

Report to: PLANNING COMMITTEE

Date: 23 December 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: 91-93, 109 and rear of 103 Middle Road, Hastings

Proposal: Demolition of existing buildings and erection of 11 dwellings together with parking space and access.

Application No: HS/FA/15/00232

Recommendation: Grant Outline Planning Permission

Ward: ORE
File No: MI25109/MI25091V
Applicant: The Park Lane Group per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Developer
Existing Use: Former Business Uses

Policies

Conservation Area: No
National Planning Policy Framework: Paragraphs 7, 14, 17, 32, 49, 50, 56
Hastings Local Plan -
The Hastings Planning Strategy: FA5, SC1, SC3, SC4, EN2, EN3, H1, H2,H3, E1, T3
Hastings Local Plan -
Development Management Plan: DM1, DM3, DM4, DM6, HN7, HN8

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 11
Petitions Received: 0

Application Status: Committee

Notes

Neighbours Expire:	07 May 2015	Members Expire: 07 May 2015 or same as advert expiry if later.
Advert Expires:	15 May 2015	
Neighbours Checked on site:	Y	
Objection letters read:	Y	
Site Visited:	Y	

Summary

This is a revised application for 11 houses made following a refusal of planning permission for 13 houses in 2014. The application consists of the demolition of the existing buildings on the site, which are a mix of commercial uses and a dwelling, and their replacement with a cul-de-sac of 11 x 2 bed houses. The previous application was refused because a cramped layout leading to poor living environment and not being in keeping with the surrounding area. This current scheme reduces the number of houses on the site and makes alterations to the layout of the site and the arrangement of the dwellings to overcome the previous reasons for refusal. In weighing up the planning issues, it is considered that the balance is now in favour of the application proposals.

The Site and its Location

The application site lies to the east of the town between the A259 and Fairlight Road. It is an area within a perimeter block formed by Middle Road and Old Top Road and the recreation ground. The site accommodates a former car repair garage, possibly other business uses and a single detached dwelling. All the current buildings on the site are in considerable disrepair. The site lies in a predominantly residential area, with a mixture of single storey and two storey houses, detached, semi-detached and terraced.

Details of the Proposal and Other Background Information

This is an outline application with access, appearance, layout and scale being determined at this stage. Landscaping is a reserved matter.

The applicant proposes to demolish the existing buildings on the site and erect 11 dwellings with a mix of terraced, semi-detached and detached houses with parking. A previous application on the site was refused for reasons of over development, poor quality living environment for existing and future occupants and out of character with existing pattern of development.

Previous Site History

HS/OA/14/00336 Demolition of existing buildings and erection of 13 dwellings together with parking space and access (outline application)

Applications preceding the above were for alternative uses for the site (such as making furniture, car repairs and sales, milk distribution, for example, and are not relevant to this proposal.

Details of Consultations

A total of 64 neighbour letters were sent out in consultation. 11 people have written to object to the application on the following grounds:

- Insufficient parking
- Increase in traffic will cause problems
- The roads are already dangerous
- Noise disturbance
- Vandalism and robbery
- Overdevelopment – too many houses
- Does not represent improvement to the economy
- Drainage problems
- May cause subsidence
- Loss of privacy
- Light pollution
- Demolition problems – asbestos in the existing building
- Ecological survey is out of date
- The access is in the wrong place
- There are badgers on the site
- Impact on local services

The Waste and Streetscene Services Officer - requests that the layout accommodate space for 26t RCV to enter and turn on the site. Where space for wheelie bins is provided, experience suggests that residents don't use them. Prefer an edge of curtilage collection point.

The Local Highway Authority - raises no objection. 15 parking spaces is acceptable and meets minimum requirement. 22 cycle spaces exceeds minimum requirement. The parking is acceptable only if the spaces for plots 5 and 6 are allocated and the rest are not allocated. The TRICS database compares the existing site use with the proposed and notes an increase of trips in peak hours of 4/5 trips, which has an acceptable impact on the local highway network. The site is close to a bus stop operating a 15 minute frequency service. The bus stop should be improved by the developer. The access is sufficiently wide at the access and narrows within the site. It remains wide enough for a fire appliance. It is not wide enough for a refuse vehicle, but a refuse area is proposed close to the access. The site should link into the footway to the north. Conditions on the access details, Traffic Management Scheme, wheel washing, provision of car parking, provision of cycle parking, detailed drawings and upgrading of bus stop are suggested.(conditions 2-8)

Southern Water - notes the presence of a foul sewer across the site. It may be possible to divert the sewer as long as there is no unacceptable loss of hydraulic capacity. Alternatively the developer may wish to lay the site out to avoid the sewer.

Sussex Police - no detailed comments to make but at the reserved matters stage would like to see reference to crime prevention measures.

District Valuation Service - The DVS was instructed to examine the applicants' case that the viability of the scheme was so marginal that it could not contribute to affordable housing, either on-site or in the form of off-site contributory payments. The DVS concludes that the scheme has a marginal viability and could not contribute to affordable housing.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states:

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

The main policies/guidance that apply are Hastings Planning Strategy 2014 FA5, SC1, SC3, SC4, EN2, EN3, H1, H2, H3, E1, T3. Hastings Local Plan Development Management Plan DM1, DM3, DM4, DM6, HN8.

The main planning considerations are: loss of employment floorspace, character and appearance of the area, living environment, highways and transport, safety and security, ecology, affordable housing, drainage, sustainable development and other considerations.

Loss of Employment Land

In considering the previous, refused, application, the planning commentary stated: The application has been submitted with a statement which confirms that the property has been marketed since November 2012. The property was marketed with local commercial specialist estate agents and also on web sites nationally. One offer was made at the asking rent price but the interested party pulled out as they found another premises with better loading space. The estate agent confirms that the asking rent was below the average for a property of this size and that the main reasons for a lack of interest are the site's residential location, one way road access and poor loading space.

The evidence submitted gives a clear indication that there is a lack of interest for the premises for employment uses. The site's residential location also limits the potential for other employment generating uses due to potential impacts on neighbours. Access to the site is poor which again restricts opportunities for other employment uses. Having regard to the evidence submitted, the site's characteristics and the guidance set out in the SPD, I am of the opinion that the loss of employment space is acceptable on balance.

There has been no change on the site or in policy terms since this judgment was made and it is considered that the loss of employment land should not restrict the development of this site.

Character and Appearance

In principle, the development of this site for residential purposes is acceptable. The existing site is unsightly and has a negative impact on the character of the area. The existing business use is somewhat of an anomaly in this residential area, and if a business use is retained on this site, it might have a detrimental impact on the living environment of neighbours.

Overall, like the previous scheme, the elevations are traditional, taking architectural elements from the surrounding area: tile hanging, decorative fasciae, finials etc. The layout provides for a mix of house types, all 2 bed dwellings. The layout is broadly in keeping with the surrounding area in terms of appearance and the revised layout overcomes the intensity of the previous scheme in terms of appearance.

The access road layout remains the same width as the previous scheme. However it has been moved away from the boundary with 8 Eleanor Terrace, the bin store is relocated to the

south side of the road, the hardstanding on the north side (abutting 8 Eleanor Terrace) is replaced with a wider area for landscaping. The number of car parking spaces located at the rear of the site is reduced by 2 and there are no spaces now directly abutting the rear garden fences of Eleanor Terrace. A 1.8m high acoustic fence is also provided around the gardens in Eleanor Terrace.

In comparison to the previously refused scheme, this proposal represents an improvement on the effect on 8 Eleanor Terrace. Landscaping is a reserved matter and it is important that good quality landscaping is planted and maintained in these areas to ensure amenity is protected. This can be controlled with a planning condition.

Living Environment

The Development Management Plan policy DM3 sets out policies for general amenity in new developments. Included is criterion f) which sets out guidelines for the internal space standards for new residential development. The proposed dwellings in this scheme are small in relation to policy DM3. The policy standard requires that houses with 2 bedrooms for 3 people should be at least 66 sqm floor area and 2 bed houses for 4 people should be at least 77 sqm. The proposed houses are 2 bedroom and range from 55.4 sqm (9 no. units) and 84.8 sqm (2 no. units). The majority of the development therefore falls below the standard required in policy DM3.

The applicant takes the view that the internal space standards would reduce the number of dwellings to be provided by 2 dwellings. As reported below, the DVS has agreed that the site is already not economically viable for affordable housing, and reducing the scheme by 2 dwellings would compound this position. The need for low cost open market homes in Hastings is acute and, as this development makes an efficient and effective use of a brownfield site, the applicant considers that it is this type of site that the Local Plan Inspector had in mind when recommending that the internal space standards should be treated as guidelines.

The proposed houses will have back gardens which range in length from 8m to 13m. Whilst some of the proposed properties do not meet the required 10m required by policy DM3, when compared to the existing houses in the locality, the proposed rear gardens are comparable. There is a wide variety of plot sizes and rear garden lengths in the immediate vicinity. Policy DM3 requires rear garden lengths of 10m.

The conflict with policy DM3 in meeting internal and external space standards is acknowledged. On balance, it is considered that the redevelopment of this site results in an improvement in general amenity and the redevelopment of a derelict brownfield site, which contributes negatively to the character of the area, for much needed housing. It is considered that in this particular case, these reasons, along with the valuation report detailed in the section below, overcome the shortfall for internal and external space standards. Taken as a whole, the development is considered to represent sustainable development.

The previous scheme for 13 dwelling was refused, in part, for the intensification of a backland site and the effect of the access adjoining 8 Eleanor Terrace and the small sizes of the plots in comparison to the surrounding area. This scheme has reduced the number of dwellings by 2 units and has altered the layout at the rear of the site and the area immediately behind the frontage terrace (plots 1-4).

Plots 1-4 are largely the same plot size as the previous scheme. They have been staggered (plots 1 and 2 stepped back) to provide more visual interest. The footprints of dwellings 1-4 are similar to those at Eleanor Terrace, but the rear gardens are shorter.

Plots 5 and 6 replace a terrace of 4 on the previous scheme. These are a semi-detached pair of 2 bed dwellings with respective side garages and hardstandings. These plot sizes are larger than the previous scheme. These have been designed with cat slide roofs at the front, so that bathrooms with obscured glazing face towards the rears of Eleanor Terrace. The front doors are on the side elevations and they are set back to provide some frontage landscaping.

Plots 7-8 and plot 9-11 replace a terrace of 5 on the previous scheme. In the previous scheme, the end of terraces had generous plot sizes, whilst the three in the centre were small. In this scheme the terrace is broken up and each dwelling has a fairer share of the available space. In addition, the adjusted angle of plots 9-11 provide further plot space, a less uniform appearance and opportunities for further planting.

The proposal does not result in direct overlooking between dwellings. There may be some inter-visibility between unit 11 and the gardens to 107 and 103 Middle Road but this is not excessive and residents can protect themselves with landscaping. It is at a level expected in a built up urban area.

The current proposal protects the rear gardens at Eleanor Terrace with the inclusion of cat slide roofs at the front of units 5 and 6. The outlook from Old Top Road will be significantly improved with the demolition of the existing building.

Highways and Transport

It is appreciated that many of the objections related to the dangerous nature of the existing traffic in the area and that the application scheme would worsen this situation. The Highway Authority has raised no objections. It considers the visibility splays to be acceptable, the level of parking to be acceptable and the traffic generation to be acceptable when compared to the previous use. The site is close to bus services and has requested a contribution towards dropped curbs and an upgrading of the current bus stop.

Notwithstanding the Highway Authority's comments, there is insufficient space on the site for a dust cart to enter and turn within the site, meaning that a communal bin store is provided near the site entrance. The Highway Authority consider this to be a suitable arrangement, but the Council's waste and recycling team would prefer edge of curtilage collection points. Edge of curtilage collection points are not possible with the current layout.

Safety and security

The previous proposal included alleyways providing rear garden access to a number of the plots. Sussex Police had expressed concern about these alleyways becoming generators of crime.

In this proposal, the alleyways are mostly removed. One short alleyway servicing 1 unit at the rear of the site remains. Sussex Police has raised no objection but wishes to see more information at reserved matters stage. The site layout is not a reserved matter.

Given the above, it is considered that the short alleyway remaining serving just 1 property would not have an adverse impact on the safety and security of the development as a whole.

Ecology

The previous application was supported by sufficient evidence to demonstrate that planning conditions can be imposed to ensure that the proposal would not result in adverse impacts on protected species, including badgers. This current application is accompanied by an updated badger survey dated March 2015.

The updated report recognises the presence of badgers on the site and tracks through the site. The report sets out recommendations to ensure that, under the appropriate licences, two of the badger setts can be closed down, a third protected from disturbance and that badger pathways are created, to link the remaining sett with exit points.

This aspect will be controlled by planning condition.

Affordable housing

In accordance with Policy H3 of the Hastings Planning Strategy there is a requirement to pay a 20% financial contribution towards affordable housing. This would equate to 2.2 affordable units on the site.

The application has been supported by an affordable housing report. The report concludes that the scheme would generate a negative site value when taking into account all costs associated with the development; the development costs as well as the costs particular to this site: demolition, roadway, asbestos removal, badger mitigation, etc. The applicants state that the introduction of an affordable housing contribution would increase the site's negative value.

In accordance with Council procedures, viability reports are normally verified by the District Valuation Service. The DVS was instructed to assess the applicants' affordable housing statement. The DVS has provided a Viability Report on the proposal. The conclusion of the DVS is that the proposed development cannot viably provide the required levels of 'affordable housing' or any financial contributions which may be required by the Council.

In testing the viability of the proposal, the DVS used either the applicant's figures (where they agreed) or their own benchmarks and standards (where they did not agree with the applicant). The DVS concludes that the scheme has a negative valuation. It is concluded from this that the site genuinely cannot provide affordable housing.

It is noted within the DVS report that changes to the construction period, sales period or floor areas may change the construction costs and end sales values, impacting on the viability of the scheme. It appears reasonable to agree with the applicants that if the sizes of the dwellings increased and the number of units reduced, the viability would be further negatively impacted.

Drainage

Having regard to the information submitted with the application and the comments received from Southern Water, it is considered that a suitable drainage layout could be secured through the use of a condition.

Sustainable Development

The National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development (paragraph 14). In order to achieve sustainable development, the NPPF advises that a balance needs to be sought between environmental, social and economic issues (paragraph 8). Paragraph 8 also states that 'well designed buildings and places can improve the lives of people and communities'.

The proposal would result in new housing, for which there is a need. The layout of the site is an improvement of the previous and, for the most part, the former issues have been overcome. It is considered that this current scheme achieves a balance between the need for housing and the local environment and the proposal represents sustainable development in accordance with the NPPF.

Other considerations

The issues of subsidence and damage to neighbouring properties will be addressed as part of the building control process and/or are private matters between the relevant land owners/developer.

With regard to asbestos removal this is a matter that needs to be addressed by the applicant.

Conclusion

It is considered that the proposal overcomes the previous reasons for refusal and provides an acceptable development that is in keeping with the character of the area, provides a satisfactory standard of accommodation and amenity for existing and future occupiers. The demolition of the existing buildings represents a positive improvement for the area in visual terms.

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

Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The new access shall be in the position shown on the approved drawings and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to commencement of development.
6. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation (Given the restrictions of the access and/or the approach road the hours of delivery/ collection should avoid peak traffic flow times and the size of vehicles should be restricted). The development shall be carried out in accordance with the approved scheme.
7. During any form of earthworks and/or excavations that is carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads. The development shall be carried out in accordance with the approved details.
8. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
9. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
10. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval, in consultation with this Authority. The development shall be carried out in accordance with the approved details.
11. The development hereby approved shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme for the improvement of nearby bus stops on Middle Road. These improvements should take the form of a new bus stop flag, pole and raised kerbs. Such scheme shall provide for the timing of the improvement works in relation to the implementing of the development, and shall be implemented in accordance with such timing.

12. Prior to the commencement of development on site, a badger mitigation and method statement shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved statement.
13.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
14. The development hereby permitted, not including landscaping subject to condition 1 above, shall be carried out in accordance with the following approved plans:

4314/14/EX, LBP/C, 9, 7/A, 6/B, 1/B, 2/C, 3/C, 4/B, 5/A, 8/A.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
6. In the interests of highway safety and for the benefit and convenience of the public at large.
7. In the interests of highway safety and for the benefit and convenience of the public at large.
8. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
9. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

10. In the interests of highway safety and for the benefit and convenience of the public at large.
11. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
12. To ensure protected species are not adversely affected.
13. To prevent increased risk of flooding.
14. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mrs T Bahcheli, Telephone 01424 783264

Background Papers

Application No: HS/FA/15/00232 including all letters and documents