

Planning Agenda

Wednesday, 23 September 2020 at 6.00 pm

Meeting to be held digitally. A viewing link to the meeting will be posted on our website nearer the time.

For further information, please contact Democratic Services on 01424 451484 or email: democraticservices@hastings.gov.uk

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12 AUGUST 2020

Present: Councillors Roberts (Chair), Cox (Vice-Chair), Bacon, Bishop, Davies, Edwards, Marlow-Eastwood, O'Callaghan and Scott

203. APOLOGIES FOR ABSENCE

Councillor Beaver sent apologies for absence.

204. DECLARATIONS OF INTEREST

None received.

205. MINUTES OF PREVIOUS MEETING

The minutes of the last meeting held on 15 July 2020 were agreed as an accurate record with no matters arising.

206. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received.

207. PLANNING APPLICATIONS

208. 40 MARINA (HS/FA/20/00230)

40 Marina, St Leonards on Sea (HS/FA/20/00230)

Proposal	Proposed new shop front, rear fenestration changes, minor internal changes and change of use to mixed A1 and D1
Application No	HS/FA/20/00230
Conservation Area	Yes- Burton's St. Leonards
Listed Building	Grade II
Public Consultation	Yes- Site notice and press advertisement. 10 objections and 6 supporting letters were received.

This application is to install a new shopfront to the front elevation, install sound insulation and a new ceiling, create toilet facilities on both floors, install a floating floor in the basement area, repair or replace windows to the rear, block up access apertures at ground floor level to 39 Marina and carry out refurbishment works to a room to the rear basement.

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The application also seeks a change of use of the ground floor and basement level from an abandoned A1 use to A1 retail and D1 gallery use throughout.

The Planning Services Manager advised that this application was deferred. This is due to the basement level of the shop projecting out below the colonnade and this detail was not on the submitted application form. This has since been picked up on by the petitioner and Officers. The Planning Services Manager requested that the application be deferred to request that amended plans be submitted and allow for a 21 day consultation period. The application will be then be considered at the next available Planning Committee following receipt of those plans and expiry of the consultation period.

Councillor Davies proposed a motion, seconded by Councillor Edwards, to defer the application.

RESOLVED (unanimously) that the planning application be deferred

209. 40 MARINA (HS/LB/20/00231)

40 Marina, St Leonards on Sea (HS/LB/20/00231)

Proposal	Proposed new shop front, rear fenestration changes, minor internal changes and change of use to mixed A1 and D1
Application No	HS/LB/20/00231
Conservation Area	Yes- Burton's St. Leonards
Listed Building	Grade II
Public Consultation	Yes- site notice and press advertisement. 8 objections were received.

The application seeks to install a new shopfront to the front elevation, install sound insulation and a new ceiling, create toilet facilities on both floors, install a floating floor in the basement area, repair and or replace windows to the rear, and carry out refurbishment works to a room to the rear basement. Formation of wall between nos. 39 and 40. Removal of concrete block wall as part of an extension to the rear and a 1970's shopfront glazing arrangement without a door to the front

The Planning Services Manager advised that this application was deferred. This is due to the basement level of the shop projecting out below the colonnade and this detail was not on the submitted application form. This has since been picked up on by the petitioner and Officers. The Planning Services Manager requested that the application be deferred to request that amended plans be submitted and allow for a 21 day

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consultation period. The application will be then be considered at the next available Planning Committee following receipt of those plans and expiry of the consultation period.

Councillor Davies proposed a motion, seconded by Councillor Roberts, to defer the application.

RESOLVED (unanimously) that the planning application be deferred

210. PLANNING APPEALS AND DELEGATED DECISIONS

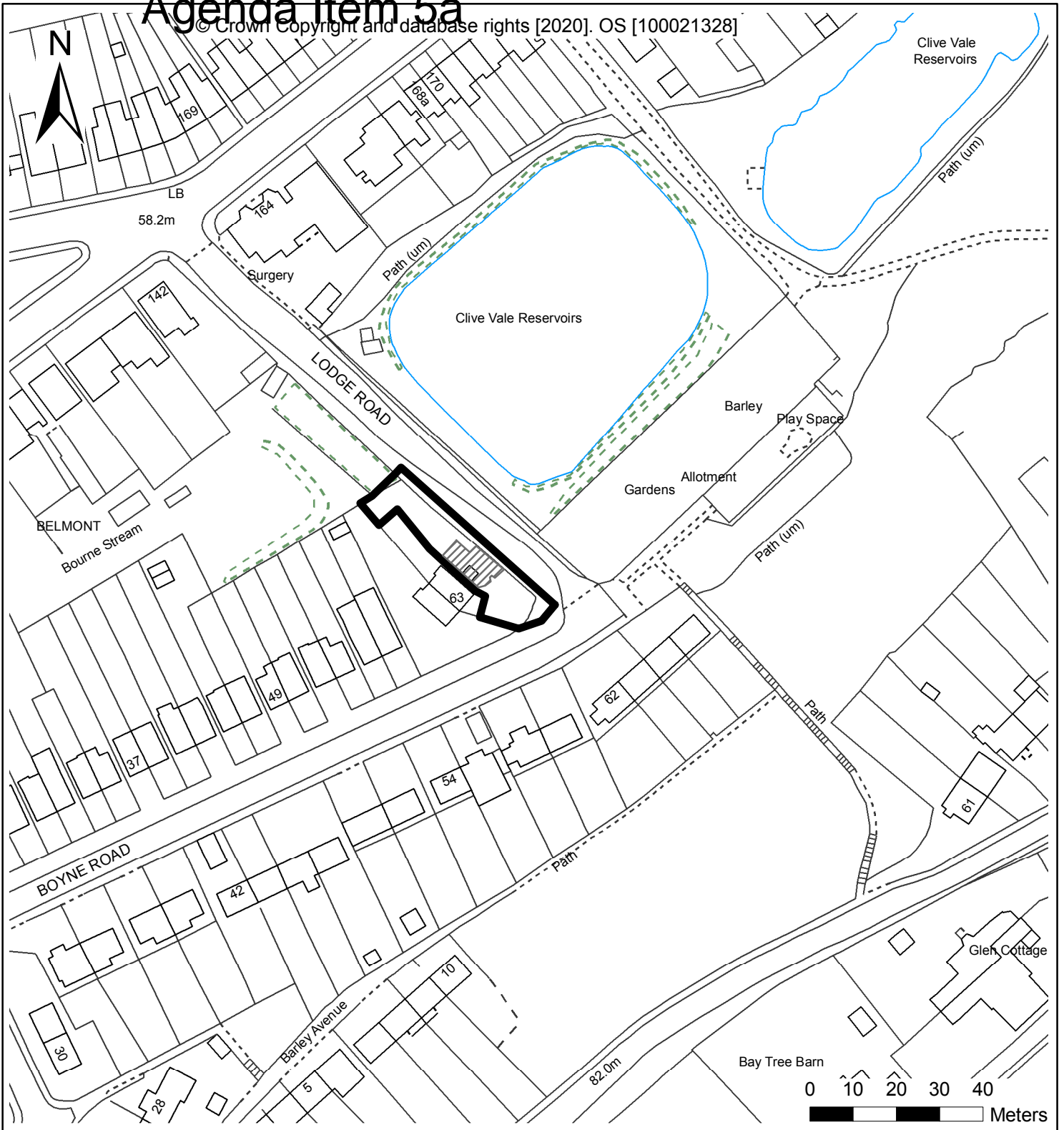
The report was noted by the committee.

(The Chair declared the meeting closed at. 6.06 pm)

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Agenda Item 5a

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**Land at 63 Boyne Road
Hastings
TN35 5NY**

Proposed dwelling



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

Date: Sept 2020

Scale: 1:1,250

Application No. HS/FA/20/00316

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Report to: PLANNING COMMITTEE
Date of Meeting: 23 September 2020
Report from: Assistant Director of Housing and Built Environment

Application address: Land at 63 Boyne Road, Hastings, TN35 5NY

Proposal: Proposed dwelling

Application No: HS/FA/20/00316

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS 2018

Conservation Area: No

Listed Building: No

Applicant: Mr Suggitt per Elevations Design Ltd Junction House 1 Sedlescombe Road South St Leonards on Sea, East Sussex. TN38 0TA

Public Consultation

Site notice: No

Press advertisement: No

Neighbour Letters: Yes

People objecting: 14

Petitions of objection received: 1

People in support: 0

Petitions of support received: 0

Neutral comments received: 0

Application status: Not delegated - Petition received
 Petition received contrary to the Officer's recommendation

1. Site and surrounding area

The site comprises a steeply sloping garden land (dropping from south east to north west) forming part of no. 63 Boyne Road, which is one of a pair of semi detached properties. The site lies immediately east of the dwelling at no. 63 Boyne Road and occupies a corner plot that is bounded by Boyne Road to the south and Lodge Road to the east. Given the topography of the area the site is on a lower level to both Boyne Road and Lodge Road. Prior to some site clearance it contained a number of trees, shrubs and vegetation, however trees and shrubs remain towards the rear of the site and dense vegetation outside of the application site is in situ along Lodge Road. An existing hedge running parallel to Lodge

Road is shown on proposed street scenes.

The site is adjacent to the Clive Vale Local Wildlife Site.

The properties on the southern side of Boyne Road are in an elevated position and consist of terraced and semi detached properties, all of which are of the same age and are similar in character. The properties on the northern side of Boyne Road are set down on a lower ground level and as a result it is mainly the first floor that is widely visible in the street scene. These properties are uniform, semi detached properties of the same age and character. Within the surrounding area there are examples of detached buildings on both Harold Road and Gurth Road.

Immediately in front of the application site is a relatively wide grass verge separating the road from the front boundary. This separation continues down the length of Boyne road however most of what was grass verge has now been laid with hardstanding to provide additional parking. There are no parking restrictions on Boyne Road.

There are no dwellings which front directly onto Lodge Road. Opposite the site is 62 and 64 Boyne Road and at the other end of Lodge Road is the Harold Road Doctors Surgery. To the north of the site is an area of dense trees and Bourne Stream which forms part of the Clive Vale Local Wildlife Site.

Constraints

Ground Water Flooding - High

Adjacent to Clive Vale Local Wildlife Site

SSSI Impact Risk Zone

2. Proposed development

It is proposed to sub-divide the garden area of 63 Boyne Road and erect a two-storey (plus lower ground level) detached dwelling with associated parking for two cars. The proposal also includes the widening of an existing vehicle crossover and the creation of two parking spaces for 63 Boyne Road.

The application is supported by the following documents:

- Tree Survey Arboricultural Impact Assessment & Tree Protection Plan by Mayhew Consultancy Ltd. Dated May 2020
- Sustainable Urban Drainage (SUDs) Tool Kit Report
- Engineers Report & Calculations by W.K Elson (pHD, CEng, MICE) Dated 16 July 2020
- Preliminary Ecological Appraisal by Mayhew Consultancy Ltd. Dated May 2020

Relevant planning history

None that is relevant.

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 DS1 - New Housing Development
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy H1 - Housing Density

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 DM5 - Ground Conditions

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

National Design Guide (October 2019) - Ministry of Housing, Communities & Local Government

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context, states that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. It should also enhance positive qualities and improve negative ones.

Other Policies

East Sussex County Council - Minor Planning Application Guidance (2017)

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

3. Consultation comments

Highways - **No comments to make**

Ecology Officer - **No comments received**

Arboricultural Officer - **No objection**

Local Lead Flood Authority - **No objection**, with conditions

Southern Water- **No objection**, with conditions

4. Representations

In respect of this application neighbour letters were sent on the 22nd May to properties who adjoin the site. In total 14 responses were received from 13 different properties, of which all were objecting and have raised the following concerns;

- Access for construction vehicles
- Noise from construction works to nearby homes and angling community
- Parking
- Dangerous for children and animals during construction
- Too close to play area
- New dwelling not in keeping
- Overdevelopment of the site
- Further traffic and noise from the development
- Site and topography of the site
- Ground Conditions (instability)
- Loss of vegetation
- Impact on the surface of the surrounding road network
- Damage to parked cars from lorries (private matter not a material planning consideration)
- Loss in value of my home (not a material planning consideration)
- Access to emergency vehicles during construction
- Drainage concerns
- Impact on wildlife

Electronic Petition signed by 18 people received raising the following concerns;

- The size and topography of the land.
- Character of the new design compared to others in the street.
- Squeezing a three bedroom house on a small patch of land.
- The safety of children going to and from two local schools or accessing the play park increased risk from heavy lorries delivering and may affect traffic flow.
- The unmade road to the side of development is in a constant state of degeneration this will not be improved by undermining the bank on one side with foundations.
- The increase of noise and disruption to neighbours and the angling community.
- Pollution of water course running from reservoir next to the site.
- Impact on wildlife with the removal of some trees.

5. Determining issues

a) 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.

b) Layout

The proposed site plan shows that the dwelling is located to the east of 63 Boyne Road and would follow the building line created by 61 and 63 Boyne Road. The proposed dwelling is approximately 2 metres from the side wall of 63 Boyne Road and this gap is consistent with those between some of the pairs of semi detached properties along Boyne Road. Whilst the proposed dwelling is detached, its footprint is similar to others along Boyne Road and within the surrounding area and is therefore consistent with the general pattern of development. The plot size is consistent with others along Boyne Road and the density of the site would comply with Policy H1(b) of the Hastings Planning Strategy 2014. The proposed dwelling utilises the existing access and parking area currently serving 63 Boyne Road and ample space surrounding the building is provided to allow for suitable soft and hard landscaping and associated residential paraphernalia such as bin storage. Whilst a detached dwelling is not typical of the pattern of development here, the alternative, which is to attach the building to no. 63, would result in a terrace which is also not typical of the pattern of development along this road. Variations to patterns of development can be accommodated provided they do not create such harm in their contrast as to merit refusal. That does not apply here and noting the similarities in form and design, it is considered that the proposed layout is an acceptable form of development and complies with Policies DM3 and DM4 of the Hastings Development Management Local Plan (2015)

c) Impact on character and appearance of area

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 appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

It is proposed to erect a two to three storey detached dwelling. The land slopes from south east to north west and as a result the proposed dwelling would be two storey fronting Boyne Road and three storey at the rear. This is consistent with other properties along the northern side of Boyne Road. The property would be slightly wider than others along Boyne Road with an overall height and eaves height of approximately 0.3 metres and 0.4 metres higher, respectively when compared to the neighbouring property, this is considered a marginal difference. Its length would be similar to others. For these reasons, the overall scale of the dwelling would fit well with surrounding development. The proposed plan identifies the external materials would be slate for the roof and render and brickwork for the walls, this combination would match adjoining properties. Further details of materials will be secured by condition no. 5 to ensure the new dwelling fits harmoniously with surrounding development.

It is acknowledged that the proposed dwelling is detached and the vast majority along Boyne Road are terraced or semi detached. However, given that 61 and 63 Boyne Road are on a corner and are orientated differently to those along Boyne Road they form their own small character area. The proposed dwelling is set down in the plot, substantial vegetation exists along Lodge Road which screens the majority of the development as shown on the proposed street scene plan, and the overall scale, form, layout and appearance is consistent with the adjoining properties. As a result, it is not considered that the proposed dwelling would result in a harmful addition that would detriment the character and appearance of the area.

For the reasons outlined above, the proposed dwelling complies with Policy DM1 of the Hastings Development Management Plan

d) Future residential amenities

Internal accommodation:

The Technical housing standards (nationally described space standards) as produced by the Department for Communities and Local Government requires the minimum floor areas for a three storey dwelling with three bedrooms to be a minimum of 90-108 square metres. The proposed dwelling would meet the minimum for 4 - 6 persons. In addition, the Technical housing standards also stipulate the minimum size requirements for bedrooms. This is 11.5m² for a double bed space and 7.5m² for a single. The proposed plan shows that the double bedrooms meet the requirements for a double room and the single bedroom meets the requirements for a single room.

External Amenity Space:

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.

The proposed block plan shows that the garden area will be landscaped to take full advantage of the sloping site and would include a woodland walk trail leading to a small outbuilding and a vegetable plot. An outside seating area will be provided as part of the balcony leading from the ground level. As such, the 10 metre rear garden depth is achieved.

In addition to the amenity space discussed above, the property is within close proximity to Hastings Country Park. Therefore, it is considered that the future occupiers would have access to adequate external amenity space.

e) Impact on neighbouring residential amenities

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. This includes the use of the scale, form, height, mass, and density of any building or buildings, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

63 Boyne Road

This property is located to the west of the application site and is one of a pair of semi detached properties. Given the local topography, this property extends over three floors; two facing Boyne Road and three at the rear.

Privacy

The proposed dwelling would contain a first floor window serving an en-suite bathroom which would face towards the side wall of 63 Boyne Road. It is not unusual for an en-suite bathroom to be obscure glazed to protect the privacy of its users. To ensure that the introduction of this window does not offer any direct overlooking into habitable rooms or into the private amenity space of 63 Boyne Road, it is considered reasonable to attach a condition no. 14 to ensure this remains obscure glazed.

The proposed dwelling would include a balcony on the rear elevation and would appear at first-floor level because of the changes in levels from front to rear. Boundary treatments between gardens are low. In addition to this, rear balconies, terraces and raised platforms are common along Boyne Road, including at no.63 and as a result of this mutual overlooking across gardens is prevalent. A precedent has already been set in Boyne Road and the proposed balcony in this application is no different to others that exist. For this reason, whilst overlooking from the balcony is likely, this would be consistent with the character of road.

Outlook

The new dwelling would extend beyond the rear elevation of 63 Boyne Road, but this is only by approximately 1 metre. The main outlook from 63 Boyne Road is towards the rear garden area and this would not be affected by the proposed new dwelling. In addition, the two side windows facing onto the proposed dwelling do not serve habitable rooms (hallway and utility room). For this reason, the proposal would not have any adverse overbearing effect to this property and would not result in unduly oppressive living conditions for existing or future occupiers.

Light

There is no existing specific National Planning Policy relating to the prospective impacts of developments on daylight and sunlight on their surrounding environment. However, the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' is the established National guidance to aid the developer to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. For an unacceptable loss of light to occur the proposal would need to cause a significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or to private amenity space. In this case, the 45 degree test would be appropriate because the proposed dwelling is perpendicular to the windows on the rear elevation serving 63 Boyne Road. The proposed dwelling would be positioned approximately 2 metres from the side wall of 63 Boyne Road and would only extend beyond the rear elevation by approximately 1 metre. The two side windows that would face the proposed dwelling serve non-habitable rooms (a hallway and utility room). The proposed dwelling is not considered to have a significant impact on the sunlight or daylight to habitable rooms of 63 Boyne Road.

The introduction of this dwelling would not result in significant harm to daylight, sunlight, outlook or privacy enjoyed by occupiers of surrounding neighbouring properties and is therefore in accordance with Policy DM3 of the Development Management Plan 2015.

f) Trees

Trees are proposed to be removed and as such the proposed development is supported by an arboricultural report and tree protection plan. This identifies all trees to be removed and retained, and tree/vegetation protection measures. Trees have already been removed for the proposed development. The trees were neither protected or within a Conservation Area. The trees were identified as category B and C. The loss of category C is permitted by the relevant BS tree standards in order to enable development. In terms of category B trees, the Borough Arboriculturalist has no objection to the proposed development and loss of trees. Condition no. 4 will be imposed to secure the tree measures and protection plan contained within the Arboricultural Report.

g) Highway safety/parking

Access, Layout and Parking Provision:

The existing dwelling currently benefits from off road parking with an existing driveway from Boyne Road leading into the site at the point where the dwelling is proposed. The existing driveway will be converted into two new tandem parking spaces, the existing access widened to allow two separate access points for the new dwelling and the existing. Each house will benefit from two tandem parking spaces. This parking arrangement is considered acceptable. The proposed block plan shows the existing crossover will be extended (and applied for separately to ESCC Highways) to allow access to two newly created tandem parking spaces to serve the existing dwelling. East Sussex County Council Highways Minor Application Guidance states that a single residential dwelling will not require on site turning facilities if access is from an unclassified road. Boyne Road is not a classified road and therefore the absence of on site turning is considered acceptable in this case. The introduction of one dwelling in this location would not result in a significant increase in traffic to the surrounding highway network or detriment highway safety. The proposal therefore accords with East Sussex County Councils Minor Application Guidance 2017 and Policy DM4 of the Development Management Plan 2015.

Cycle Parking:

No details have been provided in relation to the storage of cycles within the site, however, there is ample space within the garden. As a result of this, it is considered that a cycle store could easily be accommodated. Condition no. 10 requires details of a cycle storage unit for two bicycles to be submitted, approved and implemented.

h) Ecology

The application site is adjacent to the Clive Vale Local Wildlife Site. A Preliminary Ecological Appraisal by Mayhew Consultancy Ltd. Dated May 2020 has been submitted to support this application. No notable species were found within the site and therefore no further surveys are required at this stage. The report contains recommendations for protecting and increasing biodiversity within the site and this will be secured by condition.

Concerns have been raised by representatives that the development will have an impact on local wildlife in the area. In light of the survey results and the recommendations within the report, it is considered that the proposed development would not harm biodiversity. Furthermore, there are laws outside of the planning process that protects wildlife, including the Countryside and Wildlife Act 1981. Informative note no 6 is added to advise the applicant that they must ensure the proposed works do not contravene laws protecting wildlife. Condition no. 7 requires details of measures for biodiversity enhancement to be submitted, approved, implemented and retained.

i) Ground Conditions

Policy DM5 of the Development Management Plan states that on land potentially subject to instability (such as steeply sloping sites or in areas with a history of land instability), convincing supporting evidence (from a relevant and suitably qualified professional) must be supplied before planning permission is granted. This evidence is to show that any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures.

This application has been supported by an Engineers Report and Calculations by W.K Elson (phD, CEng, MICE) Dated 16 July 2020. It has identified that the development will not endanger the stability of the slope or the stability of the embankment. However, it has concluded that the substructure of the house should be designed to retain the embankment and outlines suitable design parameters for the retaining walls. To ensure the proposed dwelling is built in accordance with engineers report condition 13 is added to secure this.

j) Drainage

Policy SC7 of the Hastings Planning Strategy 2014 requires that development avoids areas of current or future flood risk and development that would increase flood risk elsewhere. The application site is not located within a flood zone, nor is it in an area subject to ground water flooding.

Foul Sewerage

The application form states that it is proposed to connect the new dwelling to the existing mains sewer. Further details of the acceptability of this is to be imposed by condition no. 8 to ensure that the necessary drainage infrastructure capacity is available to service the development.

Surface Water

The proposed development is over existing garden land which is devoid of any substantial built form, other than the existing driveway. In support of this application a SuDS toolkit report has been submitted which shows that a minimum of 0.32m³ of attenuation storage will need to be provided. The application form states that surface water would be disposed of via a soakaway. British Geological Survey (BGS) Data indicates that the underlying geology is the Wadhurst Clay Formation - Mudstone which has poor infiltration potential. BGS Data also indicates that there could be serious ground stability issues concerning the use of infiltration at this site. Further to this, the Local Lead Flood Authority have confirmed a surface water flow route through the Northern end of the site.

Given the above, any proposals for the use of infiltration via a soakaway to manage surface water runoff should be supported by findings of infiltration testing in accordance with BRE365. In the event that the public sewer is used to discharge surface water runoff, evidence that the public sewer has enough capacity to accommodate runoff from the application site shall support the detail design of the drainage. In the event the public sewer is utilised, its condition and capacity to accommodate runoff from the site shall be assessed.

Further details are required relating to foul and surface water drainage and will be secured by condition no. 8.

k) Waste and Refuse

The proposed site plan shows that a bin storage area is provided to the side of the property behind the front building line and a bin waiting area is providing at the front of the site for bins to be taken to on collection days. The waste and refuse storage would comply with Building Regulations, which states that waste containers should be within 25m of the waste collection point specified by the waste collection authority. For these reasons, I am satisfied with the provisions for waste and refuse - this will be secured by condition no. 12.

l) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

m) Other issues

A large number of representations have raised concerns in regards to the impact of the construction works on the surrounding area, road network, safety of wildlife and children, play area and noise to neighbours and users of the local angling club. Noise and disturbance is an unfortunate but temporary side effect of construction. It is not a reason for refusal. In order to limit the extent of impact however a Construction Management Plan is required by condition no 3 requesting information that will address the concerns that have been raised above. In addition a condition is added (covered by condition 3) to limit the hours of construction.

6. Conclusion

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

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

20.190.1.A, 20.190.3.B and 20.190.2.F
3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for:
 - a) turning of delivery vehicles;
 - b) parking of the vehicles of site operatives and visitors;

- c) storage of plant and materials used in constructing the development;
- d) any temporary traffic measures required in Boyne Road and Lodge Road;
- e) measures to control the emission of dust and dirt during construction;
- f) the method of access and egress and routeing of vehicles during construction;
- g) restoration of any damage to the highway [including vehicle crossovers and grass verges];
- h) construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. No development shall take place until the tree protection measures as set out in the Arboricultural Report by The Mayhew Consultancy Ltd dated May 2020, (Ref AR/8642) including the Tree Protection Plan in appendix B of that report have been erected. The protection measures shall be retained during the construction of the development in accordance with the Arboricultural Report. All other arboricultural and tree measures shall be carried out in accordance with the details contained in the same Arboricultural Report by The Mayhew Consultancy Ltd (AR/86420) dated May 2020 and submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.

5. Notwithstanding the approved plans, no development shall take place above ground until full details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

6. Prior to commencement of development above ground, full details of the soft and hard landscape works are to be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation or within the time scales agreed by the Local Planning Authority. These details shall include, but not be restricted to the following;
 - A proposed soft landscaping and planting plan (including tree planting);
 - A schedule of plants, noting species, plant sizes, proposed numbers and densities (where appropriate) together with an implementation programme,
 - Finished levels or contours;
 - Means of enclosure/boundary treatment
 - Details of the proposed materials for the new parking area along with method for dealing with water run-off;
 - Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

If within a period of five years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning

Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same location.

All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

7. Prior to commencement of development above ground, details of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be fully implemented prior to the occupation of the dwelling and retained thereafter.

8. (i) Prior to the occupation of the development, a scheme for the disposal of foul and surface water (i) from the development shall be submitted to and approved in writing by the Local Planning Authority. Any proposals for the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with BRE365, alongside detailed drainage drawings and calculations.

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

(iii) No occupation of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

9. Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

10. Prior to occupation of the development, details of cycle storage must be submitted to and approved in writing by the Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

No part of the development shall be occupied until the approved details have been implemented.

11. The development hereby approved shall not be occupied until the parking area for 63 Boyne Road and the new dwelling has been provided in accordance with the approved plan (20.190.2.F) unless otherwise approved in writing by the Local Planning Authority. The parking area(s) shall be used solely for the benefit of the occupants of their respective dwellings and their visitors and for no other purpose and permanently retained as such thereafter.

12. The development shall not be occupied until a bin store [and refuse bin collection point] has been provided in accordance with approved plan 20.190.2.F and shall thereafter be retained for that purpose.
13. The dwelling hereby approved shall be constructed in accordance with the Engineers Report by W.K Elson dated 16th July 2020 which provides design parameters for the retaining walls.
14. The first floor window located on the side (west) elevation shall be obscure glazed at all times.
15. 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.
4. To protect trees identified as having a high visual amenity value.
5. In order to protect the visual amenities of the area and to secure a well-planned development.
6. To secure a well planned development that functions well and in order to protect the visual amenities of the locality.
7. To preserve and enhance biodiversity and habitats.
8. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
9. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
10. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
11. To provide adequate space for the parking of vehicles.
12. In order to secure a well planned development that functions properly.

13. To ensure that the building does not affect and is not affected by matters of local land stability.
14. To safeguard neighbouring amenity.
15. 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 paragraph 38 of the National Planning Policy Framework.
3. East Sussex County Council, must be consulted regarding the provision of a vehicular pavement crossing to Highway Authority's standard of specification and construction and at the applicant's expense.
Contact: highways@eastsussex.gov.uk 0345 6080 193.
4. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk.
6. 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

Rebecca Fellows, Telephone 01424 783253

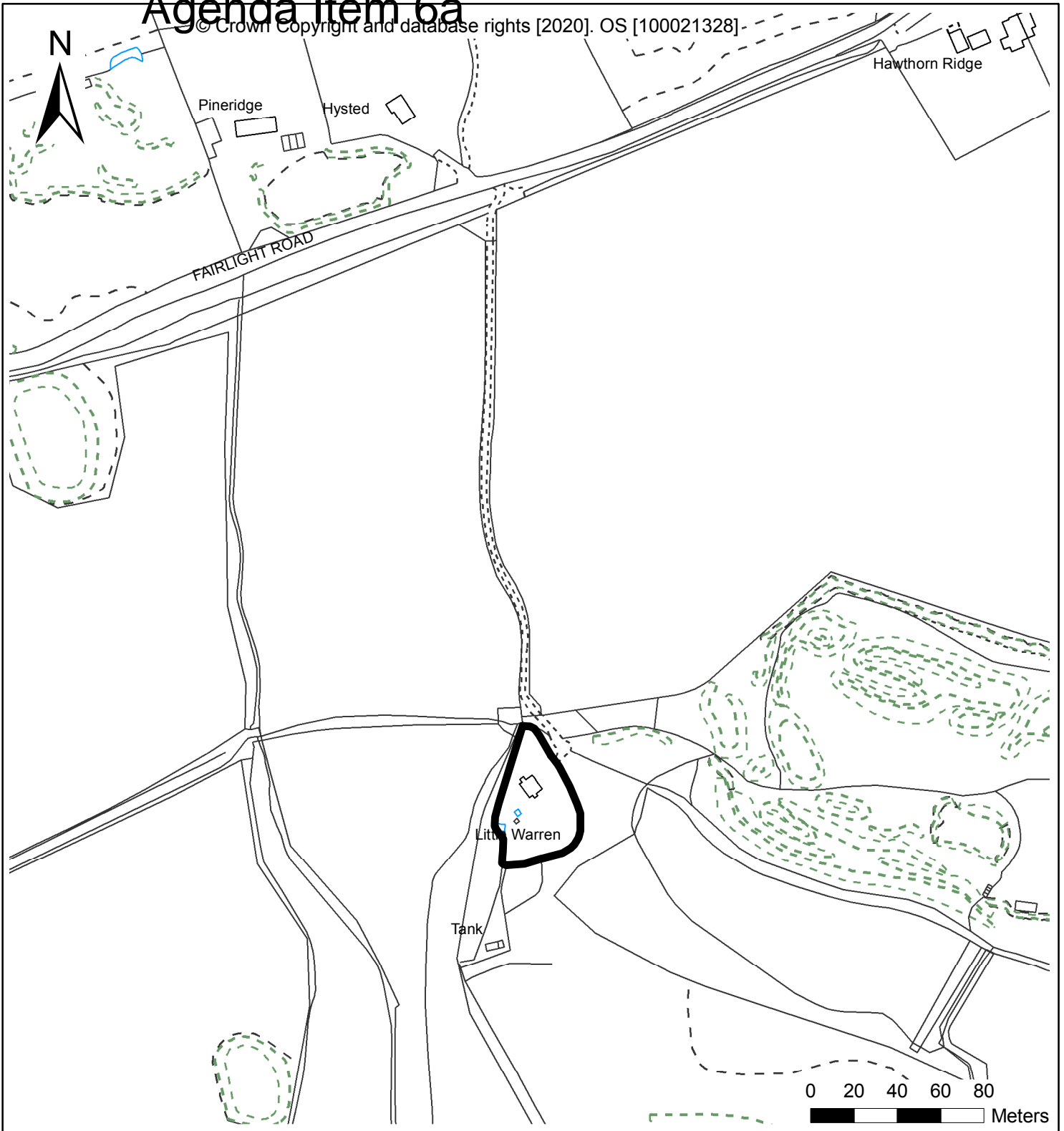
Background Papers

Application No: HS/FA/20/00316 including all letters and documents

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Agenda Item 6a

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**Little Warren Cottage
Hastings Country Park
Fairlight Road
Hastings TN35 4AA**

Retention of chicken coop, shephers hut
and storage shed



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

Date: Jul 2020

Scale: 1:2,500

Application No. Jul 2020

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Report to: PLANNING COMMITTEE

Date of Meeting: 23 September 2020

Report from: Assistant Director of Housing and Built Environment

Application address: **Little Warren Cottage, Hastings Country Park,
Fairlight Road, Hastings, TN35 4AA**

Proposal: **Retention of chicken coop, shepherds hut and
storage shed.**

Application No: **HS/FA/20/00175**

Recommendation: **Grant permission**

Ward: ORE 2018
 Conservation Area: No
 Listed Building: No

Applicant: Lucy Williams per GRF Planning Flat 1 30
 Collington Avenue Bexhill on Sea TN39 3NE

Public Consultation

Site notice: Yes
 Press advertisement: Yes - General Interest
 Neighbour Letters: No
 People objecting: 11
 Petitions of objection received: 0
 People in support: 31
 Petitions of support received: 0
 Neutral comments received: 0

Application status: Not delegated - 5 or more letters of objection
 received

1. Site and surrounding area

The site comprises a single storey detached property that has been extended over recent years. The property is situated on the south side of Fairlight Road and is approached via a track some 300 metres in length. It lies within the Hastings Country Park and is within the High Weald AONB. The main entrance is gained via a gate and drive on the western elevation. The land slopes down generally from north to south and there is a line of trees around all the boundaries. These are the subject of a group and individual Tree Preservation

Order 287 (G1). The dwelling is built mainly of brick with a clay tile pitch roof. The site does not adjoin other properties but does adjoin public rights of way to the north, east and south.

For purposes of information only and to support the application, the applicant has recently replaced the broken chestnut fencing with a like for like replacement (not requiring planning permission) and also intends to plant a native species hedge around the entire property, providing further dense screening.

Footpaths lead in a generally east – west direction to the north of the property and north – south to the west.

Constraints

Land Owned Leased Licensed or held by Tenancy at Will by HBC
Tree Preservation Order
Local Nature Reserve
Hastings Country Park
Flooding Surface Water 1 in 1000
High Weald AONB
Archaeological Notification Areas
Local Wildlife Sites
Site of Special Scientific Interest
Special Area of Conservation

2. Proposed development

Retention of chicken coop, shepherds hut and large storage shed/summerhouse. (This application has been submitted to regularise the retrospective works to retain a chicken coop, shepherds hut and storage shed at Little Warren Cottage. It follows an earlier application (HS/FA/19/00564) which was withdrawn following concerns from the Local Planning Authority regarding the design of the main large storage shed to the south corner of the site. This has been altered to address those concerns. Main changes are the fenestration has been altered, the decking removed and the mono pitched roof replaced with a dual pitched roof. Each element is individually addressed below.

The application is supported by the following documents:

Ecology report
Arboricultural report
Supporting statement

Relevant planning history

Application No.	HS/FA/55/00504
Description	Use of land coloured pink and hatched red on plan for residential development. Use of land coloured pink on plan as holiday camp.
Decision	Refused on 13/09/55
<hr/>	
Application No.	73/00252
Description	Scout Activity Centre and Hostel for Cub Scouts and Scouts
Decision	Permission with conditions on 30/03/73

Application No.	HS/FA/87/00896
Description	Conversion of existing dwelling into offices, workshop and kitchen facilities for country park staff together with w.c. extension.
Decision	Permission with conditions on 18/12/87
Application No.	HS/FA/10/00063
Description	Conversion of existing offices to form 3 bedroom dwelling including extension.
Decision	Withdrawn on 05/03/10
Application No.	HS/PD/13/00517
Description	Prior approval application for conversion of offices (B1) to residential (C3)
Decision	Permission not required on 21/08/13
Application No.	HS/FA/13/00685
Description	Erection of side extension including alterations to front raised decking and internal alterations
Decision	Permission with conditions on 14/10/13
Application No.	HS/FA/14/00893
Description	Proposed side extension to form new bedroom and en-suite. Proposed rebuilding of attached store to form new porch area. Proposed demolition of WC and porch to form new lobby area to rear elevation. Proposed raised decking area, leading to a new Conservatory. Insertion of 3 No. rooflights. Internal alterations to facilitate proposals. New detached studio/storage building.(Use as residential permitted under HS/PD/13/00517)
Decision	Permission with conditions on 05/03/15
Application No.	HS/CD/15/00714
Description	Discharge of conditions 3 : (Soft landscaping), Condition 5 : (Biosecurity Protocol), Condition 6 : (Construction Environmental Management Plan), Condition 9 : (Samples), Condition 12 (i): (drainage) of planning permission HS/FA/14/00893
Decision	Permission with conditions on 30/10/15
Application No.	HS/TP/18/01101
Description	Various tree works including - Oak: Removal of dead limbs, Remove 2 x Thorn. Remove dead wood and coppice of Thorns. Hazel: Coppice, Aspen: Remove dead and diseased limbs and reduce crown.
Decision	Withdrawn on 29/04/19
Application No.	HS/TP/19/00334
Description	3x Thorn marked in yellow on G1 northern boundary remove dead wood and lift crowns 2m, 9x Thorn marked in yellow on G1 western boundary remove dead wood and lift crown by 2m, 1x Hazel marked in orange on G1 eastern boundary remove dead wood and limb leaning on fence, 2x Apsens marked in yellow on G2 south-eastern boundary remove dangerous branches
Decision	Permission with conditions on 28/08/19
Application No.	HS/FA/19/00564
Description	Retention of chicken coop, shepherds hut and storage shed.
Decision	Withdrawn on 04/09/19

National and local policies

Hastings Local Plan – Planning Strategy 2014

Local Plan Planning Strategy Policy FA5 - Local Nature Reserves (LNR)

Local Plan Planning Strategy Policy EN6 - Local Wildlife Sites (LWR)

Local Plan Planning Strategy Policy EN3 - Nature Conservation and Improvement of Biodiversity Policy

Local Plan Planning Strategy Policy EN1 - Built and Historic Environment

Local Plan Planning Strategy Policy EN7 - Conservation and Enhancement of Landscape

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

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

Local Plan Development Management Plan Policy HN8 - Biodiversity and Green Space

Local Plan Development Management Plan Policy HN9 - Areas of Landscape Value

Other policies/guidance

National Design Guide

Countryside and Rights of Way Act 2000

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping

- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 172 requires great weight to be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas. The scale and extent of development within these designated areas should be limited.

Other guidance

Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs' in making decisions that affect the designated area.

3. Consultation comments

Arboricultural Officer - **No objection**

The information and proposals provided are not considered to have a significant adverse impact on existing trees on site.

Additional comments were submitted by the Arboricultural Officer to confirm on site discussions between himself and the case officer regarding the coppiced Plum tree. These comments are as follows:

"I am writing to you to confirm the verbal comments made by me to you on site. The subject tree has been identified as being plum species. The tree is subject to a Tree Preservation Order.

The tree was recently coppiced, the works being undertaken without prior consent. It was noted during my site visit that the tree continues to grow, with new shoots emerging from the recently coppiced stool.

It is very likely that the tree will continue to grow, in time establishing a multi-stem habit, forming a part of the existing tree screen. I advise that consultation with the planning authority must take place prior to undertaking works to trees subject to a Tree Preservation Order."

Archaeological Notifications Area - No objections raised

'Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.'

Natural England - No objection

"Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites."

Environment and Natural Resources Manager - No objection -

"The information and proposals provided are not considered to have a significant adverse impact on biodiversity. The applicant has submitted an ecology assessment which concludes there was very little adverse biodiversity impact relating to the development activity. I do not consider there are adverse implications on the wider landscape or to protected species. It is a small proposal within a domestic curtilage.

As the application is retrospective, there are no conditions appropriate. The ecology report highlights ways where biodiversity can be increased within the property, which are matters for the owners of the property to consider."

Estates Manager - Raises no objection

4. Representations

In respect of this application site notices were displayed at various points around the application site.

42 no of representations received from different properties. 11 objections from 11 different people, and 31 support letters from 31 different people. A summary of comments made, from both objection and support letters are included below:

11 letters of objection have been received raising the following concerns:

- The developments are large and intrusive and bring a suburban feel to the Country Park.
- TPO protected trees have been removed to enable developments. The application form falsely claims that only limited pruning will be required.
- The developments have already started and are retrospective. Unauthorised works since 2015 are considered a material consideration when deciding an application.
- The details provided by the applicant are insufficient and inaccurate
- The developments are in breach of covenants established when HBC sold the property in 2013.
- Detrimental to the character, appearance, openness and natural beauty of the High Weald Area of Outstanding Natural Beauty - Visible from the upper part of Warren Glen.
- These developments will have a negative impact on the natural character of the area and the AONB.
- Contrary to Policies DM1 and HN9 of the Development Management Plan and Policy EN7 of the Hastings Planning Strategy, the AONB Management Plan and paragraphs

127, 170 and 172 of the NPPF.

- Visible from many parts of Warren Glen.
- Applicant falsely claim that no trees have previously been removed or pruned, which HBC knows is not the case. Their removal was incorrectly permitted by HBC's tree officer.
- Concerns the outbuilding will result in holiday lets
- Negative impact on the habitat of protected wildlife.
- Trees unlawfully felled.
- Contrary to policy

31 letters of support have been received raising the following:

- The proposed developments make good sense and the designs are in keeping with the area.
- Barely visible from the public footpath on the other side of the valley. The property is surrounded by trees.
- Reports from Natural England, and those on biodiversity and on tree protection all suggest no detrimental impact.
- Natural England, The Estates for HBC, Arboricultural Impact Assessment & Tree Protection Plan, Ecological report, have been all been satisfied.
- Tree protection measures have also been advised.
- The reduced storage shed, shepherd's hut or a small chicken coop will not contribute to any further urbanisation.
- The storage hut has been set over an existing base - the aerial views shown from years ago show trees that obscure this site.
- A chicken coop and shepherds hut, are in keeping with the rural nature of the site and does not have a suburban feel.
- Appropriate restrictions should be applied to ensure the new outbuildings are for ancillary use only and not used for residential or holiday let purposes, given the sensitive nature of this site.
- The Shepherds hut and Storage shed will have no impact on the Country Park, visitors or local residents .
- The chickens are a welcome addition to the Country Park.
- Shepherds hut is in keeping with a rural property and also in a subtle colour.
- The chicken coop seems to me to be wholly in keeping with the working rural nature of the surroundings.
- Significant improvement from the previous building.

5. Determining issues

Main issues to consider are the impact upon the Character of the area in terms of design and appearance within the setting of the Country Park and wider area of outstanding natural beauty.

a) 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.

b) Impact on character and appearance of area

Policy DM1 of the Development Management Plan (2015) seeks to ensure a good standard of design which protects and enhances the local character.

Little Warren Cottage is set within the Country Park, and as such greater weight should be given when considering applications for extensions and outbuildings. There are 3 elements to this application, which will be addressed separately. It should be noted that the outbuildings on site would normally constitute permitted development under class E of the General Permitted Development Order and therefore not require formal consent. However, due to permitted development rights being removed from this property at the time of sale by Hastings Borough Council, the applicant is required to apply for permission for the main three outbuildings.

Chicken coop

2.9m x 6m x 2.75m

Distance of 3.3m to north boundary

The coop is metal framed and can be moved easily and it not on a fixed to a solid base. The coop is barely visible from the boundary lines and although the chickens can be heard occasionally, there are no cockerels and the keeping of chickens is allowed without formal consent. The chicken coop is of a size and sited in a manner that the appearance of the country park is not harmfully affected.

Shepherds hut

Length 6 x depth 2.4m x height of structure 2.6m - overall height from ground level including stand and wheels 3.2m - Minimum of 4.5m and maximum 5.8m towards west boundary

On the initial site visit of the previously withdrawn application, the shepherd hut appeared stark and dominant in appearance and there were concerns it would be seen from distant views, or too close to the boundary. However, having visited the site on a number of occasions since, the shepherd hut is now finished and is not clearly visible from other areas of the park. The shepherds hut has become an attractive feature within the garden. An array of wild flower gardens have been created, with pathways being created as access to all areas. The hut is being used as storage and home office/art studio for the home owner and is clearly ancillary to the host dwelling. The hut is finished in a light grey paint which blends in with the landscaping within the garden. There are several views of the house from the Country Park, however the hut was not clearly visible in any of them, and even in winter it is not considered that the hut creates a detrimental impact upon the character and visual appearance of the Country Park.

The applicant has proposed a native species hedging to be planted around the boundary of the site. This is not required to make the application acceptable but is offered by the applicant. As the hedge is not required, there is no condition attached to that effect. The new hedging does not require planning permission and the applicant has engaged with the Local Planning Authority and Natural England regarding the species of vegetation to be used, to ensure only native hedging is used. Initial concerns have been addressed and the shepherds hut now forms part of this country garden with a well established stock of shrubs and flowers to provide good screening.

Workshop/Summerhouse

2.9m from ground level to the overall highest pitch

2.3 to the flat room and ground level

Depth 4.8m x length 6.8m

Distance to boundaries - 3.86 to south boundary and 6.9 to west boundary

This is the largest of all the outbuildings proposed and has caused the most concern for objections. As previously proposed under application HS/FA/19/00564, their concerns raised regarding this building were considered to be justified. The Council requested the building be reduced in size. In respect of this the veranda to the rear has been removed. In addition, the roof has been removed and will be replaced with a slight pitch and to be of Onduline Sheeting, which is a typical material for a rural outbuilding. The rear door has been removed and the remaining windows are to be redesigned to be more in keeping with a rural location, with smaller panes. Having walked around the site on a number of occasions, there were no clear views of the storage shed/summerhouse, unless trampling through the dense fern and bramble coverage to gain access to the boundary fencing, although it is still not clearly visible or considered to be detrimental to the area. Having been on site it was clear there has been activity to gain access to these view points, and from these areas you may have a clearer view. Nevertheless it is highly unlikely that people will, as part of their walk in Hastings Country Park, go into highly brambled areas. If the correct footpath is followed there would be only glimpses, if anything, of this building.

The outbuilding currently houses long canoes and associated equipment. With the reduction in size that has been negotiated and the changes made to the roof and fenestration, it is considered that the outbuilding is acceptable and solely for the purpose ancillary to the main host dwelling and not as a holiday let. Objections raised concerns that the outbuildings may be used as holiday lets, and the Council concur with this. One objection refers to a previous refusal on another site, comparing them to be similar. None of the outbuildings in this application are being proposed for holiday lets/living accommodation. Floor plans show there are no sleeping/cooking/washing facilities and therefore the two applications cannot be considered similar, in size or purpose. However, a condition (Condition number 2) will be applied to ensure the outbuilding remains as storage or summerhouse for the family and at no point be rented out as a holiday unit. Comments mention the size of the door for storage of canoes. Although the canoes are long, they are not wide, and therefore a standard doorway is sufficient to move them into the garden. Should the applicant wish to use this outbuilding as a summerhouse, it would still be considered acceptable as the main door and windows face into the garden. The terrace/veranda and door has been removed from the rear elevation so there is no impact in terms of sitting out looking across the Country Park on an elevated position, and with the screening in view it is not really possible unless further trees were removed, which is not the case. Although 3 smaller windows have been added to the rear elevation and the 3 windows are proposed within the side bay, they are not considered to cause harm in terms of overlooking due the distance from the boundaries and good boundary treatment. The 2 x Alder, 1 x Oak and 1 x Field Maple in the south west corner are considered to be mature trees that provide good screening and these should not be reduced. Informative 3 and condition 3 have been applied to ensure no further works to trees are carried out without consultation and formal consent.

Given the reduction in size, it is considered that Paragraph 172 of the NPPF has been given consideration and the applicant has given great weight to conserving and enhancing landscape and scenic beauty of the Areas of Outstanding Natural Beauty.

The hardstanding to which the outbuilding stands already existed, although it has been made slightly larger. The area was covered in brambles, with ivy covering the trees. The garden was not kept to a good standard and in need of maintenance. The wildlife garden that has been created throughout the garden gives a sense of natural habitat and in time will provide good screening and habitats for years to come. As such, it is considered that the works carried out have enhanced the area in question and provided good scenic landscaping on this south corner of the site.

Other outbuildings that are considered permitted development and therefore do not require planning permission but have been included in the report for clarity.

Small garden shed directly adjacent the chicken coop

1.9 x 1.2

This shed is used for the storage of chicken feed and associated equipment. Due to the new position and size the shed does not require formal consent and is permitted development.

Dog kennel

2.4 x 1.6 x 1.7

Minimum of 2m and maximum of 3.3m to west boundary

Due to the size and location of the kennel it is not considered to require formal consent and is permitted development.

Again, this was moved to the rear elevation and does not require consent. The dog kennel has been painted and is used also for chickens in the winter months.

Storage shed

3m x 1.7m x 1.9 – 2.2m

Minimum of 2.1m and maximum of 2.5m to west boundary

Due to the size and location of the shed it is not considered to require formal consent and is permitted development.

This was originally more central in the garden but has since been moved to the rear side of the garden. The shed has now been painted to blend in with the surrounding garden area.

c) Impact on neighbouring residential amenities

Policy DM3 of the Development Management Plan (2015) requires proposals to achieve a good living standard for future users of proposed development and its neighbours in terms of amenity

There are no immediate neighbouring properties that will be affected by this development. However, having regard for Policy DM3 of the Hastings Development Management Plan, 2015, none of the outbuildings will have an impact to neighbouring properties or amenities in terms of overlooking, loss of privacy or outlook due to the good screening in place at present. Site visits have taken place over several months, and it is considered that the applicant has made great effort to ensure that the privacy and outlook of others, as well as their own is taken into account.

New fence and hedging (for reference only)

It is noted that the applicant has been replacing the fence and planting hedging. However, as these works do not require formal consent, a condition will not be added requesting a planting schedule. Separate to this application, discussions have taken place between the Local Planning Authority, the applicant and Natural England regarding the hedge planting, and a list of native species has been sent to Natural England for their information and comments. It can be confirmed that no issues have arisen from those discussions and no formal consent is required from Natural England.

d) Impact on landscape

Policy HN9 of the Development Management Plan (2015), Policy EN7 of the Planning Strategy (2014), Paragraph 172 of the NPPF and the High Weald Area of Outstanding Natural Beauty Management Plan are relevant and seek to prevent inappropriate development within the AONB and protect distinctive landscape.

Little Warren sits on an elevated position and a lower position, depending on where you view the site from. The majority of the outbuildings are to the west side elevation, behind the main dwelling house when standing to the front elevation driveway side. The larger outbuilding in the southern eastern corner elevation, is at a much lower level than the majority of the garden and sits behind and below the established tree line. Although many of the objections mention that it is clearly visible, it is considered that any views that are available are not harmful to the character and appearance of the area of landscape. The established garden of this privately owned residence has been renovated to a high standard and all outbuildings are sympathetic to the main dwelling house and surrounding rural setting. The applicant is advised however, that any future development should either seek approval or advice as to whether planning permission is required before carrying out any further development. Informative note 4 is added to this effect.

e) Area of Outstanding Natural Beauty

Given the site is well screened from the adjoining public footpaths and the Country Park generally, the structures are not considered to be out of keeping within a rural setting and are constructed out of sympathetic materials. The chicken coop is very insubstantial in terms of its appearance and can be moved easily, with no fixed base. The shepherds hut is of a traditional design and constructed out of timber and now sits within pathways of wild flowers and long grass. The shed is also set within a wild flower garden. These structures consist of timber materials and of natural colours and do not appear incongruous or overbearing. The garden is of a large size, with many different levels and pathways, with different varieties of flowers and shrubs/trees. Policies seek to preserve and enhance the character of the area and it is considered that the revised scheme has taken in to account the initial concerns raised and created a development that will not visually harm the AONB and therefore preserve the character and wider surrounding of the Country Park.

f) Ecology and Archaeological Notification areas

High Weald AONB and Natural England were consulted. In addition to this, an ecology study and habitats assessment has been submitted and no additional information was required. The County Archaeologist has confirmed that they do not believe any significant archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance.

The three structures are relatively modest in size and no engineering work has been carried out as a result of their construction. There will have been no effect on archaeology, biodiversity and green space. The development is in proportion to the overall area of the garden and as such it is not considered to have any adverse affect on the Area of Outstanding Natural Beauty or the Archaeological Notification area and thus satisfy Policy HN9 of the Development Management Plan (2015) and Paragraph 172 of the NPPF.

g) Trees

The Arboricultural report submitted by Mayhew Consultancy, refers to an individual tree as B Grade and considers that B grade trees are of moderate quality with an estimated remaining life expectancy of at least 20 years. The remaining individual trees and groups of trees as C Grade and considers that C grade trees are of low quality with an estimated remaining life expectancy of at least 10 years.

The report also refers to the only tree works that would be necessary to complete the works would be the pruning of relatively small branches of trees immediately adjacent to the southern shed; this would be in order to prevent direct contact between branches and that structure. The 2 x Alder, 1 x Oak and 1 x Field Maple in the south west corner are considered to be mature trees that provide good screening. Informative 3 and Condition 3 have been applied to ensure no further works to trees are carried out without consultation and formal consent.

To ensure the works are carried out correctly and in accordance with British Standards, Conditions 3 and 4 have been applied.

Condition 3 - No additional pruning to the 2 x Alder, 1 x Oak and 1 x Field Maple shall take place adjacent to the workshop/summerhouse, until the precise details have been submitted to and agreed in writing by the Local Planning Authority.

Condition 4 - No further development shall take place to the workshop/summerhouse until temporary protective fences as illustrated in Appendix B, to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

In regards to the tree works that have already been undertaken, an application was granted under HS/TP/19/00334 for various tree works, as stated in the planning history above. However, the Arboricultural report also states that further pruning may be required to complete the works to the workshop/summerhouse. The report also states that no evidence of any trees being lost as a result of the works currently undertaken, and that it is not anticipated that any trees will be removed in order to complete works on the shed.

Having visited the site previously, there was evidence that unlawful works had taken place. A plum tree had been coppiced, close to where the decking/veranda had been built.

Paragraph: 084 Reference ID: 36-084-20140306 refers to fruit trees. The authority's consent is not required for carrying out work on a tree subject to a TPO and cultivated for the production of fruit in the course of a business or trade if the work is in the interests of that business or trade. The authority's consent is otherwise generally required for carrying out prohibited activities to a fruit tree protected by an Order and not cultivated on a commercial basis.

The Borough Arboriculturist visited the site to inspect the plum tree since the decking/veranda has been removed and found that the tree continues to grow, with new shoots emerging from the recently coppiced stool, and that it is very likely that the tree will continue to grow, in time establishing a multi-stem habit, forming a part of the existing tree screen. Having regard for the Borough Arboriculturist's comments, and the Planning Practice

Guidance for trees protected by the Tree Preservation Order, the applicant is advised that fruit trees are protected as equal to all trees within that Order and permission is required for any pruning unless cultivated for commercial sales. Informative 3 is added to this effect.

The Borough Arboriculturist has inspected the tree and is of the opinion that no further action is required. The tree is clearly growing back and in time will form part of the established tree line on the corner of the site.

h) Lighting

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).

i) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

Schedule 2

Descriptions of development and applicable thresholds and criteria for the purposes of the definition of "schedule 2 development"

"area of the works" includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

"controlled waters" has the same meaning as in the Water Resources Act 1991(1); and

"floorspace" means the floorspace in a building or buildings.

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

j) Constraints

- The Estates Manager raises no objection.
- The Surface water flooding 1 in 1000 will not be affected due to no excavation works being proposed.
- The County Archaeologist was consulted as a part of this application and considered the works to not impact upon any area that would require a HER report
- Due to the nature of the works it is considered that there will be no long term impact upon the Country Park that would require a landscape assessment.

The ecology report submitted with the outbuilding application showed no protected species to be present that would result in further investigation

6. Conclusion

Given the assessment above, the outbuildings form part of the applicants private garden and having visited the site over a number of months, it is clear these outbuildings are being used ancillary to the host dwelling. The applicant has made great effort to incorporate wildlife areas within the garden and provided good screening around the outbuildings so not to be clearly visible from certain viewpoints. The main outbuilding has been reduced and amendments made to ensure the surrounding area is preserved and not compromised in anyway. It is therefore considered that the application is recommended for approval, subject to conditions, and in agreement with Policies DM1, DM3 and HN9 of the Hastings Local Plan - Development Management Plan (2015), Policy EN7 of the Hastings Local Plan – Planning Strategy (2014), and the High Weald AONB Management Plan, Paragraph 172 of the NPPF and Section 85 of the Countryside and Rights of Way Act 2000,

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

7. Recommendation

Grant permission subject to the following conditions:

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

LWC-07C, LWC-03A, LWC-05A, LWC-06 & LWC-04A
2. The shepherd hut and main storage shed/summerhouse, shall be ancillary to the main dwelling house and used solely for the purpose incidental to the host dwelling and not to be let as or rented as holiday or for additional income.
3. No additional pruning to the 2 x Alder, 1 x Oak and 1 x Field Maple shall take place adjacent to the workshop/summerhouse, until the precise details have been submitted to and agreed in writing by the Local Planning Authority.
4. No further development shall take place to the workshop/summerhouse until temporary protective fences as illustrated in Appendix B, to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and

complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of the adjoining country park.
3. In the interests of the health of the trees and the visual amenity of the area.
4. In the interests of the health of the trees and to protect 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 paragraph 38 of the National Planning Policy Framework.
3. There is a Tree Preservation Order affecting the land and (subject to the terms of the order) the applicant must contact the Borough Arboriculturist and submit any necessary applications before any future works to trees are carried out, including pruning, or removal of overhanging branches on this site.
4. No further development shall be carried out on this site without written confirmation that either permission is not required, or planning permission is required and granted.

Officer to Contact

Mrs M Botting, Telephone 01424 783252

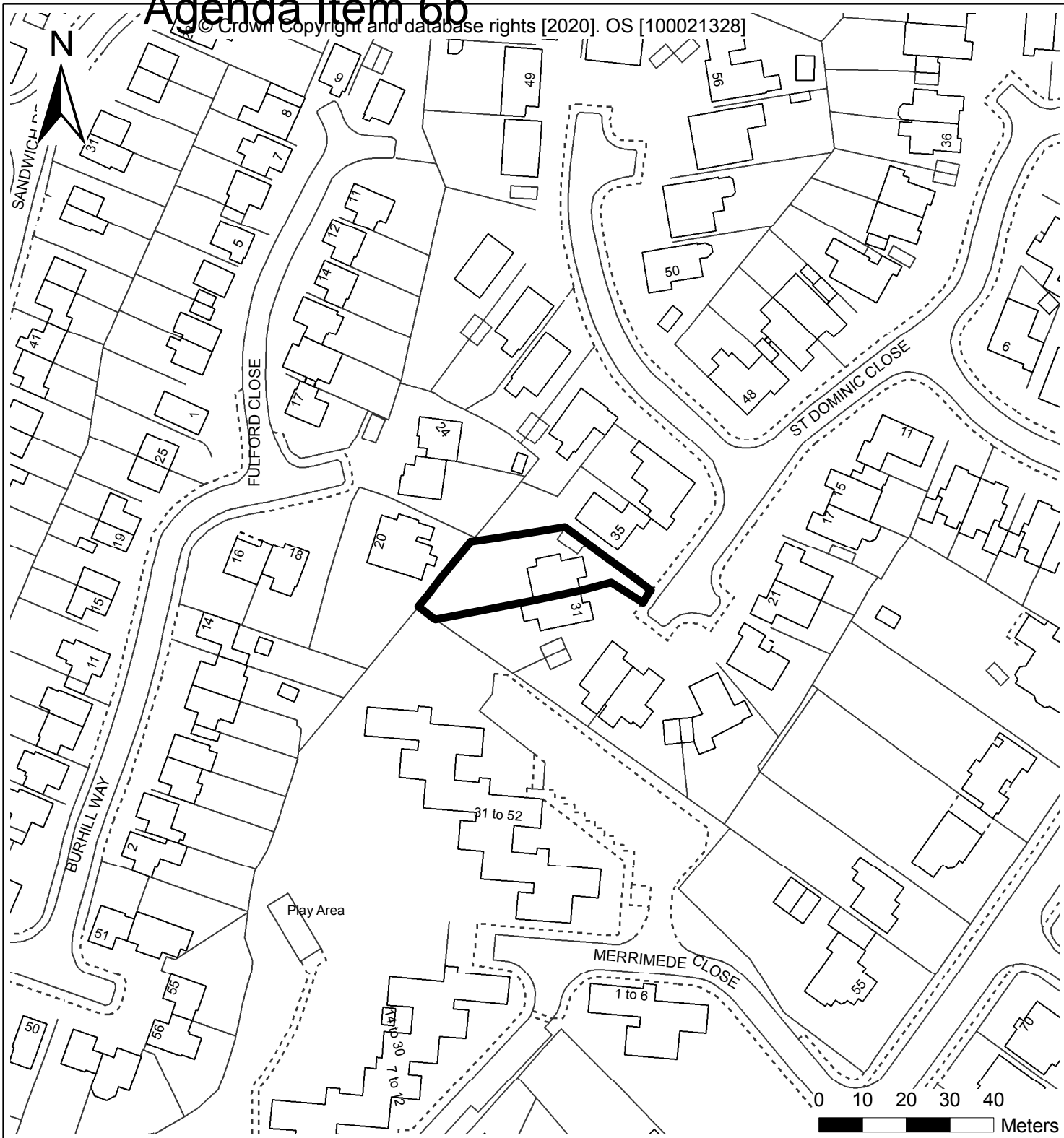
Background Papers

Application No: HS/FA/20/00175 including all letters and documents

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Agenda Item 6b

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**33 St Dominic Close
St Leonards-on-sea
TN38 0PH**

Loft conversion and rear dormer extension together with single storey rear extension and raised patio area with screening and detached side tandem garage (amended description)



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

Date: Sept 2020

Scale: 1:1,250

Application No. HS/FA/20/00123

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Report to: PLANNING COMMITTEE

Date of Meeting: 23 September 2020

Report from: Assistant Director of Housing and Built Environment

Application address: 33 St Dominic Close, St Leonards-on-sea, TN38 0PH

Proposal: Loft conversion and rear dormer extension together with single storey rear extension and raised patio area with screening and detached side tandem garage (amended description).

Application No: HS/FA/20/00123

Recommendation: Grant permission

Ward: MAZE HILL 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Fowler per A. & M. Architectural Partnership LLP
40 Cambridge Road Hastings East Sussex TN34 1DT

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	Yes
People objecting:	11
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - 5 or more letters of objection received

1. Site and surrounding area

The application site relates to 33 St Dominic Close, a three bedroom semi-detached bungalow, situated at the end of St Dominic Close. The property is built of red brickwork with a pitched roof of concrete interlocking tiles with white UPVC windows and doors throughout. The property features an entrance porch to the side with a detached single garage to the side of the dwelling also with a significant sized concrete driveway in front which provides

plenty of space for off-street parking for the household. The remainder of the front garden is made up of lawn. To the rear, the garden is formed over a number of levels due to the topography of the land, with the rear garden dropping significantly from the front towards the rear. There is a large area of patio area immediately to the rear of the property which is higher than the remainder of the garden with a set of steps providing access to the rest of the garden. The remainder of the garden features a patio area, lawn and the presence of a pond. Given the topography of the area, the application site and neighbouring properties of St Dominic Close are on an elevated position overlooking the properties and gardens of Burhill Way with far reaching views achieved over Hastings. To the north and south of the site are nos. 35 and 31 Dominic Close respectively. To the west of the site, at a lower ground level is no. 20 The Spinney, Burhill Way. East of the site are properties on St Dominic Close that are opposite the application site. The site is therefore surrounded by residential properties and this is the character of the area. The boundaries of the rear garden are largely made up of high timber fencing and mature hedging ranging in height between 1.5m and 1.8m approximately.

Constraints

SSSI Impact Risk Zone

2. Proposed development

This application is seeking planning permission for a loft conversion and dormer extension together with single storey rear extension, raised rear patio area and detached tandem garage.

The loft of this bungalow will be converted in a habitable space for the household, forming a bedroom with bathroom and storage, the property will remain a three bedroom dwelling but with larger bedrooms provided. In order to gain extra space within the loft it is also proposed for a dormer extension to the rear. The dormer will feature two windows with the dormer to measure approximately 4.2m in depth by 5.8m in length and 2m in height. The dormer will be constructed of a grey felt flat roof with tile hanging and white UPVC windows to match the existing dwelling. The works will also incorporate the addition of three roof lights within the front roof slope to allow natural lighting within the bathroom and over the stairs.

The scheme also proposes the creation of a single storey extension to the rear of the bungalow in place of the existing patio area. The extension will feature a flat roof and will be set in line with the extension of neighbouring property no. 31 St Dominic Close, set in 0.57m from the shared boundary. The development will provide the household with a dining room and will project 3.05m from the rear elevation, run a length of 6.83m and will measure 3.55m in height at the highest point (accounting for the land levels). The extension will include a set of bi-folding doors within the rear elevation, with no other openings to be included. The development will be constructed of a grey felt flat roof with brickwork walls and white UPVC doors to match existing.

In front of the extension it is proposed for the creation of an area of raised patio, with a set of steps from the extension and further steps to the rest of the garden. The patio area will project 1.8m from the rear elevation and run a total length of 10.1m including the steps. The raised patio area will range from 0.5m to 0.85m above ground level. A 1.8m high obscure glazed privacy screen in an 'L-shape' is to be positioned along the south and west side of raised patio area, which will be set in 0.57m from the shared boundary.

The final element of the scheme is to involve the removal of the existing detached garage and side porch with the replacement of a larger detached tandem garage. The new garage will be 0.05m to 0.85m higher, 1.39m to 1.975m wider and 6.4m longer than existing. It will be set back further from the principal elevation than the existing garage (new set back of 3.5m) and set in approximately 2m from the boundary with neighbouring property no. 35. The garage will measure 4.39m to the front and 4.975m at the rear in width accounting for the shape of the site and will run a total length of 12.1m. The garage will measure approximately 2.6m in height to the front increasing to 3.4m towards the rear accounting for the ground levels. The garage will be constructed of a grey felt flat roof with brickwork walls and a white garage door within the front elevation and a single white UPVC door within the side (south) elevation to match the materials employed on site.

No other form of development is proposed as part of this application.

Background information

This application is a significant revision to the previously submitted planning application HS/FA/19/00624 for this site. The previous application proposed a loft conversion and extension together with two storey side extension and rear extension incorporating an integral garage, works to include a recessed balcony at first floor level. The applicant was advised that this scheme could not be supported in terms of its scale and impact upon the street scene and neighbours, the application was subsequently withdrawn.

Amendments

Further amendments have been made to this revised scheme following comments made by the Local Planning Authority. The amount of glazing to the proposed rear dormer has been reduced from a width of approx. 5.25m to 2.4m. Furthermore, the rear raised patio area will now include an 'L-shaped' 1.8m high obscure glazed screen along the south side and rear of the raised patio area.

The application is supported by the following documents:

- Waste management statement (revision A).

Relevant planning history

HS/FA/19/00624 Loft conversion and extension together with two storey side extension and rear extension incorporating an integral garage, works to include a recessed balcony at first floor level.

Withdrawn on 11/11/19

HS/DS/78/00444 Erection of 28 bungalows and garages on Plot 6-23, and 36-45 (Phase II). Detailed submission in part pursuant of OA/77/166

Approval of Reserved Matters on 02/08/78

HS/DS/78/00007 Construction of estate roads and sewers (detailed submission in part pursuant of 77/166)

Approval of Reserved Matters on 17/03/78

HS/OA/77/00166 Change of use from educational purposes to residential. Layout of estate roads and sewers, erection of 44 bungalows and garages, 13 two-storey chalets and garages, and 8 detached houses and garages.
Outline Application with Conditions on 03/05/77

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

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

Other policies/guidance

National Design Guide

Supplementary Planning Document - Householder Development: Sustainable Design

East Sussex County Council Minor Application Guidance (2017)

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types

- * Materials
- * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

No Consultees have been consulted on this application.

4. Representations

In respect of this application a site notice and neighbour letters were issued.

11 letters of objection received from 10 different properties, raising the following concerns:

- Garage could be used for commercial use.
- Privacy issues from raised patio area and dormer.
- Development out of keeping with area, could set a precedent for similar developments.
- Possible land instability issues.
- Noise and disturbance caused by development.
- Unwanted traffic; issues with access, machinery and parking.
- Size of the garage.
- The impact of the development is exacerbated by the topography of the site.
- Loss of view.
- Daylight issues.
- Development visible from the road.

Regarding concerns to the new garage being used as a commercial unit, a condition has been attached (no 5) to ensure the garage remains for purposes incidental and ancillary to the enjoyment of the dwelling house.

Whilst there were no visible signs of land stability issues at the point at which the site visit was undertaken, given that the Planning Service can not offer an expert view in this area, that the land levels do slope down on site and that no information has been submitted with the application, it is considered reasonable to attach a condition (no 6) requiring the submission of a Land Stability report prior to commencement of works on site.

Regarding noise and disturbance from the proposed development, the government accepts that noise and disturbance will occur as part of any construction and this is not a reason for refusal. However in order to control the extent of any impact, condition 3 is attached to

control the hours of construction. In addition, condition 8 requires the submission of a Construction Management Plan. This will ensure that the developer carefully thinks about and controls parking, access and machinery on site during construction.

The other concerns listed above will be dealt with within the main body of the report.

5. Determining issues

The main issues in determining this application are the impact of the proposed works on the character and appearance of the area, the neighbouring residential amenities and highway safety and parking.

a) 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.

b) Impact on character and appearance of area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) states, 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.

The scheme involves a number of works to this bungalow, with the majority of the works to be situated towards the rear of the property, being that of the extension and patio area and dormer extension. These additions are considered appropriate and proportionate to the site, all of which will be built in materials to match and complement the existing arrangement, with views towards the site reduced by the presence of surrounding built form and boundary treatments. This said, due to the topography of the site in relation to some of the nearby roads, it is acknowledged that glimpsed views may be achieved towards the rear of site. Given the scale of works, along with the design and materials of the works and the limited views available it is not considered that these works will be out of keeping nor harmful to the character and appearance of the area, with other neighbouring properties also featuring extensions, conservatories and other additions including the neighbour property no. 31 St Dominic Close.

The scheme also proposes the replacement of the existing porch and garage with a larger tandem detached garage which will be visible from the street scene. It is noted whilst this proposed garage will be larger than the existing garage, mainly in terms of its length which will approximately double from existing, it will be set back further from the principle elevation of the bungalow than the existing garage and set in approximately 2m from the boundary with the neighbouring property no. 35. As a result, the prominence of the garage will be reduced, clearly providing a subservient addition to the household. Views towards this new garage from the road will also be reduced by the orientation of the garage in relation to the neighbouring property of no. 35 and the boundary treatment between the two sites. The garage will be built of materials to match and complement the host dwelling house, providing a uniformed appearance between the dwelling and this new garage, so it reads as part of the site. It is therefore considered in this instance that the presence of this new garage will not

have a detrimental impact upon the character and appearance of this bungalow or the street scene.

The final element of this proposal will involve the creation of three roof lights within the front roof slope. While out on site it was observed that a number of other properties in the vicinity also feature roof lights, as such this arrangement is not considered out of place within this given locality. In addition, roof lights can be installed under householder permitted development rights without the need of obtaining planning permission for their installation.

Given the above assessment, it is not considered that the proposed development would significantly harm the character and appearance of the bungalow or the area, and therefore it is considered the proposal is acceptable in this regard and complies with Policy DM1 of the Hastings Local Plan - Development Management (2015) and the Supplementary Planning Document - Householder Development: Sustainable Design.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) states, 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. Permission will be given for development where:

- the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The closest neighbouring properties to the proposed development are nos. 31 and 35 St Dominic Close, therefore the impact of the proposals on these neighbouring properties in terms of privacy, outlook and daylight levels will need to be considered.

Given the existing arrangements on site, the nature and scale of the proposed works, the distances established between the proposed development and the closest neighbour sites of Burhill Way to the rear which are positioned over 10m away (at the closest point) and the boundary treatments. It is not considered that any of the proposed works will cause a significant harm to these properties towards the rear of the site.

Rear single storey extension

The proposed rear extension is to be single storey in height and will sit in line with the with the extension of neighbouring property no. 31 St Dominic Close, set in 0.57m from the shared boundary with a high timber fence established between the two sites. Given that the extension will sit in line with the neighbouring extension and the established boundary treatment between the two sites, it is not considered that the extension will have any impact upon the neighbouring occupants of no. 31 in terms of outlook and daylight levels.

The proposed extension will feature a set of bi-folding doors within the rear elevation, given the existing arrangement with openings present within the rear elevation of the bungalow, there are no concerns that the extension will facilitate additional harmful overlooking. No other openings are proposed within this rear addition.

Given the distance of the extension to the neighbouring boundary of no. 35 and the presence of the proposed garage in between, this extension will have no impact upon the occupants of no. 35.

Rear raised patio area and screening

It is acknowledged that the site already features a large patio area immediately to the rear of the property which is higher than the remainder of the garden which is to be replaced by the proposed single storey rear extension. As such, there are already views achieved from this existing arrangement towards the adjoining neighbouring sites. The scheme proposes the creation of a strip of raised patio area to the rear of the proposed extension. The patio area will project 1.8m from the rear elevation and run a total length of 10.1m including the steps. The raised patio area will measure approximately 0.85m from the ground at the highest point. Following comments made by the Local Planning Authority, the raised patio area will now include an 'L-shaped' 1.8m high obscure glazed screen along the south side and rear, with the presence of this privacy screen and the position of the two sets of steps, views will be directed away from the main amenity spaces of nos. 31 and 35 St Dominic Close. It is not considered this new patio area will provide additional harmful overlooking with a degree of mutual overlooking achieved by these properties already due to the topography of the land.

Given the nature and scale of the proposed raised patio area and screening, this will not cause any impact upon nos. 31 and 35 St Dominic Close in terms of outlook and daylight levels.

Rear dormer extension

The proposed works will involve the addition of a rear dormer extension which will feature two windows which will serve a bedroom. Following comments made by the Council, the agent has revised the scheme further with a reduction in the amount of glazing, reduced from a width of approx. 5.25m to 2.4m, this is the minimum amount of glazing acceptable for a bedroom of the size under building regulations. This reduction of glazing immediately adjacent to the side boundary of no. 31 reduced the extent of view from the dormer window. As such the dormer window which is now proposed will have more oblique rather than direct views onto the neighbouring properties. Condition 9 is attached to remove permitted development rights for the insertion of additional windows. There is already a degree of mutual overlooking between properties as might be expected in a residential areas and the proposed dormer window will not worsen that existing situation. It is also important to note that the applicant is able to construct a rear dormer under householder permitted development rights without the need of obtaining planning permission, as such a refusal on this element would not be appropriate.

Given the nature and scale of this dormer extension within the roof of the dwelling, there will be no impact in terms of outlook and daylight levels of no. 31 and given the considerable distances between the dormer and no. 35 there will be no impact to this neighbour either.

Tandem garage

The scheme also proposes the erection of a detached tandem garage to the side of the dwelling. This garage will be set back further from the principle elevation of the bungalow compared to existing and set in approximately 2m from the boundary with neighbouring property no. 35 St Dominic Close. It is acknowledged that the new garage whilst larger than the existing garage, it will be set further away from the shared boundary and will be set

further away from the dwelling of no. 35 and their main amenity space. It is noted that the existing garage does in fact have a window within the rear elevation facing towards this neighbour. The new garage will not feature any openings within the side elevation facing towards no. 35 or within the rear elevation, as such the privacy of the residents of no. 35 will not be compromised.

The proposed garage will measure approximately 2m from the shared boundary with no. 35 and 5.1m from the house itself. It is noted there is an existing 1.5-1.8m high fence and vegetation to the majority of the boundary between the sites, which equally could be replaced by a 2m high fence under householder permitted development rights without the need for planning permission. The garage will measure approximately 2.6m in height to the front increasing to 3.4m towards the rear accounting for the ground levels. As such, approximately 1.1m of the garage will be visible above the existing fence line for over half the length of the proposed garage, for approximately the next 2m the amount of garage visible above the fence will increase slightly to 1.3m with the remaining garage to be visible for approximately 1.6m above the existing fence line. Whilst it is acknowledged that the new garage will be of a considerable size, given the scale of the proposed garage in relation to the boundary treatment between the two sites as well as the considerable spacing between the garage and the boundary and dwelling thereafter, it is considered this garage will have a limited impact upon the occupants of no. 35 in terms of outlook and daylight levels, with plenty of the garden unaffected by these works.

Due to the sufficient spacing between the proposed garage and the dwelling and boundary of that of no. 31, this element of the scheme will have no impact upon the occupants of no. 31.

Taking the above into account, it is not considered that the proposed works would significantly harm the amenity of the neighbouring properties in terms of privacy, outlook and daylight levels, and therefore the proposal is considered acceptable in this respect and is in accordance with Policy DM3 of the Hastings Local Plan - Development Management (2015) and the Supplementary Planning Document - Householder Development: Sustainable Design.

d) Highway safety/parking

The East Sussex County Council Minor Application Guidance (2017) states in paragraph 3.6.1 that 'parking for individual dwellings that don't have a shared access or share parking car parking should be provided as follows: 1 or two bedroom dwelling: 1 space, 3 or 4 bedroom dwelling: 2 spaces'.

Following the proposed works the property will remain as a three bedroom bungalow, therefore the number of parking spaces required for this property is likely to remain the same with two parking spaces required. Currently the property has a single detached garage which does not meet all of the minimum size requirements as detailed within the East Sussex County Council Minor Application Guidance (2017) which states a single garage should be 6m by 3m, with a 2.4m wide garage door. However, the site does have a substantial sized driveway which allows the parking of a number of cars. The proposal will involve the removal of this existing garage with a larger detached tandem garage for the parking of two vehicles with the driveway to remain in place. The proposed garage will more than meet the minimum size requirements as defined within the East Sussex County Council Minor Application Guidance (2017) stated above. Whilst it is acknowledged that the garage will only account for 0.3 of a parking space on site, as mentioned the property benefits from a large driveway which provides ample of space for the parking of a number of vehicles at any one time. As

such, the proposal is considered acceptable in this respect.

e) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

f) Site Constraints

The site is within a SSSI IRZ. 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.

6. Conclusion

In light of the above assessment it is considered that the proposed works are both acceptable and are in line with Policies DM1 and DM3 of the Hastings Local Plan - Development Management (2015), Supplementary Planning Document - Householder Development: Sustainable Design and the relevant sections of the National Planning Policy Framework. Therefore, it is recommended that permission is granted subject to the attached conditions.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

7. Recommendation

Grant 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:

4269-100B, 4269-101D, 4269-105D and 4269-106H
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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, with the exception of the flat roof.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the garage shall be used only for purposes incidental and ancillary to the enjoyment of the dwelling house and for no other purpose and from which it shall not be let, sold separately, or severed thereafter.
6. Prior to the commencement of works on site, a Land Stability Report by a qualified engineer shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of works shall be implemented before the construction of the development hereby approved.
7. Prior to the use of the rear raised patio area hereby approved, the 1.8m high obscure glazed privacy screen positioned along the south side and part of the west side of the raised patio area shall be constructed and completed in line with approved drawing no. 4269-106 H and thereafter retained and maintained in good order in perpetuity.
8. 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.
9. Notwithstanding the provisions of Classes A, B and C of Schedule 2 (Part 1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no additional openings shall at any time be inserted in any elevation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

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. In the interests of the visual amenity of the area.
5. To maintain planning control in the interests of amenity of the site.
6. In the interests of land stability and the protection of the development.
7. To safeguard the amenity of adjoining and future residents.
8. To safeguard the amenity of adjoining and future residents.
9. To maintain planning control in the interests of amenity of the site.

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 paragraph 38 of the National Planning Policy Framework.
 3. The applicant is advised that this notice of decision does not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land, to either construct or subsequently to maintain the proposed development.
 4. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
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Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/20/00123 including all letters and documents

Agenda Item 7

Agenda Item:

Report to:	Planning Committee
Date:	23 September 2020
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 30/07/2020 to 11/09/2020
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
201/202 Queens Road, Hastings, HS/AA/19/01008	Installation of internally illuminated display and & 'vertical meadow'.	Refuse Planning Permission	DELEGATED	Planning
Garages at Portstone Court, Portland Place, Hastings HS/FA/20/00004	Demolition of two garages and erection of two storey studio	Refuse Planning Permission	DELEGATED	Planning
1 - 12 Eversfield Mews, Western Road, St Leonards-on-sea, HS/FA/19/00590	Proposed creation of additional floor (second floor) and pitched roof, to enlarge three residential dwellings and create an additional flat.	Refuse Planning Permission	DELEGATED	Planning
Hatherley Road Garages rear of 111 London Road, St Leonards-on-sea, HS/FA/19/00932	Construction of first floor flat over existing garages with garage, entrance hall and utility room. Reconfiguration of	Refuse Planning Permission	DELEGATED	Planning

	ground floor garages reducing forecourt space to provide more internal space.			
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The following appeals have been allowed:

None

The following appeals have been dismissed:

None

Type of Delegated Decision	Number of Decisions
Granted Permission	64
Part Granted	2
Part Granted - Part Refused	1
Refused	14
Prior Approval Approved	1
Prior Approval Refused	1
Withdrawn by Applicant	2
Total	85

Report written by

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