

Report to: PLANNING COMMITTEE

Date: 10 September 2014

Report from: Development Manager

Application Address: The Barn, Fairlight Place, Barley Lane,
Hastings, TN35 5DT

Proposal: Variation of condition 11 (approved drawings) of planning permission HS/FA/13/00691 - Conversion of existing barn to form live/work unit, including reconstruction of sections of external walls as indicated. (Minor material amendment showing new emergency exit, new secondary wall, changes to external walls, removal of tree and new vehicular access).

Application No: HS/FA/14/00465

Recommendation: Grant Full Planning Permission

Ward: ORE

File No: FA35460T

Applicant: Polecat Properties per Elliott Pardington
Architecture 6 Lilac Drive Monmouth
Monmouthshire / Sir Fynwy NP25 5DY

Interest: Freeholder

Existing Use: Converted barn (unoccupied)

Policies

Hastings Local Plan 2004: DG1, DG3, L2, NC3, NC5

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: SC1, EN2, EN3, EN4

Hastings Local Plan, Development
Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM6, DM7

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 6

Petitions Received: 0

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

Summary

The application is a minor material amendment to a previous permission HS/FA/13/00691 for the conversion of the existing barn to form a live/work unit.

The Site and its Location

In the past the building formed part of the farm complex at Fairlight Place Farm, to which access is obtained by means of a surfaced roadway leading from Fairlight Road. The former farmhouse is a short distance to the north, and there is a terrace of three agricultural workers' cottages adjoining the site to the north west. The farm and building are located just outside Hastings Country Park but within a Local Nature Reserve and the High Weald Area of Outstanding Natural Beauty. To the south of the building is a concrete hard standing which was formally used as a milking parlour. To the north there is an area of grassland.

To the south and east of the site are a range of modern agricultural buildings operated by Hastings Borough Council and Hastings Country Park.

Details of the Proposal and Other Background Information

The amendments relate to:

New emergency exits: The applicant has stated that the emergency exits at first floor level are required for the revised bedroom layout.

New secondary wall: To be built inside an existing boundary wall.

Changes to external walls: Some of the external walls have been rebuilt to incorporate areas of natural stonework to match the existing building.

Removal of trees: It is stated that remediation works relating to contaminated land led to the loss of existing silver birch trees at the north of the site. Replacement trees are proposed.

New vehicular access: The applicant states that the new vehicular access to the east side rear garden area is intended to provide access for deliveries to the office suite and long term maintenance of the garden. During the consideration of this application a further amendment has been received, which re-locates the proposed vehicular access further to the south-east (utilising what the applicant understands to have been a pre-existing vehicle access).

The other additional alterations comprise:

Variation to the form and step arrangements for the decking on the south side of the barn.

Replacement of the shingle areas at the north side of the barn with block pavings.

Omission of the planting areas within the front parking area.

Introduction of a handrail and steps at the south end of the front parking area.

Previous Site History

HS/FA/08/00144 Conversion of redundant barns & associated stores to provide live/work unit
Granted 25 April 2008

HS/FA/12/00339 Conversion of existing barn and associated stores to provide live/work unit
Granted 21 June 2012

- HS/FA/13/00363 Conversion of redundant barn to live/work unit - (amendment to previous planning permission HS/FA/12/00339 - addition of mezzanine floor within main barn area
Granted 07 August 2012
- HS/FA/13/00691 Conversion of existing barn to form live/work unit, including reconstruction of sections of external walls as indicated
Granted 25 October 2013

Details of Consultations

Six letters of objection have been received. The concerns raised include, reference to the fact that the works have already been done, visual appearance, traffic & vehicle safety, loss of privacy and loss of trees.

The Borough Arboriculturalist states that the silver birches should be planted as heavy standards with a girth of 14-16cms. These trees should be planted between November and March (Condition 2 attached).

The Highway Authority does not wish to provide formal comments as Barley Lane is not adopted highway.

The Principal Environmental Health Officer has no comments to make.

The Environment and Natural Resources Manager has no objections to a delivery access.

The Building Control Surveyor has confirmed that the emergency exit hatches were requested by Building Control and that they meet their requirements. The first floor bedrooms are inner rooms due to the open plan layout below so they must have alternative means of escape. Velux windows provided in the roof pitch were too high for this purpose.

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 emergency exits have been conditioned so that they shall be opened for this purpose only and shall not be used as windows. Therefore, there will be no harm to the residential living conditions of adjoining properties.

The visual impact of the emergency hatches and the walls is acceptable and will cause no visual harm to the building or the surrounding Area of Outstanding Natural Beauty.

The replacement birch trees have also been conditioned: they shall be planted as heavy standards with a girth of 14-16cms.

Six car parking spaces lie to the north of the building. The use of the building is a mixed use of office and residential. There is no objection to a driveway for deliveries at the location shown on the latest revised plan further to the south east.

The latest additional alterations comprising variation to the form and step arrangements for the decking on the south side of the barn, and replacement of the shingle area at the north side of the barn, with block pavings as well as the introduction of a handrail and steps at the south end of the front parking area will have no detrimental visual impact on the building or the surrounding Area of Outstanding Natural Beauty subject to details being submitted.

The omission of the planting areas within the front parking area is not considered to be acceptable as the planting will soften the appearance of the 6 car parking spaces and help to integrate them into the landscape. A condition has been added to retain this planting.

There is no objection to the other amendments and I recommend approval.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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 carried out in accordance with the following approved plans:

13.644/04D
2. The replacement silver birches shall be planted as heavy standards, 14-16cm girth. The trees should be planted between November and March.
3. The emergency exits shall be used for this purpose only and shall not be opened at other times.
4. Notwithstanding what is shown on the approved drawing, the planting areas within the front parking area shall be retained in accordance with drawing 13.644/04C.
5. No development shall take place until details of the materials to be used for the decking, block paving and the handrail and steps 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.
 - (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.

In particular, the surface water drains must not open to allow other liquids to be poured into them and more details are required.

7. 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.
8. 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.
9. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows and doors other than those expressly authorised by this permission shall be constructed.
10. No development shall commence until details of ecological enhancements have been submitted to and approved in writing by the Local Planning Authority (LPA). This shall include:
- Ecological enhancements to be realised as part of the building design
 - A management plan (for the future short and long term management of both retained and created habitats).
 - Landscaping specifically designed to mitigate against the effects of artificial lighting and increased human access/disturbance.

Ecological enhancements may include; the provision of bird and bat boxes, bricks and tiles, the planting of ecological features as part of a landscape plan, green/brown roofs and green facades.

No development shall take place until full details of a protected Species Contingency Plan has been submitted to and approved in writing by the local planning authority. The plan shall include:

- (a) Surveys at agreed periods by an agreed expert to determine the possible presence of particular protected species previously specified

by the local planning authority.

- (b) Details of appropriate mitigation measures and contingency plans should such a protected species be found to be present and either (i) preparing to breed, (ii) in the process of breeding or (iii) rearing young.

The surveys, mitigation and contingency measures shall be implemented in accordance with the approved plan, unless otherwise approved in writing by the local planning authority.

11. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles.
12. All recommendations outlined in the Contamination Assessment Report and remediation Strategy and Verification Plan shall be undertaken.
13. The proposed work shall be carried out in accordance with the remediation strategy and verification plan. The development shall not be occupied until the remediation verification report is approved in writing by the Local Planning Authority.
14. If during remediation, other contamination not previously identified is found to be present, the applicant should submit a method statement to the Local Planning Authority that details how the unsuspected contamination will be dealt with.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1)
3. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
4. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1)
5. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 Policy DG1)
6. To prevent increased risk of flooding.
7. To ensure a satisfactory standard of development.
8. To ensure a satisfactory standard of development.
9. To safeguard the character of the buildings in their particular context.

10. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
11. To ensure an adequate level of off-street parking to serve the development.
12. To ensure a satisfactory form of development in the interests of the character and amenity of the area. (Hastings Local Plan 2004 Policy DG1)
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Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. This planning permission has been issued as a variation to planning permission HS/FA/13/00691. The pre-commencement 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. There may also be informatives from the previous permission which still apply.

Officer to Contact

Mrs E Collins, Telephone 01424 783278

Background Papers

Application No: HS/FA/14/00465 including all letters and documents