

**Report to:** PLANNING COMMITTEE

**Date:** 16 November 2016

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **Mayfield J, Mayfield Lane, St Leonards-on-sea**

**Proposal:** **Proposed erection of 4 x four bed houses (proposed revision to approved 35 unit housing scheme - HS/FA/15/00039 as amended by HS/FA/16/00223 - to replace 4 x two bed units with 4 x four bed units on Plots 19 - 22)**

**Application No:** **HS/FA/16/00563**

**Recommendation:** **Grant Full Planning Permission**

**Ward:** HOLLINGTON

**File No:** CR80000X

**Applicant:** Park Lane Homes (South East) Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

**Interest:** Owner/Developer

**Existing Use:** Vacant with residential permission

**Policies**

**Conservation Area:** No

**Listed Building:** No

**Public Consultation**

**Adj. Properties:** Yes

**Advertisement:** Yes - General Interest

**Letters of Objection:** 3

**Petitions Received:** 0

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

## **Update**

Members will recall that this application was reported to committee on 19th October 2016. At that committee Members may remember that whilst the report and visual presentation noted the application was for plots 19-22 to be amended from 4 x 2 bed to 4 x 4 bed dwellings, the verbal presentation advised the report was in error and that the application was for plots 19 to 22 to be amended from 4x 3 bed dwellings to 4 x 4 bed dwellings.

As Members have been misinformed by the verbal presentation, the Council have not been able to issue a decision. As such, Members are requested to reconsider the application and additional advice given by the District Valuer, and the application is recommended for approval as per the report attached below.

The report presented to committee on 19 October 2016 is reproduced below for information, with the exception of the affordable housing and representation section which have been updated.

## **Site and Surrounding Area**

The site, known as Mayfield J, comprises a large, triangular shaped expanse of vacant land (approx. 0.78ha) located between Mayfield Lane, Robsack Community Centre and Bodiam Drive to the north and the wide roadside margin adjacent Crowhurst Road/Queensway to the west. The rear of the residential properties in Etchingham Drive, Mayfield Heights lie to the east of the application site. The site is heavily screened by a wooded tree belt within a 4 metre high fence. The site is not visible from the street.

Plots 19-22 form part of the overall site and are located on the western side of the site, away from existing residential properties.

Site constraints:

Flooding Surface Water 1 in 1000

Flooding Surface Water 1 in 30

Flooding Groundwater

Flooding Surface Water 1 in 100

High Pressure Pipeline 2km Buffer SGN

Local Plan Planning Strategy Policy T3

Local Plan Planning Strategy Policy FA1

Historic Landfill Site 250m Buffer

Low Pressure Pipeline SGN

Local Plan Development Management Plan Policy GH4

Tree Preservation Order

Land Owned Leased Licensed or held by Tenancy at Will by HBC

## **Proposed development**

The application comprises the erection of 4 X four bed houses on plots 19-22 of the site known as Mayfield J. Although this is being assessed as a fresh application on its own merits, it will also be considered as a revision to the previously approved application for a 35 unit residential scheme on the Mayfield J site, granted 22 October 2015, subsequently amended 30 June 2016.

These plots (19-22) within the approved schemes (HS/FA/15/0000039 and HS/FA/16/00223) were assessed and approved as 4 X 2 Bed properties. This application is for 4 X 4 Bed properties.

The alterations to the approved 2 bedroom units to 4 bed units are as follows:

The width of the internal floor space of the ground floors will be increased from 3.4m to 4.124m.

The depth of the internal floor space will be increased from 8m to 8.5m.

The height of the ridge lines will increase from 8.4m to 10m. This is a result of the addition of a steeper roof pitch and the addition of dormers.

An additional 3 no. car parking spaces are proposed.

Other alterations to the overall layout of the proposed houses include the repositioning of entrance doors and porches, fenestration changes, internal changes to the location of rooms and the addition of a staircase to the upper floor within the roof space/dormer.

The application is supported by the following documents:

Block Plan

Elevations (Approved and Proposed)

Floor Plans, Roof plans and Sections (Approved and Proposed)

Planning Statement

Ecology Report

Drainage Statement

Sustainability Statement

### **Relevant Planning History**

HS/FA/15/00039 Erection of 35 two and three bedroom houses together with access, parking and open space  
Granted 22 October 2015

HS/CD/15/00955 Discharge of conditions 5 (i) foul and surface water) and 19 (surface water)  
Granted 24 March 2016

HS/CD/16/00008 Discharge of condition 12 (Archaeology) of planning permission  
FA/15/00039

HS/FA/16/00223 Variation of condition 3 (approved plans) of planning permission  
HS/FA/15/00039  
Granted 30 June 2016

HS/CD/16/00583 Discharge of condition 4 (materials), 5(i) (drainage), 6 (hard landscaping), 8 (soft landscaping) and 10 (boundary treatments) of  
Planning Permission HS/FA/16/00223  
Granted 01 September 2016

## **National and Local Policies**

### Hastings Local Plan – Planning Strategy (2014)

FA1 - Strategic Policy for Western Areas

T3 - Sustainable Transport

H2 - Housing Mix

H3 - Provision of Affordable Housing

### Hastings Local Plan – Development Management Plan (2015)

DM1 - Design Principles

DM3 - General Amenity

DM4 - General Access

DM5 - Ground Conditions

LP2 - Overall Approach to Site Allocations

GH4 - Mayfield J, Mayfield Lane Site Allocation

### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

### 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.

## **Consultations comments**

Highways Authority - **No Objection**

Highways Authority is concerned about the amount of parking but, taking into account the number approved for the whole scheme previously, states that a refusal could not be justified.

Lead Flood Authority (SUDS) - **No Objection**

## **Representations**

### Update since 19th October Planning Committee

In total, and at the point of producing this committee report, 15 letters of representation have been received from 4 people. Of these, five further letters of representation have been received, from three different people since the last report was published. It is noted one of these letters is from Councillor Edwards and queries the detail of the information reported to Planning Committee on 19<sup>th</sup> October Committee. The remainder of the letters of representation comment on the question of whether the development would in fact generate additional value which would allow an additional affordable housing contribution and point out that the detail reported to committee regarding bedroom numbers was incorrect. Concerns are also raised that the same error in reporting information occurred with application 16/00562. Concerns are also raised in respect of the way in which the DVS were consulted and requests the DVS are consulted again.

[Update ends here.]

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

Amount of affordable housing required as part of S106 for application HS/FA/16/00223 should be increased to take into account larger units now being proposed.

## **Determining Issues**

### Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

The whole site, Mayfield J, of which these plots 19-22 form part, is allocated in the Development Management Plan for 36 dwellings. As planning permission was granted for the whole site and amended on 30 June 2016 to 35 dwellings, the principle of residential development has been established on the site.

### Layout and Design/Impact on Neighbours

Overall, the approved scheme for 35 houses remains largely unaffected by these alterations to the size of dwellings on plots 19-22. Although the proposed houses will be increased in footprint and height, the design will be in keeping with the remainder of the proposed scheme. The front dormers, as proposed, sit reasonably well in the roof space. On the rear elevation the dormer windows are bulkier and the dwellings appear top heavy when viewed in isolation from the whole development. However, given the different units approved on the

remainder of the site and the limited views due to a degree of screening from existing woodland, a reason for refusal is not justifiable.

The rear of the properties is separated from Crowhurst Road to the west by a buffer of undergrowth, woodland undergrowth and woodland. The proposed houses will face the proposed turning head and side elevations will overlook the adjacent parking court.

### Ecology

The ecological issues were assessed under the approved scheme for 35 houses. This approval is a material consideration and a condition is attached that the development and mitigation measures should be carried out in accordance with The Ash Partnership January 2015.

### Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. 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).

### Land Contamination

The principle of development on this site (and plots) has already been agreed as part of the earlier application for 35 dwellings and the additional footprint created by these proposals is not considered to give rise to additional concerns in respect of the site's location within the landfill buffer zone.

### Drainage/SUDS

Drainage conditions attached to previous permissions have been discharged and as such relevant condition attached to this permission will refer to previously approved details of drainage construction/methods.

### Highway Safety/Parking

There will be no overall changes to the approved layout for 35 units. There are 3 no. additional parking spaces proposed in order to accommodate the additional bedspaces per property. Although ESCC Highways are concerned with regard to the amount of parking proposed, which is less than required, it is considered that given the previous approval, a refusal on this basis could not be justified.

### Affordable Housing

### Update since 19th October Planning Committee

Since the above noted Planning Committee, the DVS were consulted again, and provided with the correct details of the application. The DVS have issued their formal response which concludes, "our appraisals show a residual valuation of £1,474,414 for the extant scheme

and £1,436,792 for the proposed scheme. The proposed scheme can therefore not support an additional contribution towards affordable housing above the £168,330 already proposed." It is noted that the value has dropped between the extant scheme and the proposed scheme. This is because the costs associated with providing the additional floorspace to accommodate the additional bedrooms are substantially greater than the gain in market value of the dwellings in question.

The majority of objections to this application are made on the basis that there is no additional affordable housing contribution attached to this application. Further representations have been received following the committee meeting on 19 October, please see the updated representation section of this report.

Policy H3 within the Hastings Local Plan, Planning Strategy requires the provision of affordable housing on schemes which have a net increase in the number of dwellings. There is no increase in the number of dwellings in this instance and therefore no policy within the local plan to justify an uplifted financial contribution in cases where applications for additional bedrooms are received.

[Update ends here.]

## **Conclusion**

Although this proposal has been submitted as a standalone application, it must still be considered as part of the overall approved scheme for 35 dwellings. It is considered that the proposals do not compromise the overall design and layout of the approved scheme nor will they affect the amenity of existing and proposed residents. The proposed dwellings are therefore considered to be acceptable and compliant with policies contained within the Local Plan and the NPPF.

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

1405781/201,4307/19-22/1-6

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. 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 or made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. No building hereby permitted shall be occupied until the approved drainage system has been implemented as per drawing no. bx/1405781/200/S4 as approved under application HS/CD/16/00583.
6. All hard landscape works shall be carried out in accordance with drawing no. bx/1405781/60-S4 as approved under HS/CD/16/00583. The works shall be carried out prior to the occupation of any part of the development.
7. Soft landscaping shall be carried out as per drawing PLG/1252/15C, approved under application CD/16/000583, prior to the occupation of any part of the development, 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. No occupation of the dwellings hereby approved shall take place until the boundary fences shown on drawing PLG/1252/15C, approved under application CD/16/00583, have been erected.
9. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation from Chris Butler Archaeological Services, January 2016 approved under CD/16/0008 to the satisfaction of the Local Planning Authority.
10. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 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.

11. All ecological measures and/or works shall be carried out in accordance with details contained within the submitted report Mayfield J, South of Mayfield Lane Report seeking discharge of Conditions 17 to 20 Planning Consent HS/OA/07/00895 by the Ash Partnership January 2015.
12. The new access shall be in the position shown on the submitted plan number 4307/19-22/1 and laid out in accordance with details those submitted prior to occupation of the dwellings. All work shall be completed in accordance with the approved plans.
13. Prior to occupation of the approved dwellings, the new estate road shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with ESCC standards with a view to its subsequent adoption.
14. Prior to the commencement of development a desktop study for the presence of contaminants, methane and carbon dioxide in soil shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority

If the desktop study indicates that there may be contaminants, methane and carbon dioxide present in soil:

i) A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing.

Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority.

ii) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

15. 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.

16. 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.

**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 residents.
4. In the interests of the visual amenity of the area.
5. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
6. To ensure a satisfactory standard of development.
7. To ensure a satisfactory standard of development.
8. To ensure a satisfactory standard of development.
9. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
10. In the interests of the health of the trees and to protect the visual amenity.
11. To protect features of recognised nature conservation importance.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
13. In the interest of public safety.
14. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
15. In the interests of highway safety
16. To ensure adequate parking for the development

**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. You are advised that the application site lies within the vicinity of low/intermediate/high pressure gas pipes. Please contact SGN Plant Protection Team on 0800 912 1722 for further advice.
4. Consideration should be given to the provision of a domestic sprinkler system.

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### **Officer to Contact**

Ms K Phillips, Telephone 01424 783250

### **Background Papers**

Application No: HS/FA/16/00563 including all letters and documents