

Report to: PLANNING COMMITTEE

Date: 27 January 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Land off, Robert Tressell Close, Hastings, TN34 1UP

Proposal: Variation of condition 21 (approved plans) of planning permission HS/FA/14/00823 - amendment to front elevation and parking

Application No: HS/FA/15/00805

Recommendation: Grant Full Planning Permission

Ward: BRAYBROOKE
File No: LO55082
Applicant: Gold Property Developments Ltd per DK Designs FPT Ltd 96 Blackburn Drive Sheffield, South Yorkshire. S35 2ZP

Interest: Owner
Existing Use: Vacant

Policies

Conservation Area: Yes - Blacklands
National Planning Policy Framework: No conflict
Hastings Local Plan -
The Hastings Planning Strategy: DS1 (New Housing development), FA2 (Strategic Policy for Central Area), SC1(Overall Strategy for Managing Change in a Sustainable Way), SC3 (Promoting Sustainable and Green Design), SC4 (Working Towards Zero Carbon Development), EN1 (Built and Historic Environment), EN2 (Green Infrastructure Network), EN3 (Nature Conservation and Improvement of Biodiversity), H1 (Housing Density), H2 (Housing Mix), H3 (Provision of Affordable Housing), T3 (Sustainable Transport)

Hastings Local Plan -
Development Management Plan: DM1 (Design Principles), DM3 (General Amenity), DM4 (General Access), HN1 (Development affecting the Significance

and Setting of Designated Heritage Assets
(including Conservation Areas),
HN7 (Green Infrastructure in New
Developments),
HN8 (Biodiversity and Green Space)

Public Consultation

Adj. Properties:	Yes
Advertisement:	Yes - Conservation Area
Letters of Objection:	4
Petitions Received:	0
Application Status:	Not delegated - More than 2 letters of objection received

Summary

This is an application for the variation of condition 21 (approved plans) of planning permission HS/FA/14/00823 which allowed the erection of 10no. family dwellings and associated parking and access road. The application constitutes a minor amendment of the previously approved scheme. The application is recommended for approval.

The Site and its Location

The site consists of an undeveloped parcel of land to the west of Robert Tressell Close. The site adjoins residential properties to the north and south and the boundary of the Blacklands Conservation Area runs along the site's northern boundary. A vacant area of land lies to the east and a parking area to the west. Mature trees run along part of the northern, southern and eastern boundaries. As set out in the previous consent, the land levels on site drop between the southern and northern boundaries.

The area is defined by a mixture of housing types including larger houses at Lower Park Road to the north. Due to levels of open space and the gardens of neighbouring properties the area is considered to have a suburban type character and appearance.

Details of the Proposal and Other Background Information

Planning permission for 10no. family dwellings and associated parking and access road was granted at planning committee on 4 February 2015.

Condition 21 of this permission relates to the approved drawings and by varying this condition the applicant is proposing to replace some of the previously approved drawings with new drawings showing a small change in the floor area and front elevations to plots 1 - 5 and 9 - 10. The change in footprint relates to the squaring off of the building without a front projection for the entrance porch area. This results in a small increase in floor area as well as a repositioning to allow for a parking space in front of the dwellings.

Previous Site History

HS/OA/07/00963 Erection of 9 houses with parking & new access road & creation of 4 x replacement parking spaces.

- Granted 01 February 2008.
- HS/DS/10/00681 Erection of 9 houses with parking & new access road & creation of 4 x replacement parking spaces. Approval of reserved matters pursuant to application HS/OA/07/00963.
- Granted 01 January 2011.
- HS/FA/14/00144 Development of land off Robert Tressell Close to provide 11no. family dwellinghouses and associated parking and access road.
- Withdrawn 14 July 2014.
- HS/FA/14/00823 Erection of 10no. family dwellings and associated parking and access road.
- Granted 05 February 2015.

Details of Consultations

Subsequent to neighbour notification letters 4 individual letters of objection have been received. The comments mainly relate to the principle of development for this site as well as to the loss of trees.

Planning Considerations

Residential amenity

The changes, which relate to plots 1-5 and 9-10, will not affect the living conditions of future occupiers or adjoining properties. Although the dwellings have been moved slightly back into the plot, the amenity space exceeds the minimum garden space of 10m in depth. As with the previously approved applications, the relationship to adjoining properties remains acceptable in terms of residential amenity including privacy, noise, daylight and overshadowing.

All these matters were considered as part of planning application HS/FA/14/00823 and this application does not significantly change the scheme in that respect. The application is therefore in accordance with Policy DM3 (General Amenity) of the Development Management Plan.

Character and appearance

The minor changes to the front elevations include some changes to the area covered by render or brick as well as changes to the floor plan. The front entrance porches which were previously shown to project further to the front than the rest of the building have been removed and the footprint of the dwellings has been squared off. The dwellings have been moved slightly deeper into the plot in order to allow enough space for the car parking spaces. The proposed changes are relatively small and would not significantly affect the character of the area. As such the changes are considered acceptable and in accordance with Policy DM1 (Design Principles) of the Development Management Plan.

Trees: There are a number of trees within the centre of the site which are proposed to be removed however the loss of these trees has already been approved by the previous permission and the subsequent discharge of condition application HS/CD/15/00867. The proposal is therefore considered acceptable in this respect.

Evidence of Community Involvement

These proposals comply with the development plan in accordance with Section 38 (6) of the

Planning and Compulsory Purchase Act 2004 which states:

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

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

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of planning permission HS/FA/14/00823.
2. No development shall take place until the measures outlined in the submitted ecological statements and reports (Land off Robert Tressell Close, Hastings, Ecological Impact Assessment by the Bourne Valley Consultancy dated September 2007; and the update letter from the Bourne Valley Consultancy dated 17 October 2014) have been fully implemented, unless:

- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;

unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

3. (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 the dwellings hereby approved shall not be occupied until those works have been completed.

The dwellings hereby approved shall not be occupied until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development (in accordance with BS5837

2012: Trees in relation to design, demolition and construction – Recommendations). New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

5. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials;
7. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
8. 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.
9. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development.
10. Prior to the commencement of development details of the proposed surface water drainage shall be submitted to the Local Planning Authority for approval. The development shall be completed in accordance with the approved details.
11. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.
12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall

thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

13. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
14. During development every loaded lorry shall be covered before leaving the site.
15. No development shall take place until a scheme has been submitted to and approved by the Local Planning Authority that shows works to improve pedestrian access between the site and Priory Avenue by installing dropped kerbs at junctions where necessary. The improvements shall be provided prior to the occupation of any of the dwellings hereby approved, and shall be implemented in accordance with the approved scheme.
16. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
17. No development shall commence until details of the size and location of any temporary structures required during the construction process, proposals in respect of the public footpath during construction, a vehicle wheel washing facility together with areas for the storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the approved details shall remain in place and in operation for the duration of the construction period.
18. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures within the approved protocol shall be carried out prior to commencement of development unless ongoing control has been approved.
19. No building hereby permitted shall be occupied until it has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building.
20. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
21. The development hereby permitted shall be carried out in accordance with the following approved plans:
2015-15-01, 50, 51, 52, 60, 61, 70, & 71, 2015-15-100, 2015-101; 1210-130,131,132

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
3. To ensure a satisfactory standard of development.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. To ensure a satisfactory form of development in the interests of the visual amenity.
6. To ensure a satisfactory form of development in the interests of the visual amenity.
7. To ensure a satisfactory form of development in the interests of the visual amenity.
8. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
9. To ensure a satisfactory standard of development.
10. In the interests of highway safety.
11. In the interests of highway safety and for the benefit and convenience of the public at large.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
14. In the interests of highway safety and the amenities of the area.
15. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety. (Hastings Local Plan 2004 policy TR10)
16. To protect features of recognised nature conservation importance.
17. In the interests of the visual and residential amenities of the locality.
18. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
19. To ensure that no property is occupied until adequate access and drainage facilities have been provided.

20. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
21. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Consideration should be given to the provision of a domestic sprinkler system.
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
5. In the event that any sewers are found within the site the applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
6. No excavation, mounding or tree planting should be carried out within 3m of the public foul sewer, and no new soakaways should be located within 5m of the public sewer without consent from Southern Water Services Ltd. The applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
7. The Local Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
8. With regard to condition 14 of this planning permission the applicant's attention is drawn to the guidance set out in the Environment Agency's booklet: "The Knotweed Code of Practice", a copy of which is obtainable at:

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>
9. This planning permission has been issued as a variation to planning permission HS/FA/14/00823. Aside from the condition that has been varied the conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any

outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible.

Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/15/00805 including all letters and documents