

Report to: PLANNING COMMITTEE

Date: 16 November 2016

Report from: Assistant Director of Housing and Built Environment

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

Proposal: Variation of condition 6 (hard landscaping) and 21 (approved plans) of Planning Permission HS/FA/14/00823

Application No: HS/FA/16/00710

Recommendation: Grant Full Planning Permission

Ward: BRAYBROOKE
File No: LO55082
Applicant: Gold Property Developments per DK Designs
96 Blackburn Drive Chapeltown Sheffield S35 2ZP

Interest: Owner
Existing Use: Development site

Policies
Conservation Area: Yes - Blacklands
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 4
Petitions Received: 0

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

Site and Surrounding Area

The site consists of a partly constructed 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. Mature trees run along part of the northern, southern and eastern 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.

Relevant site constraints:

- Woodland TPO 122
- Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ)

Proposed development

The site is currently being developed to provide 10 dwellings under planning permission HS/FA/14/00823. This application is to vary the approved plans in respect of the erection of a 2m high uni log retaining wall (which also applies to condition 6 (hard landscaping) of the current permission) on the site's western boundary, and to accurately identify the changes in site levels. These changes apply to rear of plots 1-5 only.

Without the log retainer to the western boundary of the site, the gardens of plots 1-5 would be very steep, and the works result in more useable space for future residents. Work in respect of the construction of the retaining wall has already commenced and involvement with Enforcement colleagues has been ongoing in this respect.

Relevant Planning History

HS/FA/16/00473 Removal of condition 9 provision of high speed broadband (fibre optic) of Planning Permission HS/FA/14/00823 - Erection of 10no. family dwellings and associated parking and access road.

WITHDRAWN 11 August 2016

HS/CD/16/00188 Discharge of Condition 20 (details of the external facing materials) - External Facades:- Bricks :- Ibstock Red Surrey Multi of Planning Permission HS/FA/14/00823

GRANTED 28 April 2016

HS/CD/15/00867 Discharge of conditions 2 (ecological details), 3 (drainage), 4 (soft landscaping), 5 (soft landscaping), 6 (hard landscaping), 7 (hard landscaping), 9 (broadband), 10 (surface water), 11 (wheel washing), 12 (parking), 13 (cycle storage), 14 (loaded lorry covering), 15 (pedestrian access), 17 (temporary structures) 18 (non nature species protocol), 19 (connected to main drainage) 20 (materials) and 21 (approved plans) of planning permission HS/FA/14/00823

GRANTED 5 January 2016

HS/FA/15/00805 Variation of condition 21 (approved plans) of planning permission HS/FA/14/00823 - amendment to front elevation and parking

GRANTED 27 January 2016

HS/FA/14/00823 Erection of 10no. family dwellings and associated parking and access road.

GRANTED 5 February 2015

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/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 1 January 2011

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

GRANTED 1 February 2008.

National and Local Policies

The relevant national and local policies in so far as they relate to this variation of condition application are:

Hastings Local Plan – Planning Strategy (2014)

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan (2015)

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy HN1 - Development affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas),

National Planning Policy Framework (NPPF)

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

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

Consultation comments

Conservation Officer - No Objection

Does not consider the development to harm the significance or setting of the Blacklands Conservation Area.

Representations

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

- Absence of a soft landscaping plan along the western border of the site - replanting necessary
- Retaining wall and fencing unsightly
- Work commencing prior to permission being granted
- Intrusion into privacy of neighbouring properties

Determining Issues

Principle

The principle of the development as a whole has already been agreed through planning permission HS/FA/14/00823, and the subsequent applications to vary and discharge conditions. Therefore, the main issues to be considered in respect of this application is the impact on future residential occupiers, as well as neighbouring properties in terms of amenity, safety and privacy.

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

Impact on character and appearance of area

The new retaining wall is required to provide a more useable space, given the steeply sloping nature of the site and the particular impact this has on plots 1-5 towards the west of the site. Whilst its height at 2m is relatively substantial, the uni log structure is of a sympathetic material and design, and is sited to the rear of these new properties. It is not visible from the streetscene when viewed from The Spinney or Lower Park Road, and is unlikely to be significant when viewed from the new access road entering the application site. The proposal is therefore considered to be in accordance with Policy DM1 of the Development Management Plan 2015.

Impact on future and neighbouring residential amenities

The retaining wall runs along the western boundary of the site, adjacent to the extensive gardens of the surrounding properties. The structure does not extend up to any of the adjacent dwellings themselves, and given its wooden appearance in keeping with the open and landscaped nature of the gardens, it is not considered that there will be an undue impact in terms of visual amenity. The works ensure that a sufficient standard of separation is maintained, given the steeply sloping land levels, to the benefit of existing and future

residents. There will be no negative impact in terms of loss of privacy or overlooking as a result of the new structure. The potential for loss of privacy and additional overlooking as a result of the new dwellings themselves (the cause of several objector concerns), was considered fully as part of the application for the development as a whole under reference HS/FA/14/00823.

It is therefore considered that the proposal is in accordance with Policy DM3 of the Development Management Plan 2015

Heritage

The north boundary of the development site borders the southern edge of the Blacklands Conservation Area and, as such, consideration must be given to the impact on the setting of the existing dwellings on the south side of Lower Park Road. Given that these properties are set at a substantially lower level than the development site and that they have long back gardens with mature trees and landscaping, it is considered that any impact on their setting is likely to be very minor, in the form of a slight change in the backdrop within which they are viewed. The proposal is therefore in accordance with Policy EN1 of the Hastings Planning Strategy 2014 and HN1 of the Development Management Plan 2015.

Soft landscaping

The cause of many objector concerns is the lack of a soft landscaping scheme associated with the development. The details for the soft landscaping scheme were approved as part of application HS/CD/15/00867 and are not subject to further consideration here. The applicant has been advised that should the application to vary the hard landscaping in any way affect the implementation of the approved soft landscaping details, then a new application would need to be submitted. At this stage however, it is not considered that the approved soft landscaping details have been affected, based on the drawings submitted.

Conclusion

Taking account of the above considerations, it is considered that the proposed alterations to the hard landscaping scheme, comprising the construction of a uni log retaining structure will not result in an undue negative impact on neighbouring residential amenity, or cause harm to the streetscene. The works are required to ensure an effective development of the application site, which will provide useable amenity space, approved under planning application HS/FA/14/00823. The proposal therefore complies with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. 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.

2.
 - (i) Construction of the development shall be carried out in accordance with the approved details of the proposed means of foul sewerage and surface water disposal/management .
 - (ii) The dwellings approved shall not be occupied until those works have been completed.

The dwellings 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.

3. Development shall be carried out in accordance with the details approved under reference HS/CD/15/00867 for a scheme of soft landscaping, which includes 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). The new soft landscaping details 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, together with an implementation programme.
4. 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.

5. Development shall be carried out in accordance with details of the hard landscape works approved under reference HS/FA/16/00867, and further amended under planning permission HS/FA/16/00710. These details include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials;
6. Hard landscaping 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.
7. 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.
8. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development.
9. The development shall be completed in accordance with the surface water drainage details approved under reference HS/CD/15/00867
10. 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, in accordance with the details approved under reference HS/CD/15/00867 to prevent contamination and damage to the adjacent roads.
11. 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.
12. 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.
13. During development every loaded lorry shall be covered before leaving the site.
14. Development shall be implemented in accordance with the approved scheme for pedestrian access improvements between the site and Priory Avenue. The improvements shall be provided prior to the occupation of any of the dwellings approved.
15. 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.

16. Development shall be implemented in full accordance with the approved details of temporary structures required during the construction process, proposals in respect of the public footpath during construction, vehicle wheel washing facility, together with areas for storage of materials and temporary site hoardings. The approved details shall remain in place and in operation for the duration of the construction period.
17. 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.
18. No building 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.
19. Development shall be carried out in accordance with the approved details of the materials to be used in the construction of the external surfaces of the dwellings.
20. The development hereby permitted shall be carried out in accordance with the following approved plans:

2015-15-01, 50, 52, 60, 61, 70, & 71, 2015-15-100, 2015-101; 1210-130,131,132
2015-15-05M, 2015-15-51B

Reasons:

1. To protect features of recognised nature conservation importance.
2. To ensure a satisfactory standard of development.
3. To ensure a satisfactory form of development in the interests of the visual amenity.
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7. To safeguard the amenity of adjoining residents.
8. To ensure a satisfactory standard of development.
9. In the interests of highway safety.

10. In the interests of highway safety and for the benefit and convenience of the public at large.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
13. In the interests of highway safety and the amenities of the area.
14. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
15. To protect features of recognised nature conservation importance.
16. In the interests of the visual and residential amenities of the locality.
17. To protect features of recognised nature conservation importance.
18. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
19. In the interests of the visual amenity of the area.
20. 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.

Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

Application No: HS/FA/16/00710 including all letters and documents