of traffic on a road that is already congested
- Brownfield sites should be developed before Greenfield sites
- Concerns about the design of the dwellings and their orientation
- Concerns regarding restrictive covenants in a deed which the development would not be in accordance with
- Concerns that the application should not be considered as reserved matters application
- Concerns that the site was allocated in the Local Plan incorrectly, based on removal of the site in question from consultation responses during examination of the Local Plan
- Land needed for mental health, exercise and public enjoyment
- The grounding down of tree stumps
- Unlawful sale of the land
- Ecology report not in accordance with Validation requirements
- Inconsistent advice from Highways

Within several of the letters of objection there also appears to be some confusion stating that the application has been submitted by or is being developed by Hastings Borough Council. This is factually incorrect.

Four letters of support were also submitted. Of these letters, three raised 'no objection' and one included comments relating to badgers being destructive to personal land and property.

Determining Issues

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.

The application site is allocated within the Development Management Plan (2015) under Policy CVO4. This policy states that the site at Church Street could accommodate a residential development with a possible net capacity of 6 dwellings. It should also be acknowledged that background documents associated with the local plan, identify the site as brownfield.

As mentioned above, this is reserved matters application (approval of scale, appearance and landscaping) for a development that has previously been granted outline planning permission. The impact of the development on the character of the area and highways matters have already been assessed and considered acceptable. Matters of neighbouring residential amenity and biodiversity were also considered but also form part of the assessment of this application.

Impact on the Character of the Area

Scale

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

Plot 1 is split level dwelling located at the entrance to Church Street. The split level feature is reflective of surrounding area, due to the varying ground levels. This property is L shaped with a hipped roof and brick exterior. Being the corner property, this dwelling is the most prominent within the wider streetscene and the closest to existing residential properties in Clifton Road and Greville Road. It is considered that the split level design aids in reducing the bulk and massing of this property when viewed from the surrounding area. Being set down within the site also ensures the development does not appear overly dominant when viewed in relation to the existing built form in Clifton Road and Greville Road. It is also considered that, due to Plot 1 being set much lower than No.2 Greville Road, there would not be an unacceptable impact on the amenities of the residents within.

Plots 2 and 3 are set further within the site, approximately 23 metres from the entrance to Church Street, 21 metres from 8-10 Clifton Road and 16 metres from the properties to the rear of those in Speckled Wood. Plots 2 and 3 are again L shaped and mirror each other with two single detached garages and area for parking serving each property between. These properties have hipped roofs with a side projecting gable and hanging tile and render facades. These properties are shown to sit at a lower ground level to the properties in Greville Road but approximately 2 metres higher than those in Speckled Wood. This is again reflective of the topography of the area.

Plots 4 and 5 form a pair of semi-detached, two-storey properties at the furthest end of the site approximately 60 metres from the entrance to Church Street, 20 metres from the properties in Greville Road and over 14 metres away from the properties in Speckled Wood. These properties have pitched roofs that slope from front to back. Plot 5 has a slight step in the roof and is set forward of plot 4 by 0.9 metres. This stepping is considered to aid in breaking up the visual bulk of the properties and following the curve of the site.

While the scale of the dwellings was a reserved matter, as part of the outline application an indicative plan was submitted showing the likely scale of the dwellings. The planning officer who assessed the outline permission refers to this indicative plan and considered that the dwellings, as shown, were compatible with the character of the area. The overall scale of the dwellings has not altered since the outline permission and as such it is again considered that the overall scale of the dwellings is acceptable and sits well within the context of the surrounding area.

The proposed scale is considered acceptable and does not conflict with the requirements of policies SC1 and DM1.

Appearance of the Dwellings

Policy DM1 of the Hastings Development Management Plan stipulates that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account protecting and enhancing local character, showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials. This policy goes on to state that proposals should ensure good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

The properties surrounding the site are a mix of red brick and render finishes, with the majority having Upvc windows and doors and concrete roof tiles. In support of the current application, an external materials schedule (dated March 2017) has been submitted. The materials included on this schedule are considered to reflect the surrounding built form and as such are considered sympathetic to the character of the area.

The proposed garages serving plots 2 and 3 are simple brick built units with tiled roofs. This simple design is compatible with the proposed houses and reflects materials used in the wider area.

The proposed dwellings and the accompanying garages are considered sympathetic to, and compatible with, the character of the area. As a result the proposal, in terms of its appearance, complies with local policies SC and DM1 and of the Hastings Development Management Plan.

Impact on Neighbouring Residential Amenities

As stated above, the site is surrounded by existing built form to the north, south and west and as such the potential for the development to impact on neighbouring amenities must be considered. Policy DM3 of the Hastings Development Management Plan 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.

Plot 1 is the closest property to the neighbouring residential units in Greville Road, with a separation distance of approximately 6 metres. Although this is relatively close, due to the dwelling on Plot 1 being split level, the elevation facing towards the rear of 2 Greville Road No.1 is a maximum of 1.5 storeys in height. Section plan 1628-05 also shows Plot 1 being 3.7 metres lower than the existing properties in Greville Road. As a result of this it is considered that there would not be an impact in terms of loss of light or overshadowing. Plot 1 has also been designed with high level, obscure windows in the rear elevation and no windows in the side elevations.

Plots 2 and 3 are approximately 16 metres from the rear of the properties in Speckled Wood and 21 metres from the properties in Clifton Road. These properties are shown to sit at a lower ground level to the properties in Greville Road, but approximately 2 metres higher than those in Speckled Wood. In the rear elevations of these properties, there is one upper floor obscure glazed, en-suite window shown on each property, facing towards Speckled Wood, which, due to the separation distances, is considered acceptable.

Plots 4 and 5 are over 14 metres away from the properties in Speckled Wood and over 20 metres from those in Greville Road. In the side elevation of Plot 4, which faces towards the Speckled Wood properties, there is one first floor window, which is shown to serve a bathroom. In the rear elevation of No. 4 there is one large first floor window which serves a bedroom. Although it is acknowledged that there may be views of the gardens of the properties in Speckled Wood from this window, due to the angle of view, these would be far removed. The windows in the rear of Plot 5 would not have an impact on the Speckled Wood properties due to them being stepped back from the rear elevation of Plot 4 with limited views to the side.

Taking the above in to account, it is considered that the development would not have an unacceptable impact in terms of loss of privacy, overlooking or over shadowing to the neighbouring residential properties. It should also be noted that condition 12 of the outline permission removes the permitted development rights in terms of extensions and first floor windows. This condition will also ensure that the relationship between the development and the neighbouring properties will not be detrimentally altered in the future.

Future Residential Amenities

The Department for Communities and Local Government (DCLG) has produced Technical Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. This document states that the minimum internal floor area for a two bedroom, two-storey unit is 58m² and for a three-bedroom, two-storey unit is 84m².

Having calculated the floor area of the dwellings, it is apparent that the proposed units meet these figures and therefore comply with the requirements of the DCLG. As a result of this, the internal living accommodation provided by the dwellings is considered acceptable.

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. As part of the assessment carried out for the outline permission it was identified that, three of the properties clearly meet the requirement for 10m gardens and Plot 4 mostly achieves this. However, Plot 5 does not meet the 10m garden length. It does achieve this length down one boundary; however, the garden boundary is angled sharply towards Church Street. As a result of this, the middle of the garden measures between 7-8m before decreasing in length to 4.5m. Although this is less than ideal, the garden does still provide for some useable space and, on balance, has previously been considered acceptable. In light of this, it is considered that the external amenity space is acceptable and meets the aims of the above quoted policy.

Trees and Landscaping

Presently on site, despite being in close proximity to the entrance to Speckled Wood, there are only a few small trees present. Within paragraph 6.5 of the planning statement that accompanied the outline permission, these trees were identified as not being 'of any particular landscape value'. To facilitate the development, it is proposed to clear the entire site, excluding the area defined as the Badger corridor. The Council's Arboriculturalist has raised no objection to the removal of the trees within the site boundary.

Within the National Planning Policy Guidance it states that the opportunity for high quality hard and soft landscape design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of townscape or landscape. Good landscape design can help the natural surveillance of an area, creatively help differentiate public and private space and, where appropriate, enhance security.

Plan 1628-09 has been submitted to address the landscaping reserved matter. This plan provides details of the proposed species of plants and trees, a programme for planting as well as a five year maintenance programme. The Council's Arboricultural Officer has advised that this scheme of planting is sufficiently robust and as such is considered acceptable. The level of planting on site will aid in softening the appearance of the development and provide a level of visual connection to the entrance to Speckled Wood beyond. This is also considered to contribute to the character of the surrounding area. The landscaping as proposed on plan 1628-09 will be secured by condition 2.

Ecology and Biodiversity

The proposed development has been accompanied by an ecological report, not only because of the undeveloped nature of the site, but also because of the known presence of badgers in the area.

The outcome of the report is that the site is of low ecological interest but badgers are known to be nearby. A number of mitigation measures is proposed in order to protect badgers.

The Environment & Natural Resources Manager is satisfied with the submitted information and raised no objection towards the proposal. Conditions 7, 8 and 9 of the outline permission are in place to ensure biodiversity is protected on site.

Refuse Storage

Having reviewed the site waste management plan (drawing 1628-08) it is apparent that an area has been provided within each plot for wheelie bin storage. This provision is considered acceptable.

The Waste and Refuse Team have advised that the road will need to be 4.5 meters wide and sturdy enough to accommodate a 26 ton vehicle. They have also advised that there should be a turning circle at the end as there is no reversing permitted. The layout of the site has previously been assessed and approved without the provision of a turning circle. As part of the outline application, the planning officer considered that the level of road engineering required to provide a turning circle could not be justified for a development so small, however the Highways Officer has also raised a concern in relation to access for a refuse vehicle. Part H of the Building Regulations sets out that waste containers should be sited so that residents don't have to push the container more than 30m (so any collection points for bins should be within that distance) and no more than 25m from the point where the refuse vehicle stops to collect the bin. Due to the site being long and narrow, the 25 metre points falls adjacent to Plot 2. In light of this, it is suggested that a refuse collection area be created adjacent to the parking spaces for Plot 1, where there is presently a cluster of three trees. It is acknowledged that this would result in the loss of a small area of curtilage for Plot 1 and at least one of the proposed three trees, noted under the 'Trees and Landscaping' heading. While this is not ideal, it would ensure the development complies with the necessary Building Regulations. The final design and location of the refuse collection point can be secured by condition 8 and is considered acceptable.

Access for Emergency Vehicles

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle should not have to reverse more than 20m.

According to Manual for Streets a 3.7m carriage way is needed however this can be reduced to 2.75 over short distances. The internal access is considered as such to be a short distance and the fire appliance could reach 20m within the site (adjacent to plot 3) and reach the furthest dwelling (Unit 5) within an additional 45m. The accessibility for emergency services is therefore considered acceptable for the 5 units proposed within the site.

Sustainable Drainage

A detailed Sustainable Urban Drainage System (SUDS) report has been carried out in support of this application. This report makes recommendations for methods for dealing with water on the site and states that with the use of appropriate materials such as permeable paving and attenuation basins the site would be considered acceptable. Page 3 of this document (ref - 65364R1) provides a SUDS scheme layout that would provide a minimum attenuation of 61 m³ for the development.

The report concludes that a detailed design and further site investigation is recommended to confirm the infiltration capacity and geology of the site and that permission may be required from a third party to discharge to the surface water feature to the south of the Site. It is considered that this level of information would be required under condition 6 (drainage) of the outline permission.

Site Constraints

Historic Landfill Buffer 250m Buffer:

Due to the site being within a Historic Landfill Buffer Zone guidance from the Environmental Health Team have been sought. While the Environmental Health Officer has raised no objection in principle towards the scheme, conditions in relation to impact on human health from migrating landfill gas have been suggested. These conditions include remedial measures should land gas be identified. (condition 4).

SSSI Impact Risk Zone:

The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

Other Matters

One objection letter received raises concerns in relation to the gas box currently located on the side of No.2 Greville Road, and in particular, the ease of access to this box following development of the site. In light of this, investigation by the Council's Legal Department has been carried out. Point 3 of Land Title ESX115024 (relating to No. 2 Greville road) dated 30 August 1985 states that: *The right to enter upon any part of the remainder of the Estate in order to inspect, repair and renew or maintain such existing feature Conduits and any fence or structure on the Property, provided reasonable notice shall be given to the occupier of any intention to exercise this right and as little damage as possible shall be caused and any damage resulting from the exercise of the right shall be made good.* This title ensures that the residents at No. 2 Greville Road, subject to notice being given will remain able to access the gas box on the side of the property. The covenant remains with the land in perpetuity and therefore a condition is not appropriate. The agent has, however, indicated that, to ensure

access for the residents of no. 2 Greville Road remains, it is proposed to revise the rear boundary of Plot 1. It is considered that this can be secured by condition 7.

Alternatively, the developer has the option to approach the residents of No. 2 to discuss the relocation of the gas box to an alternative location on the premises, at the developers expense. This, however, is a civil matter and as such would not involve the Local Planning Authority.

Conclusion

Taking the above in to account, it is considered that the reserved matters have been adequately addressed and as such the proposal complies 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

Approve Reserved Matters subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the time scales as imposed on the outline permission HS/OA/14/00876.
2. The development hereby permitted, in terms of scale, external appearance of the buildings and the landscaping of the site, shall be carried out in accordance with the following approved plans and details: 1628-00, 1628-01, 1628-02, 1628-03, 1628-04, 1628-05, 1628-06, 1628-07, 1628-08, 1628-09, External Materials Schedule dated March 2017 and SuDSmart Pro Report dated November 2016.
3. The refuse storage units as shown on plan 1628-08 shall be provided on site prior to occupation of the dwellings and retained thereafter.
4. i) A phase two assessment including a program of soil gas monitoring at the site in order to determine the presence or absence of any landfill gas migrating to the site is to be undertaken for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by a suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an

investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority.

- ii) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

5. Prior to commencement of development, a detailed method statement demonstrating how it is proposed to mitigate any adverse impacts on the surrounding area from noise and dust during the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved method statement unless otherwise approved by the Council.
6. 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.
7. Prior to commencement of development a plan showing the amendment to the boundary treatment for Plot 1 shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall then be implemented on site in accordance with the approved details.
8. Prior to commencement of development details of the proposed area for refuse bins awaiting collection shall be submitted to and approved in writing by the Local Planning Authority. This area shall then be provided prior to occupation of the dwellings hereby approved and maintained thereafter.
9. No development shall take place until there has been submitted to and approved by the Local Planning Authority the finalised scheme of soft landscaping, which shall include indications of any 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.

10. 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.
11. No development above ground shall take place until full details of the finalised hard landscape scheme have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
12. 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.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
4. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
5. To safeguard the amenity of adjoining and future residents.
6. To safeguard the amenity of adjoining residents.
7. To safeguard the amenity of adjoining and future residents.
8. To ensure a satisfactory standard of development.
9. In the interests of the visual amenity.
10. In the interests of the visual amenity.
11. In the interests of the visual amenity.

12. In the interests of the visual amenity.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.
4. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
5. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parcs@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works
6. The applicant is advised to contact East Sussex County Council on 01273 482254 to apply for the necessary licence if it is proposed to carry out any road closures, etc during construction.

Officer to Contact

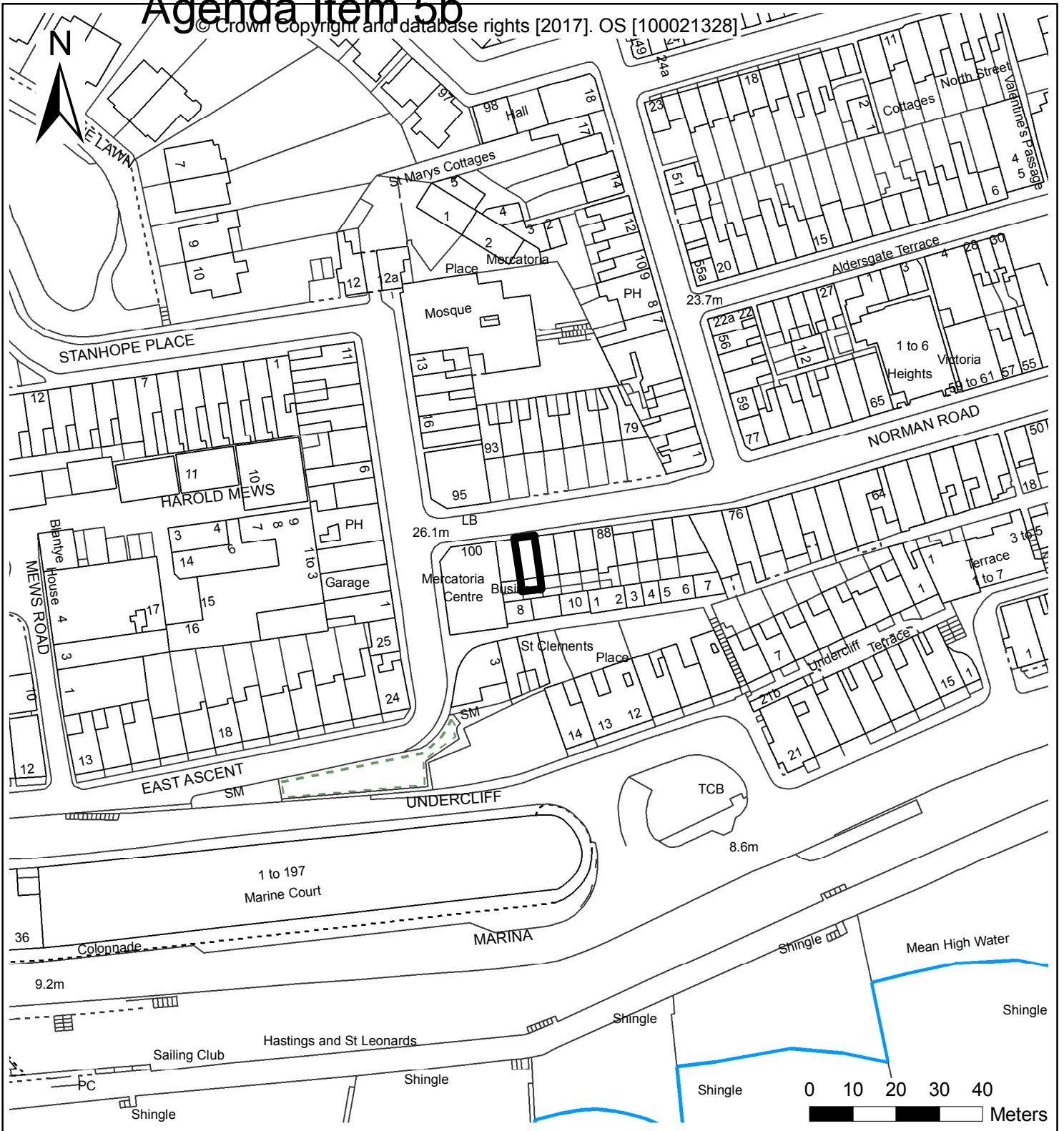
Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/DS/17/00194 including all letters and documents

Agenda Item 5b

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96 Norman Road
St Leonards-on-Sea
TN38 0EJ

Installation of replacement kitchen extract duct (Retrospective)



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings, East Sussex TN34 3UY
 Tel: 01424 451090
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Date: Mar 2017

Scale: 1:1,250

Application No. HS/FA/17/00100

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: 96 Norman Road, St Leonards-on-sea, TN38 0EJ

Proposal: Installation of replacement kitchen extract duct (Retrospective)

Application No: HS/FA/17/00100

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS
File No: NO35960
Applicant: Ms Yoong Tung per R D P Chartered Architects
14 Cross Street St Leonards on Sea East
Sussex TN37 6DP

Interest: Owner
Existing Use: Takeaway

Policies
Conservation Area: Yes - St. Leonards East
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 91
Petitions Received: 1

Application Status: Not delegated - 1 Petition

Site and Surrounding Area

No. 96 Norman Road is a two-storey terraced building within St Leonards East Conservation Area. This area of St Leonards-on-sea is an urban area that comprises residential and commercial uses and is identified within the Development Management Plan (2015) as a Cultural Quarter. Buildings in the immediate locality are typically two-storey Victorian terraced. The building is not listed. This application relates to the takeaway business which occupies the ground floor and the basement of the building.

The takeaway business operates within the following advertised opening hours:

Monday - Saturday: 11:00 - 23:00

Sunday: 11:00 - 23.00

In addition, the premises holds a licensing authorization to carrying out the sale of late night refreshment (includes hot food) within the following hours:

Sunday - Thursday: 23:00 - 23:30

Friday - Saturday: 23:00 - 00:00

Seasonal variation - 1st June - 31st August 23: 00 - 01:00

It is noted that the premises can operate before the identified hours (23:00 hours) with no licensing authorization (Lic Act 2003).

Constraints

St Leonards East Conservation Area

SSSI Impact Risk Zone

Proposed development and Background information

This is a retrospective planning application for the installation of an extractor duct at the rear of the premises following the service of an Enforcement Notice (referenced below) in respect of this unauthorised duct. The ductwork is a replacement of an old system damaged in a fire. The duct is located at the rear of the commercial property. From the courtyard at the rear of the building, it is noted that the extractor ductwork exits the building at first-floor level and continues up to the eaves and then follows the slope of the roof to the apex where it stands vertically to discharge at a high level (1.3m above the ridge height).

As set out in the paragraph below the previous extraction ductwork was granted planning permission in 2006. That permission was granted subject to a number of conditions including condition no.2 which states, "The completed installation shall provide a sound pressure level of not more than 35 dBLAeq (5min) when measured in the centre of the rear yard 1.5m above ground level". The ductwork which was granted planning permission in 2006, operated without causing a detrimental impact in terms of noise or smell to the immediate neighbouring properties. The new replacement system, installed without planning permission, has been the subject of a number of complaints to Environmental Health in respect of noise and smell.

Relevant Planning History

EN/16/00090	Service of an enforcement notice in respect of an unauthorized installation of an extractor duct. Issued 7 December 2016
EN/16/00076	Service of a Planning contravention notice in respect of an unauthorized installation of an extractor duct. Issued 14 October 2016
HS/FA/05/00459	Remove existing ductwork and fit new ductwork. Granted 20 January 2006

It should be noted that the Council can withdraw the enforcement notice EN/16/00090 should this permission be granted. Alternatively, if the application is refused this will stay in effect and appropriate action will be taken. The current period for compliance with the enforcement notice expired on 16th April 2017. However, the Council has temporarily suspended further legal procedures to await the outcome of the planning application.

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area
Policy FA4 - Strategy for Central St Leonards
Policy EN1 - Built and Historic Environment
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM6 - Pollution and Hazards
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
Policy HN2 - Changing Doors, Windows and Roofs in Conservation Areas
Policy CQ1 - Cultural Quarters

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.

Consultations comments

Conservation Officer - **No objection, no suggested conditions.**

"The site sits within the St. Leonards East Conservation Area. The development consists of an extract flue, which runs up the rear elevation of the building, and up across the roof, and has already been installed. The rear of the property is not visible from Norman Road, but it is visible from the seafront. The extract flue is clearly visible in distance views from the promenade. However, at a glance, the extract flue looks like a chimney stack. It is only on closer examination that you can see that it is an extract flue.

It does change the view from the promenade, but the change is only slightly detrimental and, as such, only minor harm to the significance of the conservation area results. Marine Court, a Grade II listed building, frames the view from the seafront towards the rear of Norman Road. However, considering the monolithic scale of Marine Court, and the relatively minor change to the view brought about by the presence of the extract flue, I do not consider that the development harms the setting of Marine Court. Nor does the development harm the setting of any other adjacent listed buildings.

On this basis, I do not consider that planning permission should be refused for the development. Should the size or appearance of the existing extract flue need to be changed substantially to meet the requirements of the environmental health officer, then conservation should be re-consulted on our view."

Environmental Health - Noise - **No objection subject to conditions.**

Environmental Health Services was regularly consulted on this application and concluded that conditions should be applied to this permission if granted to comprehensively cover the existing issues in terms of noise, vibration and odour of the kitchen extraction duct. Environmental Health Services comments also include of an informative that relates to the kitchen window at first floor level of the takeaway business. Therefore, this has been included in this recommendation.

Representations

91 letters of objection have been received from 5 properties raising the following concerns:

- Noise
- Vibration
- Odour
- Out of keeping with the area
- Detrimental impact upon the significance of the conservation area
- Acoustic report submitted by the applicant it is not impartial
- Conditions
- Concerns regarding the compliance to the conditions
- Ownership of the chimney stack
- Kitchen window at the rear at first floor level of the Chinese takeaway
- Miscommunication between Environmental Services and Planning Services

Determining Issues

The main issues to be considered in assessing this application are relating to the impact of the development on the character of the area, including conservation area and the impact on neighbouring residential amenity in terms of noise, vibration and odour.

Principle

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

Impact on Character and appearance of the Conservation Area

The extractor ductwork is installed at no.96 Norman Road, within the St. Leonards East Conservation Area, it exits from the rear of the building at first-floor level. The ductwork continues up the rear of the building to the eaves and then follows the roof slope to the apex and then stands vertically in order to discharge at a high level. The ductwork is not immediately visible from Norman Road but is visible from the seafront. As the Conservation Officer noted: "the extractor flue looks like a chimney stack" when viewed from a distance and, although it slightly changes the view from the promenade, the impact is minor. The Conservation officer has also considered the application proposal in relation to Marine Court, a Grade II listed building, which encloses the view from the promenade towards the rear of Norman Road. It has been stated that, given the scale of the listed building and the minor change to the view from the introduction of the ductwork, there is no harm imposed on the historical significance of the setting of Marine Court. As such, the ductwork is not considered to be contrary to Policy DM3 of the Hastings Local Plan Development Management Plan (2015).

Impact on Neighbouring Residential Amenities

Policy DM3 - General Amenities of Hastings Local Plan - Development Management Plan (2015) is relevant in the assessment of this application. The Policy 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. Permission will be given for development where:

a) 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, over shadowing, loss of daylight) of neighbouring properties;

Policy DM6 - Pollution and Hazards of Hastings Local Plan - Development Management Plan (2015) is also being considered in the assessment of this application. This states that in order to protect human health and water quality, planning permission will only be granted for development providing:

c) noise and odour that is detrimental to neighbouring and/or local amenity is kept to a practical minimum.

The proposal as mentioned earlier under the heading 'Proposed Development and Background information' is the replacement of an external extraction ductwork. This system currently has a significant negative impact upon a number of residents adjoining no.96 Norman Road mainly because of the current level of noise emission. The original planning permission, from 2006, was granted subject to the condition that the extractor would not exceed 35db of noise output which was considered acceptable and hence the system operated with no issues for over ten years.

The existing duct has been a reason of concern, from the neighbouring residents, from the time of its installation in the summer of 2016 until the present time. The most affected property is No. 94 Norman Road immediately adjacent to the premises.

Environmental Health Services has been consulted on this application throughout the consideration process of the application.

Following up from concerns raised by the nearby residents an acoustic report was requested which has been submitted by the applicant. The acoustic report, produced by an accredited professional firm, was assessed by Environmental Health Services. Rebuttal comments to the acoustic report, produced by the neighbour of the premises at no. 94 Norman Road, were also assessed by Environmental Health Services who produced a list of ten final conditions and an informative to accompany this recommendation.

Environmental Health Services concluded that the inclusion of mitigation measures and maintenance directions would be sufficient to ensure an acceptable level of noise, vibration and smell during the time the system runs.

In light of the planning history for the site and consultation response from Environmental Health, it is considered that the inclusion of the suggested measures will keep noise, vibration and smell at an acceptable level and hence minimise their impact on the nearby residential amenities.

Other matters

Other matters have been identified during the consideration period of this application, these are the following:

- Takeaway kitchen window
- Ownership of the chimney stack where the duct is bolted
- Compliance with conditions

The kitchen window associated with the takeaway business is located at the rear of the application premises at first-floor level. The window, when left open as means of ventilation while the business operates, contributes to the level of noise and smell produced from the running of the business. It is to be noted that this application relates to an unauthorised extraction duct and not to the kitchen window. The question of whether the duct is acceptable or otherwise does not rest on this kitchen window and whether it's open or closed. Furthermore, this application is not for the use of the premises as a takeaway. Hence this matter is not relevant to the assessment of this application and not included within the condition for this application.

However, the issue is considered under Environmental Health powers and treated within this application as an informative.

Concerns were raised by the resident of adjacent property no. 94 Norman Road, in relation to the ownership of the chimney stack where the duct is bolted. It was claimed that the chimney was wholly owned by no. 94 and therefore the duct was bolted onto property within the ownership of no. 94.

This matter has been pursued, by requesting evidence of the claim. No further action was taken in this respect as no evidence was provided to support the allegation. Furthermore, the agent has commented that the ownership of the chimney is split following the party line of the properties. This would represent the normal situation found in such properties.

Therefore within this application, it has been considered, as the planning application states, that the duct is bolted to the part of the chimney in the ownership of no. 96.

A further concern relates to the effective compliance to the conditions accompanying the recommendation for this application. It is noted that the compliance to conditions will be

monitored under the Planning Enforcement power, so it is considered that this is a satisfactory measure to effectively address the issue, and no further action would need to be taken.

Conclusion

This retrospective planning application proposes the replacement of an external extraction duct at the rear of no. 96 Norman Road. The Conservation Officer does not consider the proposal would harm the significance of St. Leonards East Conservation Area or the settings of adjacent listed buildings. Environmental Health Services has not objected to the scheme subject to conditions regarding noise, vibration and odour. In light of the above, the proposal is recommended for approval subject to 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.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. Specifications of an acoustic silencer to be installed within the ductwork, shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The specifications shall show the silencers positioned in front of the fan, so that the silencer is located between the fan and the terminal point of the duct. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained.
2. Specifications of the acoustic enclosure to the duct work (fitted with acoustically treated panels) shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained.

3. Specifications of the acoustic louvers to be installed at the terminal point of the flue shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The approved details shall then be implemented within 3 months of the date of this approval unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained.
4. Details of how the duct shall be attached to the roof/chimney shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The approved details shall then be implemented within 3 months of the date of this permission unless another date is agreed in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained.
5. Details of the anti-vibration mounts shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The approved anti vibration mounts shall be installed within 3 months of the date of this permission unless an alternative date is agreed to in writing by the Local Planning Authority. The approved details, once implemented shall thereafter be retained and maintained.
6. Details of the odour control measures shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this permission. The approved scheme of measures shall be implemented within 3 months of the date of this permission unless an alternative date is agreed to in writing by the Local Planning Authority. The approved measures, once implemented shall thereafter be retained and maintained.
7. Details of a maintenance plan shall be submitted to and approved in writing by the Local Planning Authority within 1 month from the date of this approval. The duct hereby approved shall thereafter be maintained in accordance with the approved maintenance plan.
8. Six months following implementation a further detailed BS4142: 2014 noise report shall be submitted to and approved in writing by the Local Planning Authority. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the 35dB level when measured according to British Standard BS4142: 2014, at any adjoining or nearby noise sensitive premises.
Prior to any survey work or measurements being carried out the survey methodology including times, duration, locations and fan speeds shall be submitted to and approved in writing by the Local Planning Authority.

9. Within 1 month of the installation date of the anti-vibration mounts, an investigation using a class one sound level meter and competent acoustician shall take place inside the top bedroom at 94 Norman Road, St Leonards on Sea, to determine the effectiveness of the anti-vibration mounts and any structure borne transmission.
Prior to any survey work or measurements being carried out the survey methodology including times, duration, locations and fan speeds shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall take place with the maximum fan settings operational and the results made available in writing to the Local Planning Authority.
10. At close of business, the fans serving the kitchen extract system shall be switched off by 23:30 hrs (Sunday - Thursday) and 00:00 (Friday - Saturday), with the exception of 1st of June to 31st August where the fan shall be switched off by 01:00.

Reasons:

1. To safeguard the amenity of adjoining and future residents.
2. To safeguard the amenity of adjoining and future residents.
3. To safeguard the amenity of adjoining and future residents.
4. To safeguard the amenity of adjoining and future residents.
5. To safeguard the amenity of adjoining and future residents.
6. To safeguard the amenity of adjoining and future residents.
7. To safeguard the amenity of adjoining and future residents.
8. To safeguard the amenity of adjoining and future residents.
9. To safeguard the amenity of adjoining and future residents.
10. To safeguard the amenity of adjoining and future residents.

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. It is noted that the premises is still under notice to comply with the provisions of the abatement notice served by Environmental Health on the 10th October 2016 and as a preventative measure should keep the window closed to prevent noise from the kitchen being audible outside the property or in any neighbouring residential property.

Failure to ensure that best practical means has been employed to prevent the egress of noise is likely to be a breach of the notice served and consideration to prosecution will be given upon witnessing of a breach of the notice. It should also be noted that a formal breach of the notice would be assessed by Duty Environmental Health Officers and only after careful consideration of the following factors such as: time, frequency, type and duration of noise and not just the mere presence of some noise. Officers will then make a professional judgement as to whether the noise is interfering with the material use of another property.

Officer to Contact

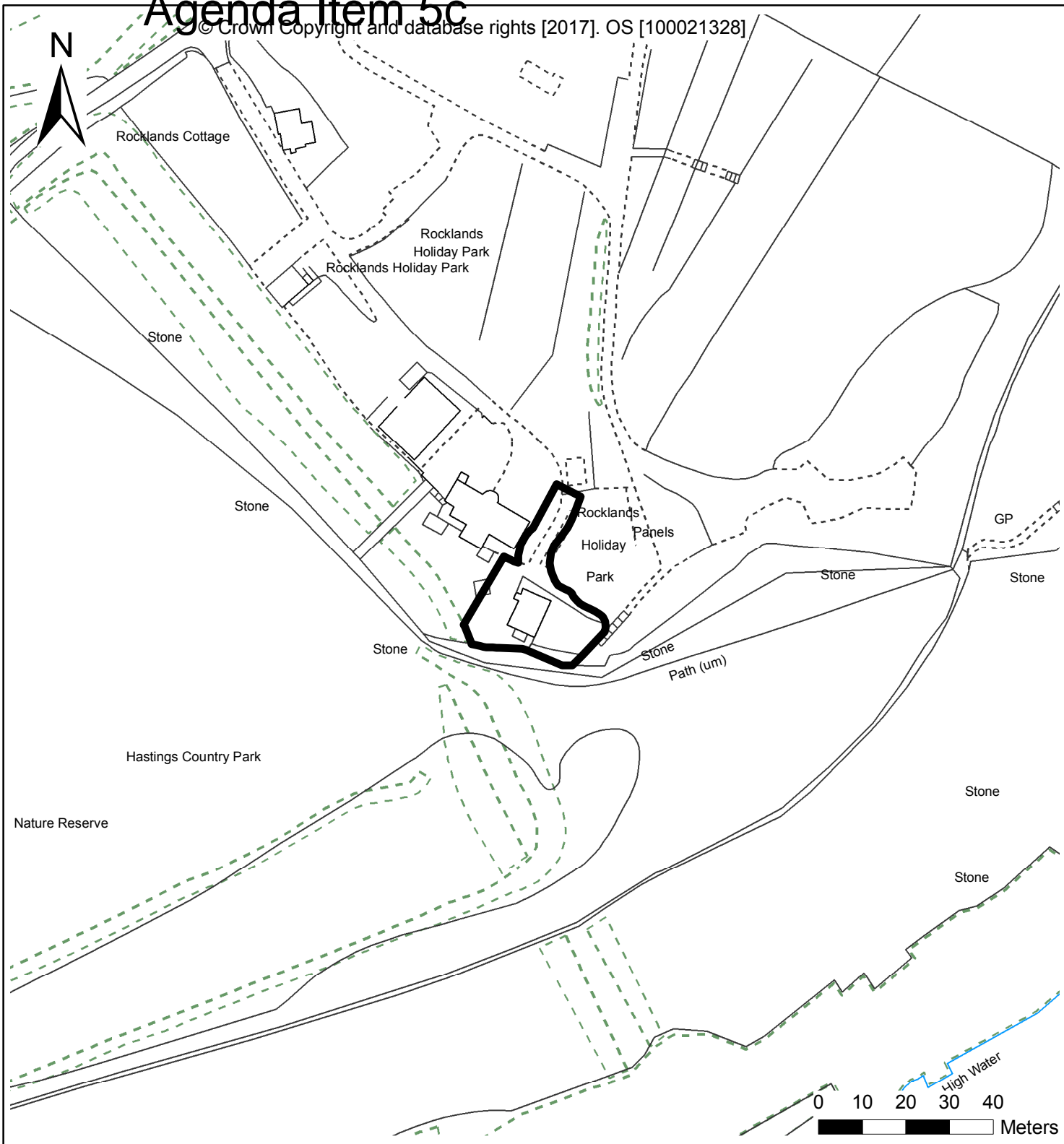
Miss R De Tommaso, Telephone 01424 783267

Background Papers

Application No: HS/FA/17/00100 including all letters and documents

Agenda Item 5c

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Rocklands Private Caravan Park
Rocklands Lane
Hastings
TN35 5DY

Discharge of condition 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring), 7 (foul and surface water drainage scheme) and 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007 - (EN/15/00028)



Assistant Director Housing & Built Environment
 Hastings Borough Council,
 Muriel Matters House, Breeds Place,
 Hastings, East Sussex TN34 3UY
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Date: Jan 2017

Scale: 1:1,250

Application No. HS/CD/16/00655

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: Rocklands Private Caravan Park,
Rocklands Lane, Hastings, TN35 5DY

Proposal: Discharge of condition 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring), 7 (foul and surface water drainage scheme) and 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007 - (EN/15/00028)

Application No: HS/CD/16/00655

Recommendation: Discharge of condition 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring) and 7 (foul and surface water drainage scheme)

Ward: OLD HASTINGS

File No: RO45100T

Applicant: Mr & Mrs Guilliard per CLM Planning Limited 14 Magpie Close Bexhill on Sea East Sussex TN39 4EU

Interest: Site Owner

Existing Use: Caravan Park

Policies

Conservation Area: No

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 52

Petitions Received: 1

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

Site and Surrounding Area

The application site is wholly within the High Weald Area of Outstanding Natural Beauty (AONB), the Hastings Historic Core Archaeological Notification Area (ANA), an area susceptible to groundwater flooding and a Site of Specific Scientific Interest (SSSI) Impact Risk Zone (IRZ).

The following designations affect smaller areas of the site:

- Scheduled Ancient Monument (SAM) designation
- Badger setts
- Conservation area buffer zone (20m)

The application is also bordered by the following:

- Old Town Conservation area
- Hastings Country Park
- Hastings Country Park Local Nature Reserve
- Hastings Country Park Local Wildlife Site

Land both within Hastings Country Park (owned by Hastings Borough Council) and the caravan park (owned by the applicants) has been subject to a land slip, which resulted in the loss of vegetation on the southern slopes of the caravan park and the cliff.

The caravan park is screened in the most part from the surrounding Country Park by the protected woodland on the north-eastern and south-western boundaries. The caravan park is accessed by a narrow lane leading off Barley Lane to the north.

Proposed development

Background

This application as a whole seeks to discharge conditions 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring), 7 (foul and surface water drainage scheme) and 8 (external colour scheme) of Appeal A ref. APP/B1415/C/15/3029007 - (EN/15/00028). The appeal related to the holiday let building which was not built in accordance with planning permission HS/FA/12/00952, granted on 13 February 2013. The appeal succeeded in part, in that an amended scheme 'scheme 3A', for the holiday let building was granted planning permission, subject to conditions. The conditions attached to that appeal decision therefore, are those to which this application relates.

Condition 8 (external colour scheme) was discharged through delegated authority on 8 September 2016 and condition 6 (archaeological monitoring) was partly discharged at Planning Committee on 16 November 2016 in relation to the Written Scheme of Investigation. On 8 February 2017, Planning Committee resolved to defer part 2 of condition 6 (archaeological monitoring) in relation to the written record of archaeological works undertaken, to take account of any potential changes to the drainage layout, and the impact this could have on archaeology. The resolution stated:

"Condition 6, part 2 of Appeal A ref. APP/B1415/C/15/3029007 - (EN/15/00028) to be deferred until the next Planning Committee (March 2017) for further consultation with Archaeology Consultant and Borough Solicitors as to the implications of the validity of the planning application"

It was not possible to bring Part 2 of Condition 6 back to subsequent Planning Committees due to the outstanding drainage considerations and the potential impact this could have on archaeology. This has however, now been resolved and the Council is now in a position to bring all outstanding conditions to Planning Committee, to be considered at the same time.

Conditions recommended for discharge

Condition 4 (details of the planting scheme and soft landscaping), which states:

"Details of the planting and soft landscaping scheme to the north-east of the building and on the south and west boundaries shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The details 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); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

Reason: In the interest of visual amenity.

Part 2 of condition 6 (archaeological monitoring) - part 2 is highlighted in bold text below:

*No further groundworks required to complete the development shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to, and approved in writing by, the Local Planning Authority. **A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.***

Reason: To safeguard the archaeological and historical interests of the site.

Condition 7 (foul and surface water drainage scheme), which states:

A foul and surface water drainage scheme submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation.

Reason: In the interest of environmental health.

Relevant Planning History

- | | |
|----------------|--|
| EN/15/00028 | Without planning permission, the construction of a two storey building
ENFORCEMENT NOTICE UPHELD AND AMENDED, PLANNING
PERMISSION GRANTED FOR SCHEME '3A' 7 June 2016 |
| HS/FA/14/01306 | Retention of holiday let building (with reduction to balcony area to the
dimensions permitted by HS/FA/12/00952) and access ramp.
Relocation of solar panels to roof of holiday let building.
REFUSED 4 March 2015 |
| HS/FA/14/00406 | Variation of condition 2 (approved plans) of planning permission
HS/FA/12/00952 - Minor amendment showing change of ground floor
plan, additional & altered window positions & extended balcony
(Retrospective)
REFUSED 18 June 2014 |
| HS/CD/13/00792 | Discharge of conditions 4 (colour of render) & 5 (screening) of
application HS/FA/12/00952 |

	GRANTED 21 January 2014
HS/FA/12/00952	Proposed demolition of current holiday let and replacement of a new holiday let
	GRANTED 13 February 2013
HS/FA/12/00471	Proposed demolition of current holiday let and replacement of a new holiday let
	REFUSED 19 July 2012
HS/FA/11/00043	Removal of condition 2 from Planning Permission HS/FA/10/00492
	REFUSED 16 March 2011
HS/FA/10/00492	Roof Alterations to form first floor accommodation
	GRANTED 5 October 2010
HS/FA/08/00869	Replacement Holiday Dwelling
	REFUSED 16 March 2009
HS/FA/89/01067	Erection of extensions to existing bungalow
	REFUSED 4 April 1991
HS/FA/78/00708	Siting of 10 additional caravans
	GRANTED 4 April 1979

National and Local Policies

In so far as the discharge of condition 6 relates, the following national and local policies apply:

Hastings Local Plan – Planning Strategy (2014)

Policy EN1 - Built and Historic Environment

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy SC7 - Flood Risk

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering Planning Applications

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

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

Paragraph 61 states:

Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 128 states:

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum, the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Consultation comments

In respect of the outstanding conditions to be discharged, the relevant consultation comments are:

High Weald AONB Management Unit - No objection

Originally objected to the planting of holm oak as set out in the original planting specification (July 2016). This has now been amended to English Oak which is less invasive, to the satisfaction of the AONB Unit. However, another objection was raised that the holly planted on the southern boundary does not provide enough screening for the building and has a negative impact on the landscape. Following inclusion of additional English Oak on this boundary, the Planning Advisor deferred to the expertise of the Borough Arboriculturalist in terms of the level of screening it will provide over time, but confirmed that English Oaks were appropriate in this location.

Hastings Borough Council (Borough Arboriculturalist) - no objection

Requested some additional planting based on the original planting scheme. Objection removed following the submission of a revised planting scheme as it is considered that the new planting, taken together with the existing holly will establish over time, to be sufficiently robust to recommend discharge of the condition.

Southern Water - no objection

Initially submitted a holding objection as Southern Water do not agree to any new connection of surface water to the public sewer. Removed this objection following a meeting with the applicant and agent and the submission of a revised drainage plan, together with a report on surface water disposal option, which set out options for alternatives, surface water flow rates, and evidence to show that infiltration/soakaways are not feasible in this location.

East Sussex County Council (County Archaeologist) - no objection

Satisfied with the content of the watching brief report and content that the archaeological work has been carried out to the specified standard.

East Sussex County Council (Flood Risk Management) - no objection

Initially commented that given the small increase in impermeable area, it was considered that the proposals to manage surface water drainage were acceptable. Provided further clarification following the submission of a revised drainage scheme that, given Southern Water had removed their objection to the surface water connecting to the existing on-site drainage network, the information was sufficient to discharge condition 7.

Historic England - no objection

Consider the draft archaeological report to be acceptable and once work completed, the condition can be discharged. In terms of the planting scheme, raised concerns at the outset that the planting of 3 trees would not provide effective screening, but later removed that objection based on the revised proposals.

Building Control - comments only

Adequacy of the revised drainage system will need to be assessed as a Building Regulations application and await Southern Water agreement. Building Control have no record of external drainage layout being inspected or approved.

Natural England - no objection

Do not consider there to be any additional effects on designated European or International sites.

Hastings Borough Council (Head of Environment) - no objection

Note that drainage issues will be dealt with by Southern Water and East Sussex County Council.

Hastings Borough Council (Estates) - no objection

Note that if the applicant wishes to progress planting on Hastings Borough Council land then they will need to contact Estates for formal agreement to enter the land and carry out the works.

The following consultees had no relevant comments to make:

- Hastings Borough Council (Corporate Services)
- Hastings Borough Council (Finance)
- Hastings Borough Council (Environmental Health - commercial)
- Hastings Borough Council (Environmental Health - pollution)
- Hastings Borough Council (Head of Housing)
- Hastings Borough Council (Head of Leisure)
- Hastings Borough Council (Marketing and Communications)
- Environment Agency
- Hastings Borough Council (Planning Policy)
- Hastings Borough Council (Environment and Natural Resources Management)

Representations

52 letters of objection have been received in relation to the application as a whole, from 4 separate people/organisations raising the following concerns:

General

- Objections to procedures undertaken by officers
- HBC consultees that have not commented

- Quality and accuracy of submitted plans - argue that they are not correct and the wrong plan numbers are displayed; imply that building regulations have been approved; submitted plans contain amendments that have not been given permission

Planting scheme

- The initial proposal for 3 Oak Whips entirely inadequate
- Lack of enough planting overall
- Planting scheme will not result in an immediate impact on the appearance of the building
- Non-native trees originally proposed
- Scheme not been considered within the timescale specified by the Inspector in the appeal decision
- No planting on western boundary
- Planting scheme lacks detail
- No evidence holly whips exist

Drainage

- Lack of consultation with relevant authorities on drainage issues
- Plan doesn't conform to Building Regulations H3
- Southern Water do not agree
- Plans are inaccurate
- Foul and surface drainage must be separate

Archaeology

Further groundworks may be necessary to comply with Building Regulations/Southern Water requirements, which will impact on archaeological works undertaken.

1 petition has been received comprising 12 signatures. This raises objection to the full discharge of condition 6 (archaeological monitoring) on the following grounds:

- Building Control have not approved the building and further excavation works may be required
- Southern Water object to the drainage layout
- Additional excavation could affect the Scheduled Ancient Monument
- Further planting could involve excavation works
- Premature to discharge the archaeological condition
- Scheduled Monument Consent is required

Determining Issues

Principle

The principle of the holiday let building has already been approved at appeal and is not the subject of discussion here. This report relates to the discharge of the outstanding conditions, which result in the following issues being of significance:

- Whether the proposed planting scheme is adequate to provide suitable screening, reducing the visual impact of the building on surrounding area;
- Whether the proposed drainage solutions are acceptable in this location;

- Whether the written record of archaeological works is adequate and has been submitted within the required timescales.

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

Condition 4 (details of the planting scheme and soft landscaping)

"Details of the planting and soft landscaping scheme to the north-east of the building and on the south and west boundaries shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The details 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); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme."

The application in so far as it relates to condition 4 is supported by:

- Planting Schedule & Planting, Maintenance and Establishment Specification (The Mayhew Consultancy, June 2017)

Additional planting as required by the condition is needed to reinforce the establishment of effective screening, to make the holiday let building less conspicuous in its setting. The original planting scheme submitted to discharge this condition in December 2016, proposed 3 additional evergreen oak trees sited to the north east of the building, to complement the existing holly shrubs on the southern/south-western boundaries. Taking into account officer knowledge, specialist advice, consultation responses and public objections, the agent/applicant was advised that this level of planting would not be sufficient to provide the appropriate level of screening required by the condition. In addition to the screening element, concern was also raised from the AONB unit regarding the species of tree, in that they were potentially invasive and not suitable in that location.

A revised planting scheme was submitted in January 2017 to replace the originally proposed 3 Holm Oak trees with 12 English Oak trees in this north eastern location, to overcome these initial concerns. The holly shrubs remained on the planting scheme, to provide cover on the southern boundary, extending up towards the western boundary. The High Weald AONB Unit however, raised a holding objection that the retention of the existing holly on the southern boundary will not provide adequate screening to the building.

A further revised planting scheme was submitted (June 2017) in response to these comments. The revised planting scheme supplemented the holly on the southern boundary with 5 additional English Oak trees to provide additional screening from the building when viewed from outside the site. The additional oak trees on this southern boundary will be planted at a height of between 8-10cm and are anticipated to grow approximately 1m every 10 years.

The 70 previously planted holly on the southern boundary (as shown in the planting scheme) are currently not clearly visible when viewed from outside the site, obscured by the continued growth of trees that pre-date the holly plantings. Their condition is good although it is likely to take between 3 and 5 years for them to provide a substantial dense cover, growing up to approximately 6m in height. Whilst it is acknowledged that the additional oak trees proposed on this boundary will provide only a slow growing solution, it is important to note that planting more mature trees in an exposed location such as this, will only achieve short term screening as after a short period of time (approximately 2 years), the once vital trees, will take on a battered and sparse appearance, achieving very little in terms of the desired screening. Planting younger trees and allowing them to establish will be more effective in terms of achieving screening longer term. The High Weald AONB unit confirmed that they do not have an issue with the planting of additional English Oaks trees and acknowledged that whilst they are slow growing, the main objective is to protect the long term impact on the AONB, as opposed to short term screening only. They defer to the expertise of the Borough Arboriculturalist on this matter.

Taking these considerations into account, it is formally acknowledged that the south west facing side of the building remains fairly exposed when viewed from close quarters at the present time. However, with the ongoing natural regeneration of trees and scrubs, including the previously planted holly and proposed new oak trees, it is considered that the building will become much less conspicuous over time, contributing to the main objective of making the holiday let building less conspicuous in its setting. Whilst the building is unlikely to be completely obscured, it is still considered that reasonable efforts have been made to achieve the desired effect and provide adequate screening, taking account of the exposed nature of the site and suitability of planting in such a location.

The 12 proposed English Oaks to the north east of the building are considered to provide good additional screening from this angle and are of a less invasive species than the Holm Oaks proposed in the original planting scheme. They are therefore considered to provide adequate cover to satisfy the requirements of the appeal decision in respect of the north eastern boundary and reduce the visual impact of the holiday let building to an acceptable level.

On the southern boundary, the holly planting is within the fenced area of Rocklands Caravan Park but is outside the legal boundary and officially on land within Hastings Borough Council ownership. Hastings Borough Council's Estates team raise no objection to the planting, but will require the applicant to enter into an agreement that provides authority for these works. It should also be noted that the condition in the appeal decision specifically refers to the south and west boundaries, but it should be noted that western boundary is largely obscured by the bank and existing trees on this side and is not visible from outside the site. As shown in Appendix A of the landscaping scheme, the planted holly and existing trees do extend round the corner of the southern boundary towards the west and provide what is considered to be the necessary level of screening required from this angle.

No new planting will occur within the Scheduled Ancient Monument (SAM) and Historic England have no objection to the proposals.

In respect of the detailed requirements of the condition, it is confirmed that the planting scheme was submitted on the 12 August 2016, within 3 months of the Appeal decision date of 7 June 2016. The details in the planting scheme 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 the development. The planting scheme sets out clearly planting plans, written specifications of landscape and planting operations, together with maintenance and after care, noting species, plants sizes and numbers. The information submitted is compliant with the requirements of the condition and this, taken together with the considerations above, result in a recommendation to discharge this condition in its entirety.

Part 2, Condition 6 (archaeological monitoring)

*No further groundworks required to complete the development shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. **A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.***

The application in so far as it relates to part 2 of condition 6 is supported by:

- Archaeological Watching Brief Report (Archaeology South East, December 2016)

Part 1 of condition 6 - the written scheme of investigation, which included the proposed methodology for archaeological works was approved by Planning Committee in November 2016. The watching brief report was submitted within 3 months of this work being undertaken, in December 2016, in accordance with the condition imposed by the Inspector in the appeal decision.

The general aims of the archaeological monitoring were to identify, excavate and record any buried archaeological deposits or features in the area of development and to determine whether there are any intact archaeology deposits within the same site. The submitted Archaeological Watching Brief Report demonstrated that the terrace on which the new building is located is of late 19th Century date and unrelated to the Iron Age promontory fort. No finds were recovered and no archaeological samples were taken. All work was undertaken in accordance with the standards and guidance produced by Chartered Institute for Archaeologists (CfA 2014) and East Sussex County Council.

The County Archaeologist and Historic England are satisfied with the content of the submitted report and consider that the archaeological work has been carried out to the specified standard. Whilst objections were received regarding the potential impacts of the drainage scheme and additional planting on the site's archaeological interests, these have now been resolved and it has been determined that no additional groundworks are necessary that have not already been specified for either the drainage or landscaping works. Taking this into account, the archaeological work carried out so far has clarified that the proposed ground impact will all be within a modern made ground deposit, thus unlikely to damage significant archaeological remains. The Watching Brief Report report is therefore, sufficient to fully discharge the outstanding part of the archaeological condition and has also been submitted within the required timescale.

Condition 7 (foul and surface water drainage scheme)

A foul and surface water drainage scheme submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation.

The application in so far as it relates to condition 7 is supported by:

- Drawing number: 11.396/03E
- Surface Water Disposal Options (BdR incorporating K L Harrison & Associates Ltd, April 2017)

Within the Rocklands Caravan Park, both the storm and foul drains flow into the site drainage system, which in turn is linked to the Local Authority storm and foul sewers. The holiday let building has been constructed in place of a bungalow that was previously on site, and it is proposed to utilise the existing combined system to manage the storm and foul drainage. Southern Water initially raised a holding objection to this, on the basis that they do not allow any new connections of surface water into public foul sewer and that surface water and foul drainage should be separated as far as possible.

In response to this holding objection, the applicant/agent was advised to submit additional information that looked at alternative drainage options, setting out the following:

1. Evidence to support the claim that infiltration/soakaways are not feasible
2. Information that determines pre-development and post-development surface water run off discharge rates i.e. calculations of impermeable areas
3. Evidence to show that separate connections have been investigated, and if they are not feasible, the reasons why not.

This additional information has provided the necessary assurance that due to the site constraints and characteristics, the proposed connection to the combined system is the most appropriate option to manage foul and surface water drainage. It has also shown that there is a 16% reduction in surface flows from the holiday let building compared to the building it replaced, which provides a positive effect in terms of surface water run off. Both Southern Water and East Sussex County Council Flood Risk Management Team are now happy with this proposals and it is now recommended that this condition can be discharged.

Conclusion

The information submitted in support of this application is considered to be sufficient to provide an acceptable level of screening around the holiday let, reducing the visual impact of the building on the surrounding area. The proposal to connect to the existing combined drainage system has been demonstrated as being the most suitable option and the archaeological works have been carried out to the specified standard, with an unlikely impact on archaeological remains. It is therefore recommended that the submitted details be approved and the outstanding conditions 4, 6 (part 2) and 7 be discharged.

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

Recommendation

It is recommended that the following conditions be fully discharged:

Condition 4 (details of the planting scheme and soft landscaping)

"Details of the planting and soft landscaping scheme to the north-east of the building and on the south and west boundaries shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The details 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); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme"

Condition 6 (archaeological monitoring)

No further groundworks required to complete the development shall take place until the implementation of a programme of archaeological works has been secured in accordance with a written scheme of investigation submitted to and approved in writing by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Condition 7 (foul and surface water drainage scheme)

A foul and surface water drainage scheme submitted to and approved in writing by the Local Planning Authority shall be implemented in accordance with the approved details prior to first occupation.

The discharge of conditions 4, 6 and 7 are based on the following information:

- Planting Schedule & Planting Maintenance and Establishment Specification (The Mayhew Consultancy Ltd, June 2017)
- Drainage Layout Plan (Drawing: 11.396/03E)
- Written Scheme of Investigation for Archaeological Monitoring (Archaeology South-East, August 2016)
- Archaeological Watching Brief Report (Archaeology South-East, December 2016)

The applicant is advised that should changes to the scheme, not currently identified in the application, be made in light of any subsequent revisions to drainage or relevant ground works that may occur through the building regulation process, conditions 6 and 7 will no longer be deemed to be discharge and a further application will be required.

The applicant is also advised that they will need to enter into an agreement with Hastings Borough Council to enter and carry out landscaping works on land within their ownership.

Officer to Contact

Miss S Roots, Telephone 01424 783329

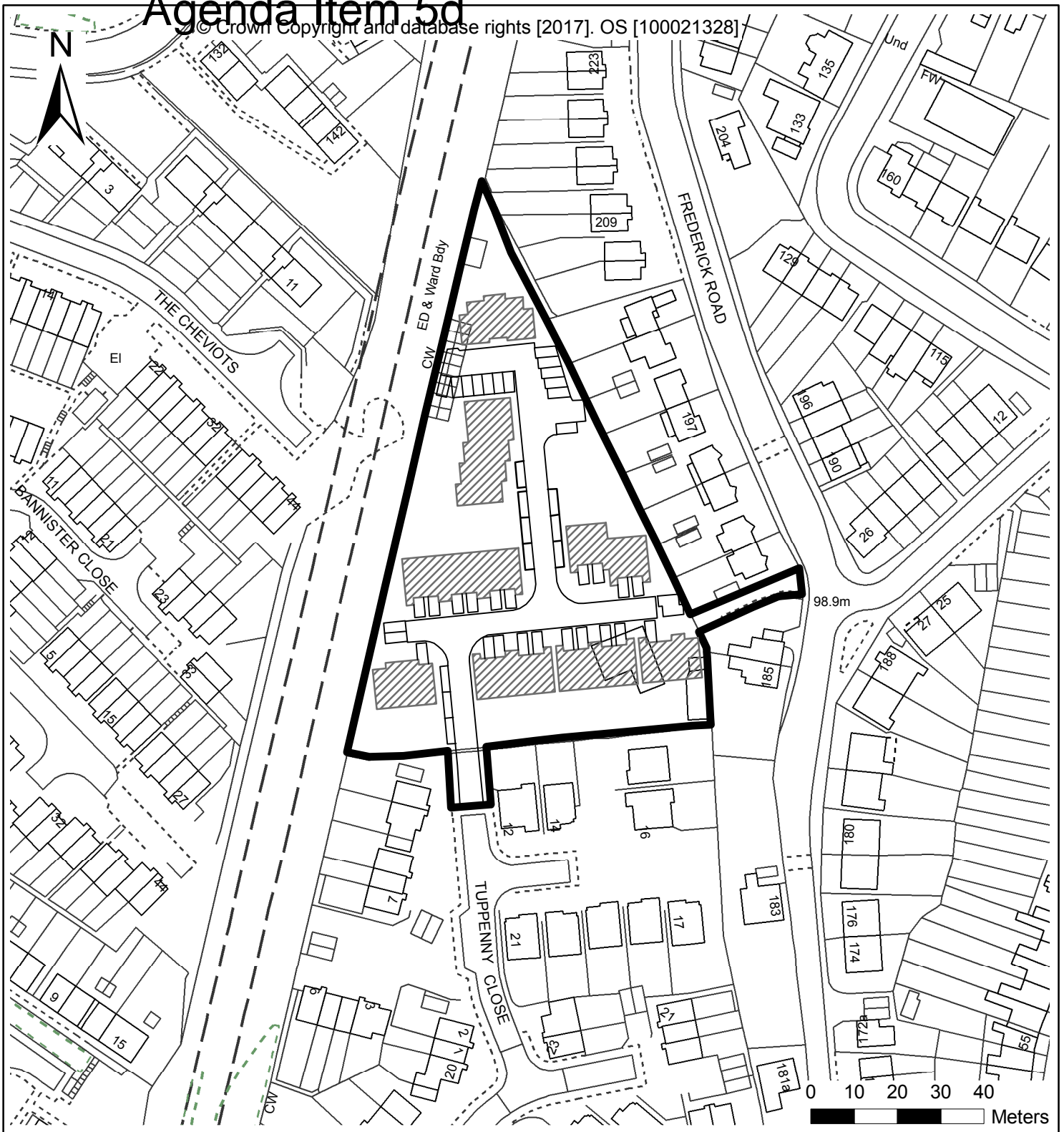
Background Papers

Application No: HS/CD/16/00655 including all letters and documents

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Agenda Item 5d

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**Little Acres Farm
Frederick Road
Hastings**

Erection of 32 dwellings, formation of vehicular and pedestrian access, parking spaces and associated landscaping (Amended description)



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
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Date: June 2017

Scale: 1:1,250

Application No. HS/FA/17/00003

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: Little Acres Farm, Frederick Road, Hastings

Proposal: Erection of 32 dwellings, formation of vehicular and pedestrian access, parking spaces and associated landscaping (Amended description)

Application No: HS/FA/17/00003

Recommendation: Grant Full Planning Permission

Ward: TRESSELL
File No: FR20185B / FR20075T
Applicant: Park Lane Homes (South East) Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Developer
Existing Use: Residential

Policies
Conservation Area: No
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 14
Petitions Received: 1

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

Background

Members may recall that this application was deferred at the Planning Committee on 21 June 2017. The reason for deferment was that the applicant submitted a late representation concerning the published officer's report. In order that the contents of the representation could be fully considered and assessed, Members decided to defer the application.

No further representations have been submitted.

Site and Surrounding Area

The application site, known as Little Acres Farm, is located to the rear of houses in Frederick Road with access to the site on the western side of Frederick Road directly on the bend of Frederick Road and the junction of Coghurst Road.

The triangular shaped application site is approximately 0.593 hectares and currently comprises of a single storey bungalow with various outbuildings and paddock sited on a predominantly open, grassed plot of land that falls from north to south towards Tuppenney Close by approximately 13 metres. To the south, adjacent to Tuppenney Close, there is currently an open-ended estate road with two storey houses either side that form part of a larger modern, residential estate with access onto Frederick Road. A large hedge separates the application site from the properties to the south.

Numbers 185-211 Frederick Road are 2 storey houses which overlook the site from a higher level to the east. The west of the site is bounded by trees, vegetation and a brick wall, beyond which lies a Network Rail tunnel.

The application site is allocated for residential development (Ref COV2 - Land West of Frederick Road) within the Hastings Local Plan Development Management Plan 2015 for a minimum of 25 dwellings with an affordable housing provision of 25% on a brownfield site.

Constraints

Network Rail Land Ownership

Network Rail Tunnel

Flooding Surface Water 1 in 1000

Proposed development

The proposed development comprises the demolition of all existing buildings on the site and the erection of 32 dwellings (23 X 2 bed , 6 X 3 bed and 3 X 4 bed), including a new road layout and vehicular access from Tuppenney Close. Pedestrian access will remain from Frederick Road.

The scheme proposes a variety of house types which range between 2 storeys, 3 storey and 3 storeys plus rooms in the roof. A breakdown of the proposed plots is as follows:

Plots 1-14 are located at the southern most part of the site with rear gardens to the rear of properties in Tuppenney Close, each of these units apart from plot 2 is a 2 bed, two storey terraced house. Ridge heights are 8.6 m, eaves are 5.075 metres. Plot 2 is a 3 bed dwelling.

All these units have allocated parking.

Plots 15-24 sit behind plots 1-14 and comprise 2 bed split level (part 2/part 3 storey) dwellings with integral garage. The ridge height to the front of plots 15-20 is 11m, eaves height is 7.4m and the ridge height to the rear is 8.4m and eaves are 4.8m. The ridge and eaves height of plots 21-24 vary from 10.9m to 8.4m ridge height and 7.3-4.8m eaves height.

Plots 25-29 are located to the west of the site and are 3 bed, two storey dwellings, also with allocated parking spaces. Ridge heights are 9.1m and eaves are 5.075 metres.

Plots 30-32 sit at the top of the site to the north and are 4 bed dwellings with integral garages. The height comprises 3 storeys with rooms in the roof, accommodated by dormers to the front and dormers and roof lights to the rear elevations. Ridge heights on the front elevation are 12.8m and eaves are 8.2m. Ridge heights to the rear are 10.2m and eaves are 7.5m.

The scheme provides for a total of 62 parking spaces comprising of 45 no. allocated spaces (including 13 integral garages) and 17 unallocated (visitor parking).

A small play area (168m²) is incorporated within the development, to the east of the site.

The application is supported by the following documents:

Planning, Design and Access Statement
Ground Contamination Risk Assessment Report June 2015
Affordable Housing Viability Statement
Statement of Community Involvement
Drainage Assessment Report
Sustainability Statement
Ecological Assessment Report
Geotechnical Assessment Report

Relevant Planning History

HS/OA/75/00190 Erection of 18 houses and garages with access from The Cheviots
Granted 29 July 1975

HS/OA/77/00588 Erection of dwelling and garage
Granted 30 November 1977

HS/DS/78/00111 Details for house and garage
Granted 22 March 1978

HS/OA/01/00438 Erection of one dwelling in addition to existing bungalow
Refused 31 January 2002

HS/OA/06/00741 Demolition of existing bungalow and outbuildings to provide for the erection of 30 houses
Refused 22 December 2006 Appeal Dismissed 11 June 2007

- HS/OA/07/00166 Demolition of existing bungalow to provide 30 residential units
Refused 25 May 2007
- HS/OA/08/00017 Demolition of existing detached bungalow and outbuilding to provide for
the erection of 30 residential units
Granted 20 July 2010
- HS/DS/10/00700 Approval of details of the scale and external appearance of the
buildings, and the landscaping of the site
Approval of Reserved Matters 03 February 2011
- HS/CD/15/00598 Discharge of Condition 3 (survey of condition) of planning permission
HS/DS/10/00700
Granted 10 July 2015
- HS/CD/15/00482 Discharge of condition 2 (external materials and condition 4 (wheel
wash) of planning permission HS/DS/10/00700
Granted 13 July 2015
- HS/CD/15/00488 Discharge of conditions 5 (surface water drainage), 9 (soft landscaping),
10 (hard landscaping), 12 (boundary treatments) and 15 (local play
provision) of planning permission HS/08/00017
Granted 13 July 2015
- HS/PR/15/01013 Application for Certificate of Lawfulness regarding the commencement
of development, approved pursuant to planning permission
HS/OA/08/00017
Granted 01 March 2016

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

- Policy FA5 - Strategic Policy for Eastern Area
- Policy SC7 - Flood risk
- Policy H1 - Housing Density
- Policy H2 - Housing Mix
- Policy H3 Provision of Affordable Housing
- Policy CI3 - Children's Play Provision
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan (2015)

- Allocated Site CV02 - Land west of Frederick Road
- Policy LP1 - Considering planning applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM4 - General Access
- Policy DM5 - Ground Conditions

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

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

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

Paragraph 49. 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 housing sites.

Paragraph 56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Consultations comments

Highways - **No Objection subject to conditions** (Conditions 5, 6, 7, 8, 9, 10, 11, 12)

Environment and Natural Resources Manager - **No Objection** subject to standard ecology condition (Condition 15)

Southern Water - **No Objection** (Condition 15)

Council Arboricultural Officer - **No Objection**

Environmental Health Officer (Pollution) - **No Objection** subject to conditions (Conditions 16)

Representations

There have been 14 objections received from 6 different properties raising the following concerns:

- Viability of scheme and lack of affordable housing provision
- Application deems to be for 2-bed houses however as 3 bed is also proposed parking and affordable contribution must be recalculated
- Height of proposed houses out of keeping with 2-storey in local area
- 2-bed houses plus study are really 3-bed houses (affordable housing and floorspace concerns)
- Validity of certificate of lawfulness/extant permission

- brownfield vs greenfield site
- No public consultation (neighbour notification letters)
- Witness statements and delegated report for CLU not available on website
- Garden sizes too small and contrary to Local Plan policies
- Concern the CLU used as stepping stone to achieve 2 additional dwellings
- Potential to increase building sizes in subsequent permissions
- Appearance uneven, strange with overly large roofs and no diversity in design
- No Statement of Community Involvement despite development in excess of 30 dwellings
- Incorrect number of bedrooms noted, the Design and Access Statement notes 82 however it is in fact 105 bedrooms
- Site previously refused as greenfield, 40% affordable housing should be provided
- S106 legal agreement attached to original agreement breached therefore invalidation CLU
- Purchase price of site should have undergone due diligence to check the development was viable

Petition signed by 14 no. people received, objections include:

- Height and scale of buildings
- Lack of affordable housing
- No pre-app public consultation
- Density
- Not in keeping with the surrounding area
- Insufficient sewage capacity
- Drainage, garden space, transport
- Crammed development
- Not valid application
- Not in accordance with Local Plan
- Poor design
- Minimum space size
- No transport plan

Determining Issues

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.

The application site is allocated for residential development (Ref COV2 - Land West of Frederick Road) within the Hastings Local Plan Development Management Plan 2015 for a minimum of 25 dwellings. Given the planning history of the site and the extant permission for 30 dwellings it is considered that the principle of residential is acceptable on this site.

Impact on character and appearance of area

The site lies in a predominantly residential area and is allocated for residential development. The character of the area is made up of predominantly 2 storey detached and semi detached properties. The new entrance to the development site will be taken from Tuppenney Close. Tuppenney Close is a modern estate, whereas the houses in Frederick Road are somewhat older. The actual application site is largely hidden from the street scene and the potential impact on the surrounding area is considered not detrimental.

The design of the proposed houses and the layout of the development is considered to be in keeping with the pattern of development adjacent and surrounding the site.

The proposed development would create its own character and sense of place and elements of this are discussed below.

Layout

The proposed development will involve the demolition of the existing bungalow and outbuildings on the site, and the erection of 32 dwellings, new road layout and parking for 62 cars.

The scheme proposes a variety of house types which range between 2 storeys to 3 storeys with rooms in the roof. A breakdown of plots is noted under the heading 'proposed development'. Although neighbouring properties are largely 2 storey dwellings, the proposed 3 storey dwellings are largely screened from street level and the heights will not impact detrimentally on the character of the area. The layout will provide an acceptable living environment for those residents within the new development.

The access to the site already exists between 11 & 12 Tuppenney Close. This will remain unchanged. A pedestrian access is shown between nos. 187 to 189 Frederick Road.

A Local Area of Play (LAP) measuring 168m² is incorporated within the development, to the east of the site. Although no details have been submitted as part of the application, the provision of the play area and ongoing maintenance and management will be secured through condition no.23.

The NPPF places an emphasis on the need to create "well designed buildings and places [which] can improve the lives of people and communities" (Paragraph 8, NPPF).

The floor areas of the proposed dwellings are compliant with the National Space Standards as prescribed by the Government

The proposal is considered to result in decent plot sizes that would include 10m rear gardens. Having said that, some of the garden areas appear to be somewhat constrained by their shape, specifically plots 30 and 32 . Nevertheless they do provide 10m rear garden depths and are considered capable of providing suitable amenity space for future residents. The overall design of the buildings is considered to be in keeping with the size and scale of neighbouring plots and the pattern of development fits with the context of the surrounding area.

The site comprises plot sizes which on the whole are smaller than the established pattern of development in the immediate vicinity. Although the proposed scheme represents a density of 54 dwellings per hectare, policy H1 encourages densities of at least 40 dwellings per hectare in sustainable locations. The application site is close to transport links (bus routes on The Ridge), schools and Ore Village shopping area. As will be discussed below, the development is not considered to harm the character of the area or neighbouring residential amenity. As such, given the sustainable location of this site, it is considered that a density of 54 dwellings per hectare can be successfully accommodated on site.

The proposed site layout has a considered approach and has recently been amended to address concerns regarding design.

All dwellings have provision for bin storage, either within the rear garden or within the integral garage area.

When compared with the extant scheme, the parking layout is much more coherent. Whilst some properties have integral parking, others have allocated spaces. There is much less courtyard type parking than the extant scheme.

The amount of soft landscaping proposed as part of the scheme is improved from the extant scheme and will provide a balance to the hard landscaping of the road, paving, parking and houses. The degree of soft landscaping is on balance considered sufficient. Specific details for landscaping and planting will be the subject of conditions (Conditions 19 & 20).

Overall, the design of the scheme has been amended to try and provide a well-designed layout. The design is to an acceptable standard. To take the design to a higher standard, recesses at ground floor to accommodate garages could be designed out; however, the applicant proposes bright paint to avoid 'void' areas and this is considered acceptable on balance (Condition 4).

Impact on Neighbouring Residential Amenities

Properties that are potentially impacted by the proposals are as follows:

11-15 Tuppenney Close

Plots 1 to 14 of the proposed development will be located to the rear of properties in Tuppenney Close. There is a 21 metre distance between the rear elevations of 12-14 Tuppenney Close and plots 4-8, which is considered an acceptable distance between habitable rooms. However, there is a high hedge (bounding the site) which will provide adequate screening also from potential overlooking and privacy issues. Similarly, number 15 Tuppenney Close is also screened by heavy planting. Number 11 Tuppenney Close is 20 metres from plots 1-3 and along with 12 Tuppenney Close would be the most affected by the vehicular access onto the new development.

It is acknowledged that the vehicle movements generated from the proposed 32 dwellings would have an impact upon the residential amenity of numbers 11-12 Tuppenney Close. However, material to this assessment, it is noted that

- a) highways have no objection
- b) an extant permission for 30 dwellings has been approved and the impact of residential amenity has already been considered as part of that approval
- c) the site is allocated in the local plan which gives a suggested vehicular access between these two properties.

This application, in fact, would result in 2 residential units above that approved and these additional vehicle movements are not considered to harmfully affect 11 and 12 Tuppenney Close in terms of noise and disturbance.

Plot 32 of the new development will be approx. 20 metres from the rear of the properties in Frederick Road and is 3 storey plus dormer in height (ridge heights on the front elevation are 12.8m and eaves are 7.5m; ridge heights to the rear are 10.2m and eaves are 7.5m).

Following assessment of the plans as originally submitted, plots 30-32 were repositioned to lessen the impact on properties in Frederick Road. The buildings will now sit behind nos. 203-205 Frederick Road. As a result, the proposed building will be visible from the rear gardens of these properties. However, noting the distance mentioned and the higher ground levels in respect of properties on Frederick Road at this point, the impact of plots 30 to 32 are not considered to harmfully affect the residential amenities of nos. 203-205 Frederick Road. Although windows are shown on the flank wall of the property at plot 32, these will be conditioned to be obscured glazed so as to prevent overlooking.
(Condition 18).

Ecology

The Ecological Assessment Report, submitted as part of the application, concludes that there will be no direct impacts upon the surrounding nature conservation assets. A condition securing the mitigation as set out in the report, against any possible harm to the very limited potential for reptiles or birds will be attached to any permission granted.
(Condition 14).

Trees

The few trees remaining on site are of low value. There are no objections from the Council Arboriculturalist to the removal of the remaining trees in order that the development can go ahead. Replanting of trees and shrubs will be submitted as part of a soft landscaping condition (Conditions 19 & 20).

Air Quality and Emissions

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

The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Highway Safety/Parking

A total of 62 parking spaces is provided within the development. This is considered to be an acceptable level of parking for the number and type of dwellings proposed. Cycle parking can be accommodated within each individual property.

A Traffic Generation Assessment was submitted as part of the application which concluded that, based on a residential development of 32 residential dwellings, as proposed, the development would generate the following levels of two-way vehicle trips during each of these peak hours:

- i) AM Peak Hour (08:00 – 09:00) – 16 two-way vehicle movements;
- ii) PM Peak Hour (17:00 – 18:00) – 16 two-way vehicle movements.

The Highways Officer originally objected to the submitted plans due to the width of the proposed roads; however amended plans have been submitted to overcome these objections. The amended plans have reconfigured the parking layout and adjustments have been made to allow for the swept path of a refuse truck. The road is not being proposed for adoption and as such the shared surface layout, previously recommended at 6m but which is 5m wide cannot be objected to. The internal road layout has short sections where the road width is 5m, and at the junctions and turning areas the road has increased widths, resulting in a workable layout and designed to have low speeds and low volumes. There are 47 parking spaces not including the integral garages which would comply with the parking standard. It is recommended that a planning condition is included to prevent the garage spaces being converted to habitable space to maintain the level of parking to accord with the scale of the development (Condition 8). The pedestrian/cycleway has been adjusted to allow wider access as recommended.

The allocation within the Local Plan states that development proposals will be supported by a Transport Report. However, as there is an extant permission for 30 dwellings and the Traffic Generation Assessment concludes that vehicle trips will be fewer than 30 trips per hour it was not considered that a major impact on the highway network would occur and a Transport Assessment /Statement was not required as part of the validation process. Furthermore no request for such has been made by the Local Highway Authority.

Drainage

The site is located within a 1 in 1000 surface water flooding area and within 900m from the nearest fluvial flood risk source. A drainage assessment report was submitted with the application and the Lead Flood Authority and Southern Water have been consulted. Although there are no objections on this issue, conditions requiring the submission of a detailed drainage design/strategy form part of this recommendation (Condition 13 & 15).

Contaminated Land

As the use of the site previously was part agricultural, a ground contamination report was submitted with the application. The Environmental Health Officer has commented

"No methane was detected on site however some very minor levels of CO₂ were registered. Therefore for standard low rise housing, the NHBC have developed a characterisation system which compares the calculated GSVs or typical maximum values to generic "traffic light" scenarios. Table 8.7 of the CIRIA document classifies the site as "Green" and, provided that a well-ventilated sub floor void is installed, no other specific gas protection measures are considered to be necessary.

Therefore, I have no objections to permissions being given as long as the build follows the advice from the Geotechnical document listed above.

Should any suspicious material be located during the build, then works in that area should stop until scientific analysis of the materials found has been undertaken and should it be found to be contaminated a report listing the remedial works to be undertaken and a statement of completion to satisfy the LPA".

Condition 16 is attached to ensure compliance with the risk assessment as advised.

Affordable Housing and other contributions

The Local Plan allocation for residential on this site includes a requirement for the provision of 25% affordable housing.

A viability statement was submitted by the applicant and has subsequently been assessed by Bruton Knowles. The Bruton Knowles assessment of the applicant's viability statement has concluded that whilst an onsite provision of affordable housing would make the development unviable, a contribution of £95,000 towards affordable housing can be made.

Government guidance is such that house building is paramount and viability issues should not stall development. As such there is no objection in this respect.

Validity of Certificate of Lawfulness

The Certificate of Lawfulness regarding the commencement of development at the application site was granted on 01 March 2016 under reference HS/OA/08/0017. Extracts from the delegated report which recommended granting the certificate follow. Details include the evidence, case law and advice from a barrister which formed the basis for the decision:

"Considerations/Legislation:

A Certificate should be issued in accordance with the legal test which is based on the balance of probability. An LPA should not refuse a certificate because the applicant has failed to discharge the stricter, "beyond reasonable doubt". If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application. The purpose of the application is to establish whether a 'material operation' was carried out after the details of the original permission were discharged, conditions complied with and before the permission expired on 20 July 2015.

'material operation' is defined in Section 56 (4) of the Town and Country Planning Act 1990 and states:

- (a) any work of construction in the course of the erection of a building;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- (d) any operation in the course of laying out or constructing a road or part of a road;
- (e) any change in the use of any land which constitutes material development

Evidence supporting the applicant's case

1. Photographs showing the laying of a foul drain
2. Email from Jonathan Cornell (Building Control) referring to drainage works in July 2015

Evidence from objector

1. Witness Statement from Keith Hollidge

Evidence from Building Control as supplied to the Council

1. Email dated 02 February 2016 confirming date drainage works commenced

Discussion:

Taking all the evidence into account it can be established that:

1. A material operation commenced on 9th July 2015.
2. Pre-commencement conditions were discharged between 10th and 13th July 2015.
3. Outline planning permission expiry 20th July 2015.

A 'material operation' should be carried out after the details of the original permission were discharged, conditions complied with and before the permission expires which is this case was on 20 July 2015. It is accepted that, in this case, the works were carried out in breach of conditions precedent. However case law has established an exception to 'The Whitley Principle'.

In summary, this exception as outlined by an Appeal Inspector in the Lakeland v Rutland case establishes the following presumption:

If a condition requires an approval before a 'given date', and the developer has applied before that date for its approval, which is subsequently given so that no enforcement action could be taken, work done before the 'given date' and in accordance with the scheme ultimately approved, by condition discharge, can amount to a lawful commencement of development.

In conclusion, although the works should have been carried out after the conditions were discharged, case law and a legal opinion from a barrister suggest that the works are subsequently deemed lawful and therefore a certificate should be issued.

Statement of Community Involvement

Although it is regrettable that the applicants chose not to hold a pre-application forum, there is no obligation to take part, as set out in the Hastings Local Plan – Statement of Community Involvement December 2016.

Paragraph 5.17 states

"Whilst developers will be encouraged to use this opportunity for large scale developments (the trigger is usually where 30 or more dwellings are proposed), it is not mandatory and is dependent on their co-operation and willingness to take part".

Conclusion

This application will provide much needed family-sized accommodation on the site. Although regrettable that an affordable housing provision on site is unviable, a contribution will be secured towards off site provision. This is an allocated site which has remained undeveloped for a number of years despite the benefit of planning permission. It is considered that as the viability has been re-assessed this will enable the development of the allocated site. Following comments from various consultees as part of the application process, amendments have resulted in an acceptable layout with no unacceptable impact on neighbouring properties. The scheme is now considered to be compliant with Local Plan Policies and is recommended for approval.

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.

Recommendation

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

- A financial contribution towards the provision of offsite affordable housing

In the event that the Agreement is not completed by 20 October 2017 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Grant permission subject to the above and the following conditions:

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:

5211/LP, 5211/BP/C, 5211/BP1, 5211/EX, 5211/COMPS/A, 5211/1/C, 5211/2/D, 5211/6A, 5211/7A, 5211/8B, 5211/9A, 5211/10A, 5211/11A, 5211/12A, 5211/13A, 5211/14A, 5211/15/C, 5211/17/A, 5211/18, tw/1 606457/100 S7
3. 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.
4. No development above ground shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings (including treatment of garage 'void' areas) hereby permitted have been submitted to or displayed on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details
5. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routeing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
6. Means of vehicular access to the site shall be from Tuppeney Close only.

7. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
8. The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.
9. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
10. No part of the development shall be occupied until the vehicle turning space and footway/cycleway link to Frederick Road has been constructed within the site in accordance with the approved plans. The spaces shall thereafter be retained at all times for those uses and shall not be obstructed.
11. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense prior to occupation of the approved dwellings.
12. No part of the development shall be occupied until a suitable vehicle access arrangement has been provided for property 11 Tuppenney Close, in accordance with the approved plans.
13. Development shall not commence until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by the local authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
14. No development shall take place until the measures outlined in the submitted ecological statements and reports Little Acres Farm, Frederick Road, Ore, East Sussex Ecological Assessment Report by Ash Partnership dated February 2017 have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document, in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the schemes, or programmes of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

15. Prior to commencement of development a detailed surface water drainage strategy (as outlined in JMLA Drainage Assessment Report (Ref tw/160457/jml)) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) Surface water runoff from the proposed development to be limited to 4.3l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - b) How surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - c) A maintenance and management plan for the entire drainage system which clearly states who will be responsible for managing all aspects of the surface water drainage system, including piped drains. These responsibility arrangements must remain in place throughout the lifetime of the development.
 - d) Evidence (including photographs) showing that the drainage system has been constructed as per the approved detailed drainage designs.

Works shall be carried out in accordance with these approved details.

16. All works shall be carried out in accordance with advice contained within the Ground Contamination Risk Assessment Report by Ashdown Site Investigation Limited dated June 2015 and shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval prior to continuation of those works. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed remediation details.
17. The approved dwellings shall not be occupied until full details of all boundary walls/fencing have been submitted to and approved in writing by the Local Planning Authority. All such boundary walls/fences shall be erected before the building to which it relates is occupied.
18. The windows on the 1st and 2nd floor side east elevation flank wall of plot 32 shall remain obscure glazed at all times.
19. 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.

20. 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.
21. No development, other than above ground demolition, 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 means of enclosure; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.)
22. 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.
23. Prior to occupation of the approved dwellings, to prepare and submit to the Council a scheme detailing the laying out, long term maintenance, management and ownership for the play area and open space to be approved in writing by the local planning authority. The scheme should include a plan of the site indicating the siting and layout of the play area and open space. The scheme should also include rights of access and such other services as are necessary for the use and enjoyment of the play area and open space for the purpose of constructing, inspecting, repairing, replacing and maintaining any fencing or furniture thereon. The play area and open space shall be laid out in accordance with the approved scheme prior to the occupation of any dwellings hereby approved.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. In the interests of the visual amenity.
5. In the interests of highway safety and the amenities of the area.
6. In the interests of road safety.
7. To ensure adequate parking for the development

8. To ensure adequate off-street provision of parking in the interests of amenity and highway safety.
9. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
10. In the interests of road safety.
11. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
12. In the interests of road safety.
13. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
14. To protect features of recognised nature conservation importance.
15. To ensure surface water from the development is managed safely.
16. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
17. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
18. To safeguard the amenity and privacy of residents at 203 and 205 Frederick Road.
19. To ensure a satisfactory form of development in the interests of the visual amenity.
20. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
21. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
22. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
23. To ensure a satisfactory form of development in the interests of the character and amenity of the area.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
4. Any play equipment must conform to BSEN1176
5. The developer is advised to contact Asset protection London South East at AssetProtection@networkrail.co.uk prior to any works commencing on site to discuss their proposals in relation to the underlying tunnel, and to enable approval of any relevant works.
6. If during development and excavations any suspicions become evident or are aroused as to the potential or presence for any contaminated land, then works should immediately cease and a contaminated land assessment / ground investigation report be carried out which should then be submitted to and approved in writing by the Local Planning Authority prior to the work, associated with the permission hereby granted, commencing.
7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

Officer to Contact

Ms K Phillips, Telephone 01424 783250

Background Papers

Application No: HS/FA/17/00003 including all letters and documents

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Agenda Item 7

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Filsham Nurseries
37 Charles Road West
St Leonards-on-sea
TN38 0RT

Demolition of existing buildings and ancillary buildings. Erection of 7no residential units, landscape and parking.



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

Date: Jul 2017

Scale: 1:1,250

Application No. HS/FA/16/00412

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: **Filsham Nurseries, 37 Charles Road West, St Leonards-on-sea, TN38 0RT**

Proposal: **Demolition of existing buildings and ancillary buildings. Erection of 7no residential units, landscape and parking.**

Application No: **HS/FA/16/00412**

Recommendation: **Grant Full Planning Permission**

Ward: GENSING
File No: CH28037
Applicant: Redground Investments Ltd per Guy Hollaway Architects LLP The Tramway Stables Rampart Road Hythe CT21 5BG

Interest: Developer
Existing Use: Redundant garden nursery

Policies
Conservation Area: No
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 10
Petitions Received: 0

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

Site and Surrounding Area

The application relates to an irregularly shaped brownfield site within a residential area, formerly occupied by Filsham Nurseries. The existing buildings that occupy the site include the main house of 37 Charles Road West, ancillary greenhouses and storage buildings, and previously used planting beds and hardstanding areas with much over grown foliage. Several established trees are on site, although none are covered by a Tree Preservation Order. There is an existing central vehicular access in place that leads to the former shop/store at the front of the site.

The surrounding area is characterised by large detached and semi detached dwellings between 1.5 (chalet style) and 2 storeys in height. Immediately opposite the application site in Charles Road West are chalet style dwellings, with 2-storey dwellings adjacent. The properties in The Green that back on to the application site mostly consist of large detached properties within large plots, set back from the road. The Green Lawn Tennis Club is sited to the rear of the site, an area of private open space as designated in the Hastings Local Plan Policies Map.

The application site forms part of a Local Plan allocation for residential development (indicative capacity 9 units) - Policy MBL2 of the in the Hastings Development Management Plan 2015. The allocation includes the rear garden area of 35 Charles Road West, to the east of the site. This portion is not however, including within the area proposed for development as part of this application.

Constraints

- Area affected by surface water flooding (1 in 100)
- SSSI Impact Risk Zone
- Adjacent to Private Open Space as defined by the Hastings Local Plan Policies Map (The Green Lawn Tennis Club)

Proposed development

This is a full application for the erection of 7 residential units, with associated landscaping and parking. The development is to provide:

- Unit 1 - a detached 2-storey, 2 bedroomed, bay fronted dwelling at the front of the site with feature canopy on the front elevation.
- Units 2 - 5 - a terrace of 2-bedroom, 2-storey dwellings with a projecting window with angled glazing to the upper storey. This terrace is located in the middle of the site, facing towards 35 Charles Road West to the east
- Unit 6 - a detached 2-storey dwelling with an additional room in the roof space, providing 3-storey living accommodation. This will provide a 4-bedroom property with integral garage, located in the far south-eastern corner of the site.
- Unit 7 - a detached 5-bedroom dwelling, also with living accommodation in the roof space. This is located to the west of unit 6, also towards the rear of the application site, closest to its southern boundary.

16 parking spaces are proposed (inclusive of 3 visitor spaces). Access is off Charles Road West leading straight through the site adjacent to its eastern boundary, running north to south. Each dwelling incorporates a private garden area, with boundary fencing and planting as appropriate. The existing vehicular access into the site will be closed up (condition 6), and a new access created adjacent to 35 Charles Road West on the eastern boundary of the application site.

The application is supported by the following documents:

- Design and Access Statement (Guy Holloway Architects, May 2-16)
- Planning Statement (May 2016)
- Preliminary Site Waste Management Plan
- Sustainability Statement (Reina Group Ltd, July 2016)
- Reptile Survey (Greenspace Ecological Solutions, January 2017)
- Bat Emergence Survey (Greenspace Ecological Solutions, January 2017)
- Extended Phase 1 Habitat and Bat Scoping Survey (Greenspace Ecological Solutions, June 2016)
- Transport Report (Royal Haskoning DHV, May 2016)
- Tree Survey Report (Rev B) (Canopy Consultancy, April 2017)
- SuDS Decision Support Tool for Small Scale Development

Relevant Planning History

HS/OA/06/00694 Proposed demolition of existing dwelling and erection of 10 new dwellings with 15 parking spaces on land at and adjacent to 37 Charles Road West
GRANTED 8 October 2014 (subject to legal agreement)

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy DS1 - New Housing Development
Policy FA2 - Strategic Policy for Central Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC2 - Design and Access Statements
Policy SC7 - Flood Risk
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy H1 - Housing Density
Policy H2 - Housing Mix

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy HN8 - Biodiversity and Green Space
Policy HN10 - Amenity Green Spaces

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013
Parking Provision in New Development Supplementary Planning Document (October 2013)

National Planning Policy Framework (NPPF)

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

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

Paragraph 61 - Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment

Consultation comments

East Sussex County Council (Highways) - No objection subject to conditions

Consider that there is likely to be a reduction in trips to and from the site than that within the already consented scheme. 16 parking spaces have been provided (plus one garage space serving unit 6), which is acceptable in accordance with the requirements of East Sussex County Council's Parking Demand Calculator. The parking layout in front of unit 1 has been amended in light of East Sussex County Council comments and is now considered more acceptable. Require cycle parking. Consider proposed access to be suitable in terms of width and ability to accommodate two way flows. Consider removal of tree to the east would improve access arrangements, although acknowledge that it does not completely restrict visibility and is, therefore, accepted in its current location. Acceptable in terms of sustainability and accessibility, offering travel choices other than that of the private car.

East Sussex County Council (Flood Risk Management) - No objection

Consider the proposals to manage surface water runoff to be acceptable.

Environment and Natural Resources Manager - No objection subject to conditions (conditions 15, 16 and 17)

Notes the submitted ecology reports confirm presence of bats in one of the buildings to be demolished and that a European Protected Species Licence will be required. Requires planning conditions to secure a method statement of creation of new wildlife features in recognition of the presence of bats on site.

Arboricultural Officer - No objection subject to conditions (conditions 13 and 14)

Following the submission of a revised Tree Survey with mitigation measures to ensure no harm to the root protection zones of retained trees (particularly T1 adjacent to the access),

the Borough Arboriculturalist raises no objection to the proposed development, subject to replacement planting. Initial concerns regarding the loss of T2 have now been overcome through the design of the scheme and potential for replacement planting.

Southern Water - No objection subject to conditions (condition 18)

Require submission of full drainage details to be agreed, and note that a formal connection to the public sewer needs to be agreed.

Waste Management team - No objection

Require the access into the development to have a minimum width of 4m and 4 cubic metre height clearance. If this can be achieved then no objections.

Representations

10 objections have been received from 7 different households. These raise the following concerns:

- Increased traffic on junction of Charles Road West and The Green
- Design and spacing of units out of character with the area
- Adequate on site parking should be provided to prevent further on road parking on Charles Road West
- Overlooking, loss of privacy to neighbouring properties caused by side balcony and windows. (11 The Green)
- Loss of light and privacy caused by height of proposed buildings
- Pruning of mature beech tree (12 The Green) and loss of mature tree outside 15 The Green
- Presence of rodents and pests on site that will be disturbed by development and spread to other properties
- Dust and disturbance during construction
- Need for taller boundaries to protect privacy and security
- Impacts on neighbouring property values
- Damage to existing boundary fences and hedging

Determining Issues

The site is allocated within the Hastings Development Management Plan 2015 for housing development, showing an indicative capacity of 9 dwellings. The Local Plan allocation covers a larger site than that proposed by development here, in that it includes part of the rear garden of 35 Charles Road West and a small portion of land within the rear garden of 12 The Green. The application boundary for this application excludes these parcels of land and focuses on land within the confines of the former Filsham Nurseries only.

The suitability of the site for housing development has been examined thoroughly through the Local Plan process and, as such, the principle of development is accepted. The main issues for consideration, therefore, relate to the layout, design, landscaping and ecological impact of the development and its effect on neighbouring residential amenity as well as the impact on the character and appearance of the area.

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 access to public transport, shops, services and facilities and, as such, the development is considered acceptable in principle subject to other local plan policies.

Impact on character and appearance of area

The application proposes 7 dwellings on an irregularly shaped site that leads off Charles Road West and extends southwards. The irregularity of its shape means that unit 1 is the only dwelling that fronts the main road and the most prominent from this viewpoint. The remainder of the proposed dwellings are sited within the site itself, creating a sense of place within the development, together with a new internal streetscene. This means that good design is of key importance, as more elevations are likely to be visible from neighbouring properties and the streetscene than could be found in a more 'traditional' estate type development.

During the course of the application there have been some significant amendments made to the design and layout of the scheme to overcome both objector and officer concerns. Most significantly, a single dwelling is now proposed at the front of the site (as opposed to the two previously proposed), set back approximately 3.5m from the road to respect the established building line. This dwelling (unit 1) has been significantly amended to be of a more traditional design to reflect the character and appearance of the existing properties in Charles Road West. It is proposed as two storeys in height with a hipped roof and a bay frontage towards the right hand side. Its mass and scale are much more in-keeping with the surrounding properties that range from 1.5-2 storeys in height, than the 3-storey design previously proposed. Green space to the front and side of this dwelling helps maintain a green and open character to this section of the road and the removal of unit 2 from this particular location enables the retention of tree T4 which provides a valuable contribution in terms of landscape amenity.

Access into the site is to the east of unit 1 and alterations have been made so as to ensure there is no harm caused to tree T1, a substantial tree sited on the highway just outside the site boundary. Enabling the safe protection of this tree also ensures that the impact of the development on the streetscene is minimised in terms of its appearance, as this provides a valuable contribution to the character and appearance of the area.

Despite being set back from Charles Road West a distance of approximately 27m, the front elevation of unit 6 is likely to be visible from this main road as it directly faces the access. The side elevations of units 2 and 5 in the centre of the site, will also be partially visible, either from the road or within the site itself. These dwellings are of a much more modern design than unit 1 at the front, although they incorporate interesting design elements such as angled glazing, large panels of glazing, facing brick work with timber boarding, as well as front canopies in some instances. The side elevations of units 2 and 5 have been designed to reflect what can be perceived as 'principal' elevations, given their increased visibility from certain aspects within and into the site. Whilst there is a clear variation in the appearance of the houses in different parts of the site, there is also an element of consistency and character created in terms of their modern appearance and use of materials.

Units 6 and 7 to the rear of the site comprise accommodation over 3 storeys, although the third storey is accommodated within the roof space, keeping the heights as low as possible whilst also providing an increased number of bed spaces.

Taking the above into account, it is considered that the amendments to the scheme take appropriate reference from the surrounding area where it is necessary and the modern design of dwellings within the site itself adds an interesting effect to the overall character. The design of the development does not result in any blank or uninteresting elevations, lessening the potential for a negative impact on visual amenity. It should also be noted that many objector concerns regarding the appearance of the new homes have been overcome given the alterations to layout and design, particularly in terms of unit 1 at the front of the site and its impact on the streetscene. The development as proposed, therefore, is considered to protect and enhance local character and show a much better understanding of the surrounding neighbourhood's context, layout, block sizes and scale, height, massing and materials, in accordance with the requirements of Policy DM1 of the Development Management Plan 2015.

Layout

Policy H1 of the Hastings Planning Strategy 2014 requires developments to make full and effective use of land by achieving a density of at least 30 dwellings per hectare in locations outside of town centres and the district centres of Silverhill and Ore. The proposed development provides for a density of 37 dwellings per hectare, considered appropriate for this location outside of a town centre but still accessible by transport modes other than the private car. The proposal is therefore in accordance with Policy H1 of the Hastings Planning Strategy 2014.

It is important that new housing developments deliver a balanced mix of housing within each site to contribute to the mix of housing across the town as a whole. The application proposes 5 x 2 bed dwellings, 1 x 4 bed dwelling and 1 x 5 bedroom dwelling, providing an adequate mix of smaller and larger family housing, appropriate to this location. The proposal is, therefore, in accordance with Policy H2 of the Hastings Planning Strategy 2014 which requires new developments to contribute to a well integrated mix of housing types and tenures and takes account of local household characteristics.

Each plot has been assessed against the Government's standards for internal floorspace in new residential development. Units 1-6 meet these minimum standards providing they are constructed as 2-bedroomed, 3-person dwellings only. The applicant will be advised of this restriction via an informative, should permission be granted (informative 6). Both units 6 and 7 greatly exceed the minimum internal floorspace requirements for 4 and 5-bedroomed dwellings respectively.

Following the submission of amended plans for a revised layout, all dwellings now incorporate at least 10m garden length in accordance with the requirements of Policy DM3 of the Development Management Plan 2015. This ensures that there is adequate amenity space, providing a good living environment for future residents, particularly given that these dwellings are likely to accommodate families.

Full details of bin storage will be required as part of the hard landscaping condition (condition 11) although a collection area is indicated as being on the eastern boundary, close to the parking space on the access road. There is sufficient space and access between the proposed dwellings for individual bin storage within the residential curtilage. Part H of the Building Regulations sets out that waste containers should be sited so that residents don't have to push the container more than 30m (so any collection points for bins should be within

that distance) and no more than 25m from the point where the refuse vehicle stops to collect the bin. The waste management team consider the road width to be acceptable at just under 6m in height, given that tree T2 is to be removed. They request that 4m height clearance of tree T1 (sited outside the site on the pavement) is maintained to allow ease of access. These works are undertaken by the Council under provisions of the Highways Act and as such, are fully overcome.

Taking the above considerations into account, the proposed layout in terms of waste storage and collection is within these limits and is, therefore, acceptable both in terms of the requirements of Policy DM3 of the Development Management Plan, as well as other best practice guidance and legislation.

Loss of existing use

The former nursery site has been redundant for many years and its redevelopment for housing would bring underused land back into effective use. The principle of the loss of the existing use has already been established through the Local Plan process and the allocation of this site for residential development.

Impact on neighbouring residential amenities

Several letters of objection have been received during the course of the application regarding the impact of the development on neighbouring residential amenities. It is important to note however, that many of these have now been overcome as a result of the submission of amended plans to address the layout of the site as well as the orientation of the dwellings.

Of key concern is the impact of the development on the adjacent occupier at 35 Charles Road West, whose property aligns close to the eastern boundary of the application site. The side elevation of this property incorporates a small window at ground floor level serving a toilet, and a double set of windows serving a landing at first floor level. These windows look directly into the application site. Concern has been raised by the occupier that the boundary fencing has been moved over time to be directly adjacent to the property, resulting in the windows overhanging the boundary line when opened. The plans submitted with this application however, show the application site boundary 0.7 metres away from the west side elevation of 35 Charles Road West, providing for enough separation for window openings to overcome this part of the objection.

The front elevations of units 2-5 face towards 35 Charles Road West. Approximately 7 metres (including the access road) separates the front of the new properties from the existing house, which is a sufficient distance to help minimise any overbearing effect. Whilst the front of these new dwellings incorporates a large single window at upper floor level, they have been designed so as to be angled towards the south east, and away from the windows in the side elevation of the existing property. Taking this design feature into account and the fact that the windows within the side elevation of 35 Charles Road West serve non-habitable rooms, it is considered that the amenities of existing neighbouring residents are safeguarded as much as is reasonable and that overlooking and loss of privacy are kept to a minimum.

Unit 6 also aligns the boundary of 35 Charles Road West at the rear of the site. The site layout has been amended since the original submission to ensure an approximately 1m separation between this property and the site boundary to reduce the cramped effect of the overall development. This dwelling incorporates an upper floor window in its west side elevation, which has the potential to overlook the garden area of 25 Charles Road West. It is however, recommended that a planning condition is imposed to ensure that this window is obscure glazed and non-opening where relevant, to protect the privacy of these existing occupiers (See planning condition 4).

Despite objections received, it is unlikely that the siting of unit 7 at the rear of the site will detrimentally impact on the nearest residential occupier at 15/16 The Green, given the 26m distance separating these dwellings from the boundary of the application site. 1.6m separates the side elevation of unit 7 from the rear boundary of 15/16 The Green, providing a reasonable separation distance between the dwelling and the adjacent garden area. There are not, however, any windows in either side elevation of the new dwelling that could provide for overlooking or loss of privacy towards this adjacent property and so the impact on amenity is considered acceptable in this instance. The Green Lawn Tennis Club adjoins the site's rear boundary and so, residential amenity will not be affected.

The siting of unit 1 fronting Charles Road West itself will not have a detrimental impact on existing residential amenity. Over 10m of green space separates it from the site boundary on its western side and the access road and parking area separates it from the nearest property to the east. The rear of the property is sited just 1m from the site boundary but, given the length of garden serving 13 The Green to the rear (just over 30m), it is not considered unreasonable to construct a dwelling in this location. There are no windows in the rear elevation of unit 1 that could overlook the rear garden of 13 The Green.

Ecology

Several ecological surveys have been undertaken in accordance with the requirements of Policy HN8 of the Development Management Plan 2015. Whilst there are no designated sites in close proximity to the application site, there is still potential for ecological value given the amenity grassland, dense scrub and scattered trees occupying part of the site. The initial Phase 1 Habitat and Bat Scoping Survey dated June 2016 assessed the site's potential to support protected species and habitats and made appropriate recommendations. Buildings and trees within the site were also assessed for their potential to support roosting bats.

This initial survey concluded, that whilst it was unlikely that the development would affect any designated sites of nature conservation importance, further surveys were required to determine the presence/likely absence of reptiles, given the site's suitability to support them. It also concluded that further survey work was required to determine the level of use by bats in B1 (main bungalow currently sited in the centre of the site), B2 (shop at the front of the site) and B3 (shop store, also at the front of the site).

A further reptile survey undertaken in January 2017 by Greenspace Ecological Solutions did not record the presence of any reptiles, which satisfies the recommendations of that element of the Phase 1 Habitat and Bat Scoping Survey. This report does, however, recommend that, in the unlikely event that a reptile is encountered during the works, all works should stop and the appointed ecologist contacted on the appropriate manner in which to proceed.

Conservation of Habitats and Species Regulations 2010 provide that a competent authority, including a planning authority must, in the exercise of any of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. Where developments affect European Protected Species (EPS) planning

permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted, an EPSM licence from Natural England is required to allow the development to proceed. The Bat Emergence Survey, also undertaken in January 2017 by the same ecologists, noted that building B1 (the main bungalow) supports a non-maternity roost of common pipistrelle bats which have been identified roosting in a gap between the brickwork and a protruding timber on the southern gable end. It concluded that no works should commence until a European Protected Species Mitigation (EPSM) licence has been submitted to and approved by Natural England. An EPSM licence can only be granted if the development proposal is able to meet the following three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

In terms of the first test, the Local Planning Authority has a statutory duty to provide sufficient homes within its area and to maintain a 5 year supply of land for housing. The Hastings Local Plan gives a requirement to provide 3,400 new dwellings over the plan period (Policy DS1 of the Hastings Planning Strategy 2014). The development would assist in meeting the housing requirement, therefore it is concluded that the proposal meets the first of these tests.

The second test requires there to be no satisfactory alternative; the alternative in this case being to retain what protected species are on site and all habitat for the species. Pursuing this alternative could prejudice the requirement to provide additional housing in the Borough. The mitigation proposed as part of the report shows how the development of the site will retain or re-provide habitat for protected species, therefore, it is concluded that there is no overriding public interest or satisfactory alternative.

In relation to the third test, the Ecologist has advised that the submitted information should ensure that any impacts would not be detrimental to the ongoing favourable conservation status of the species at this site. Therefore, should permission be granted, the mitigation proposed within ecological appraisals would be secured through planning conditions.

The content of the EPSM licence will detail the timeframes, methodology and mitigation measures required, this will include measures such as bat boxes to be installed to re-locate bats discovered during the works, to be sited in an eastern orientation. The Bat Emergence Survey (January 2017) concluded that, subject to the effective implementation of the proposed mitigation strategy, there is no reason why consent could not be granted.

No objections are raised by the Council's Environment and Natural Resources Manager and so it is considered that suitable mitigation can be provided and new wildlife features created on site. For this reason, no objection is raised on ecological grounds.

Trees

The submitted Arboricultural Survey and associated Tree Protection Plan shows that 6 trees and part of one group is to be removed to facilitate this development. These, with the exception of T3 which is a category U tree (no value), are classified as category C1, which means that they are of low quality and can be considered for replanting should they impinge on the proposed development.

Amendments to the scheme have enabled the retention of both T1 and T4 towards the front of the site. Concern has been raised from objectors that the new access would result in the damage or removal of T1, a large established tree currently sited on the pavement outside the application site. However, relocation of the access and the submission of a revised methodology for construction of the drive will ensure that excavation will be limited and the tree roots will remain unharmed. T4 is located outside of the site and within the rear garden of 12 The Green, which now remains unaffected given the re-siting of unit 2 elsewhere within the site layout. The relationship between the proposed development and existing trees is considered to be acceptable, allowing for successful retention of existing trees and potential for replanting. A planting scheme will be required by condition, should permission be granted (condition 13).

Air quality and emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants. The development will not give rise to ground or surface water pollutions and conditions are attached which require details of surface and foul water drainage. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Highway safety, parking and access

The application proposed access to be provided along the eastern boundary of the site, leading down towards Plots 6 and 7 at the rear. The access has been amended during the course of the application to overcome the majority of both objector and highway authority concerns in respect of the access arrangements. Parking spaces are provided either side of this access and at the front of Plot 1 fronting Charles Road West. Unit 6 also encompasses an integral garage.

The submitted transport report concludes that it is unlikely that development will lead to discernible impacts on the operation of the public highway. It demonstrates that the development will generate fewer trips than the previously consented residential development providing for 10 dwellings. This is corroborated by the Highway Authority who note that there is likely to be a reduction in trips to and from the site compared with the already consented scheme and consider the number of parking spaces provided to be acceptable for a development of this scale.

Cycle parking has not been provided for within the site layout plan and, as such, this should be required by condition (condition 8). Once this has been provided to the satisfaction of the Local Planning Authority, it is considered that the requirements of Policy DM4 of the Development Management Plan in relation to safe access, parking provision and alternative methods of transport, have all been complied with and that the proposed development is acceptable in these regards.

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle should not have to reverse more than 20m.

According to Manual for Streets a 3.7m carriageway is needed, however, this can be reduced to 2.75 over short distances. The internal access is considered as such to be a short distance and the fire appliance could reach 20m within the site (adjacent to plot 2) and reach the furthest dwelling (Unit 7) within an additional 45m. The accessibility for emergency services is therefore considered acceptable for the 7 units proposed within the site, and this is endorsed by the Highway Authority.

Sustainable drainage

It was originally proposed that green roofs were included in the design of the development. However, given the significant changes in site design and layout required to accommodate both officer and objector concerns, this method of surface water management is no longer appropriate. A revised SUDs Toolkit has since been submitted, which indicates that the surface water flows will be accommodated through permeable paving, which provides the appropriate level of attenuation required. It should also be noted that the development of the site provides for less of an impermeable surface than the existing structures and hardstanding areas on site, and as such, provides a positive contribution in terms of surface water drainage (condition 18).

Conclusion

This is a site allocated within the Hastings Local Plan 2011-2028 for residential development. The capacity proposed is in line with that recommended in the Local Plan, and accords with local policy with regard to housing density. The development has been designed so as to take appropriate reference from the streetscene and surrounding character of the area, whilst also providing a more modern and contemporary development within the site itself. No harm is caused to neighbouring residential occupiers and, subject to a scheme for soft landscaping, there is an acceptable relationship between the existing trees and the new development. The impact on protected species has been fully assessed and mitigation measures proposed and appropriate access and parking arrangements have been facilitated. The proposal therefore complies 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

15.071.010
15.071.011
15.071.020
15.071.021
15.071.032 (Rev B)
15.071.030 (Rev E)
15.071.050 (Rev D)
15.071.051 (Rev D)
15.071.052 (Rev B)
15.071.053 (Rev B)
16-415-TPP (Rev B)
Indicative Landscape Plan 02.06.17

3. 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.

4. Windows in the upper floor of the east side elevation of Plot 6 shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level. Plot 6 shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.
5. No part of the development shall be occupied until such time as the vehicular access, vehicle turning space and resident/visitor parking spaces have been constructed in accordance with plans and details hereby approved. The areas shall therefore be retained for those uses, and shall not be used for any other purposes.
6. No part of the development shall be occupied until such time as the existing vehicular access onto Charles Road West has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
7. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.
8. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
10. No part of the development shall be occupied until a dropped kerb (including tactile paving) across Charles Road West at the junction with The Green has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
11. No development above ground shall take place (other than demolition) until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures including refuse storage areas and forms of lighting (eg refuse or other proposed and existing functional services above and below ground (eg power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
12. 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.
13. No development shall take place (other than demolition) until there has been a submission 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.

14. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
15. No development shall take place until the measures outlined in the submitted ecological statements and reports have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

The submitted ecological statements and reports referred to are:

- Reptile Survey (Greenspace Ecological Solutions, January 2017)
 - Bat Emergence Survey (Greenspace Ecological Solutions, January 2017)
 - Extended Phase 1 Habitat and Bat Scoping Survey (Greenspace Ecological Solutions, June 2016)
 - Tree Survey Report (Rev B) (Canopy Consultancy, April 2017)
16. No development shall take place (including any demolition, ground works, site clearance) until a method statement for creation of new wildlife features such as bat roosts and structures and for the roof stripping and full and partial demolition of buildings have been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - 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 after care and long-term maintenance;

g) disposal of any wastes arising from works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

17. The demolition of any buildings or parts thereof, as specified in the application, shall not in any circumstances commence unless the local planning authority has been provided with either:
- a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.
18. (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.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To safeguard the amenity of adjoining and future residents.
5. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
6. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
7. In the interests of road safety.
8. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

9. In the interests of highway safety and the amenities of the area.
10. To enhance alternative travel options to the use of the car in accordance with current sustainable transport policies.
11. To ensure a satisfactory standard of development.
12. To ensure a satisfactory standard of development.
13. To ensure a satisfactory standard of development.
14. To ensure a satisfactory standard of development.
15. To protect features of recognised nature conservation importance.
16. To protect features of recognised nature conservation importance.
17. To protect features of recognised nature conservation importance.
18. To ensure a satisfactory standard of development.

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 off-site works (dropped kerbs/remedial works to footway) and construction of the new access will also need to be carried out under the appropriate license. The applicant should contact ESCC on 01273 482254 to apply for a license to ensure the construction is up to an acceptable standard.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
6. The applicant is advised that Plots 1-6 should do not meet the minimum floorspace requirements for a 2 bedroomed, 4 person dwelling, and the smaller bedroom of each should only provide 1 bedspace. These dwellings should therefore provide 2 bedroomed, 3 person accommodation.

7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
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Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

Application No: HS/FA/16/00412 including all letters and documents

Agenda Item 8

Agenda Item: 7

Report to: Planning Committee

Date: 20th July 2017

Report from: Planning Services Manager

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

Purpose of report: To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 12 June to 7 July 2017

Recommendations: That the report be noted

The following appeals have been received:

Nothing to report

The following appeals have been dismissed:

Nothing to report

The following appeals have been allowed:

Nothing to report

Type of Delegated Decision	Number of Decisions
Granted Permission	50
Part Granted	1
General PD approval	2
Refused Permission	6
Withdrawn by Applicant	2

Background Papers:

Various correspondences with Planning Inspectorate

Report written by:

Courtney Dade & Louise Fletcher – Tel: (01424) 783264

Email: dconquiries@hastings.gov.uk