

Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: **Filsham Nurseries, 37 Charles Road West, St Leonards-on-sea, TN38 0RT**

Proposal: **Demolition of existing buildings and ancillary buildings. Erection of 7no residential units, landscape and parking.**

Application No: **HS/FA/16/00412**

Recommendation: **Grant Full Planning Permission**

Ward: GENSING
File No: CH28037
Applicant: Redground Investments Ltd per Guy Hollaway Architects LLP The Tramway Stables Rampart Road Hythe CT21 5BG

Interest: Developer
Existing Use: Redundant garden nursery

Policies

Conservation Area: No
Listed Building: No

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 10
Petitions Received: 0

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

Site and Surrounding Area

The application relates to an irregularly shaped brownfield site within a residential area, formerly occupied by Filsham Nurseries. The existing buildings that occupy the site include the main house of 37 Charles Road West, ancillary greenhouses and storage buildings, and previously used planting beds and hardstanding areas with much over grown foliage. Several established trees are on site, although none are covered by a Tree Preservation Order. There is an existing central vehicular access in place that leads to the former shop/store at the front of the site.

The surrounding area is characterised by large detached and semi detached dwellings between 1.5 (chalet style) and 2 storeys in height. Immediately opposite the application site in Charles Road West are chalet style dwellings, with 2-storey dwellings adjacent. The properties in The Green that back on to the application site mostly consist of large detached properties within large plots, set back from the road. The Green Lawn Tennis Club is sited to the rear of the site, an area of private open space as designated in the Hastings Local Plan Policies Map.

The application site forms part of a Local Plan allocation for residential development (indicative capacity 9 units) - Policy MBL2 of the in the Hastings Development Management Plan 2015. The allocation includes the rear garden area of 35 Charles Road West, to the east of the site. This portion is not however, including within the area proposed for development as part of this application.

Constraints

- Area affected by surface water flooding (1 in 100)
- SSSI Impact Risk Zone
- Adjacent to Private Open Space as defined by the Hastings Local Plan Policies Map (The Green Lawn Tennis Club)

Proposed development

This is a full application for the erection of 7 residential units, with associated landscaping and parking. The development is to provide:

- Unit 1 - a detached 2-storey, 2 bedroomed, bay fronted dwelling at the front of the site with feature canopy on the front elevation.
- Units 2 - 5 - a terrace of 2-bedroom, 2-storey dwellings with a projecting window with angled glazing to the upper storey. This terrace is located in the middle of the site, facing towards 35 Charles Road West to the east
- Unit 6 - a detached 2-storey dwelling with an additional room in the roof space, providing 3-storey living accommodation. This will provide a 4-bedroom property with integral garage, located in the far south-eastern corner of the site.
- Unit 7 - a detached 5-bedroom dwelling, also with living accommodation in the roof space. This is located to the west of unit 6, also towards the rear of the application site, closest to its southern boundary.

16 parking spaces are proposed (inclusive of 3 visitor spaces). Access is off Charles Road West leading straight through the site adjacent to its eastern boundary, running north to south. Each dwelling incorporates a private garden area, with boundary fencing and planting as appropriate. The existing vehicular access into the site will be closed up (condition 6), and a new access created adjacent to 35 Charles Road West on the eastern boundary of the application site.

The application is supported by the following documents:

- Design and Access Statement (Guy Holloway Architects, May 2-16)
- Planning Statement (May 2016)
- Preliminary Site Waste Management Plan
- Sustainability Statement (Reina Group Ltd, July 2016)
- Reptile Survey (Greenspace Ecological Solutions, January 2017)
- Bat Emergence Survey (Greenspace Ecological Solutions, January 2017)
- Extended Phase 1 Habitat and Bat Scoping Survey (Greenspace Ecological Solutions, June 2016)
- Transport Report (Royal Haskoning DHV, May 2016)
- Tree Survey Report (Rev B) (Canopy Consultancy, April 2017)
- SuDS Decision Support Tool for Small Scale Development

Relevant Planning History

HS/OA/06/00694 Proposed demolition of existing dwelling and erection of 10 new dwellings with 15 parking spaces on land at and adjacent to 37 Charles Road West
GRANTED 8 October 2014 (subject to legal agreement)

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy DS1 - New Housing Development
Policy FA2 - Strategic Policy for Central Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC2 - Design and Access Statements
Policy SC7 - Flood Risk
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy H1 - Housing Density
Policy H2 - Housing Mix

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy HN8 - Biodiversity and Green Space
Policy HN10 - Amenity Green Spaces

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013
Parking Provision in New Development Supplementary Planning Document (October 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.

Paragraph 61 - Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment

Consultation comments

East Sussex County Council (Highways) - No objection subject to conditions

Consider that there is likely to be a reduction in trips to and from the site than that within the already consented scheme. 16 parking spaces have been provided (plus one garage space serving unit 6), which is acceptable in accordance with the requirements of East Sussex County Council's Parking Demand Calculator. The parking layout in front of unit 1 has been amended in light of East Sussex County Council comments and is now considered more acceptable. Require cycle parking. Consider proposed access to be suitable in terms of width and ability to accommodate two way flows. Consider removal of tree to the east would improve access arrangements, although acknowledge that it does not completely restrict visibility and is, therefore, accepted in its current location. Acceptable in terms of sustainability and accessibility, offering travel choices other than that of the private car.

East Sussex County Council (Flood Risk Management) - No objection

Consider the proposals to manage surface water runoff to be acceptable.

Environment and Natural Resources Manager - No objection subject to conditions (conditions 15, 16 and 17)

Notes the submitted ecology reports confirm presence of bats in one of the buildings to be demolished and that a European Protected Species Licence will be required. Requires planning conditions to secure a method statement of creation of new wildlife features in recognition of the presence of bats on site.

Arboricultural Officer - No objection subject to conditions (conditions 13 and 14)

Following the submission of a revised Tree Survey with mitigation measures to ensure no harm to the root protection zones of retained trees (particularly T1 adjacent to the access),

the Borough Arboriculturalist raises no objection to the proposed development, subject to replacement planting. Initial concerns regarding the loss of T2 have now been overcome through the design of the scheme and potential for replacement planting.

Southern Water - No objection subject to conditions (condition 18)

Require submission of full drainage details to be agreed, and note that a formal connection to the public sewer needs to be agreed.

Waste Management team - No objection

Require the access into the development to have a minimum width of 4m and 4 cubic metre height clearance. If this can be achieved then no objections.

Representations

10 objections have been received from 7 different households. These raise the following concerns:

- Increased traffic on junction of Charles Road West and The Green
- Design and spacing of units out of character with the area
- Adequate on site parking should be provided to prevent further on road parking on Charles Road West
- Overlooking, loss of privacy to neighbouring properties caused by side balcony and windows. (11 The Green)
- Loss of light and privacy caused by height of proposed buildings
- Pruning of mature beech tree (12 The Green) and loss of mature tree outside 15 The Green
- Presence of rodents and pests on site that will be disturbed by development and spread to other properties
- Dust and disturbance during construction
- Need for taller boundaries to protect privacy and security
- Impacts on neighbouring property values
- Damage to existing boundary fences and hedging

Determining Issues

The site is allocated within the Hastings Development Management Plan 2015 for housing development, showing an indicative capacity of 9 dwellings. The Local Plan allocation covers a larger site than that proposed by development here, in that it includes part of the rear garden of 35 Charles Road West and a small portion of land within the rear garden of 12 The Green. The application boundary for this application excludes these parcels of land and focuses on land within the confines of the former Filsham Nurseries only.

The suitability of the site for housing development has been examined thoroughly through the Local Plan process and, as such, the principle of development is accepted. The main issues for consideration, therefore, relate to the layout, design, landscaping and ecological impact of the development and its effect on neighbouring residential amenity as well as the impact on the character and appearance of the area.

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 access to public transport, shops, services and facilities and, as such, the development is considered acceptable in principle subject to other local plan policies.

Impact on character and appearance of area

The application proposes 7 dwellings on an irregularly shaped site that leads off Charles Road West and extends southwards. The irregularity of its shape means that unit 1 is the only dwelling that fronts the main road and the most prominent from this viewpoint. The remainder of the proposed dwellings are sited within the site itself, creating a sense of place within the development, together with a new internal streetscene. This means that good design is of key importance, as more elevations are likely to be visible from neighbouring properties and the streetscene than could be found in a more 'traditional' estate type development.

During the course of the application there have been some significant amendments made to the design and layout of the scheme to overcome both objector and officer concerns. Most significantly, a single dwelling is now proposed at the front of the site (as opposed to the two previously proposed), set back approximately 3.5m from the road to respect the established building line. This dwelling (unit 1) has been significantly amended to be of a more traditional design to reflect the character and appearance of the existing properties in Charles Road West. It is proposed as two storeys in height with a hipped roof and a bay frontage towards the right hand side. Its mass and scale are much more in-keeping with the surrounding properties that range from 1.5-2 storeys in height, than the 3-storey design previously proposed. Green space to the front and side of this dwelling helps maintain a green and open character to this section of the road and the removal of unit 2 from this particular location enables the retention of tree T4 which provides a valuable contribution in terms of landscape amenity.

Access into the site is to the east of unit 1 and alterations have been made so as to ensure there is no harm caused to tree T1, a substantial tree sited on the highway just outside the site boundary. Enabling the safe protection of this tree also ensures that the impact of the development on the streetscene is minimised in terms of its appearance, as this provides a valuable contribution to the character and appearance of the area.

Despite being set back from Charles Road West a distance of approximately 27m, the front elevation of unit 6 is likely to be visible from this main road as it directly faces the access. The side elevations of units 2 and 5 in the centre of the site, will also be partially visible, either from the road or within the site itself. These dwellings are of a much more modern design than unit 1 at the front, although they incorporate interesting design elements such as angled glazing, large panels of glazing, facing brick work with timber boarding, as well as front canopies in some instances. The side elevations of units 2 and 5 have been designed to reflect what can be perceived as 'principal' elevations, given their increased visibility from certain aspects within and into the site. Whilst there is a clear variation in the appearance of the houses in different parts of the site, there is also an element of consistency and character created in terms of their modern appearance and use of materials.

Units 6 and 7 to the rear of the site comprise accommodation over 3 storeys, although the third storey is accommodated within the roof space, keeping the heights as low as possible whilst also providing an increased number of bed spaces.

Taking the above into account, it is considered that the amendments to the scheme take appropriate reference from the surrounding area where it is necessary and the modern design of dwellings within the site itself adds an interesting effect to the overall character. The design of the development does not result in any blank or uninteresting elevations, lessening the potential for a negative impact on visual amenity. It should also be noted that many objector concerns regarding the appearance of the new homes have been overcome given the alterations to layout and design, particularly in terms of unit 1 at the front of the site and its impact on the streetscene. The development as proposed, therefore, is considered to protect and enhance local character and show a much better understanding of the surrounding neighbourhood's context, layout, block sizes and scale, height, massing and materials, in accordance with the requirements of Policy DM1 of the Development Management Plan 2015.

Layout

Policy H1 of the Hastings Planning Strategy 2014 requires developments to make full and effective use of land by achieving a density of at least 30 dwellings per hectare in locations outside of town centres and the district centres of Silverhill and Ore. The proposed development provides for a density of 37 dwellings per hectare, considered appropriate for this location outside of a town centre but still accessible by transport modes other than the private car. The proposal is therefore in accordance with Policy H1 of the Hastings Planning Strategy 2014.

It is important that new housing developments deliver a balanced mix of housing within each site to contribute to the mix of housing across the town as a whole. The application proposes 5 x 2 bed dwellings, 1 x 4 bed dwelling and 1 x 5 bedroom dwelling, providing an adequate mix of smaller and larger family housing, appropriate to this location. The proposal is, therefore, in accordance with Policy H2 of the Hastings Planning Strategy 2014 which requires new developments to contribute to a well integrated mix of housing types and tenures and takes account of local household characteristics.

Each plot has been assessed against the Government's standards for internal floorspace in new residential development. Units 1-6 meet these minimum standards providing they are constructed as 2-bedroomed, 3-person dwellings only. The applicant will be advised of this restriction via an informative, should permission be granted (informative 6). Both units 6 and 7 greatly exceed the minimum internal floorspace requirements for 4 and 5-bedroomed dwellings respectively.

Following the submission of amended plans for a revised layout, all dwellings now incorporate at least 10m garden length in accordance with the requirements of Policy DM3 of the Development Management Plan 2015. This ensures that there is adequate amenity space, providing a good living environment for future residents, particularly given that these dwellings are likely to accommodate families.

Full details of bin storage will be required as part of the hard landscaping condition (condition 11) although a collection area is indicated as being on the eastern boundary, close to the parking space on the access road. There is sufficient space and access between the proposed dwellings for individual bin storage within the residential curtilage. Part H of the Building Regulations sets out that waste containers should be sited so that residents don't have to push the container more than 30m (so any collection points for bins should be within

that distance) and no more than 25m from the point where the refuse vehicle stops to collect the bin. The waste management team consider the road with to be acceptable at just under 6m in height, given that tree T2 is to be removed. They request that 4m height clearance of tree T1 (sited outside the site on the pavement) is maintained to allow ease of access. These works are undertaken by the Council under provisions of the Highways Act and as such, are fully overcome.

Taking the above considerations into account, the proposed layout in terms of waste storage and collection is within these limits and is, therefore, acceptable both in terms of the requirements of Policy DM3 of the Development Management Plan, as well as other best practice guidance and legislation.

Loss of existing use

The former nursery site has been redundant for many years and its redevelopment for housing would bring underused land back into effective use. The principle of the loss of the existing use has already been established through the Local Plan process and the allocation of this site for residential development.

Impact on neighbouring residential amenities

Several letters of objection have been received during the course of the application regarding the impact of the development on neighbouring residential amenities. It is important to note however, that many of these have now been overcome as a result of the submission of amended plans to address the layout of the site as well as the orientation of the dwellings.

Of key concern is the impact of the development on the adjacent occupier at 35 Charles Road West, whose property aligns close to the eastern boundary of the application site. The side elevation of this property incorporates a small window at ground floor level serving a toilet, and a double set of windows serving a landing at first floor level. These windows look directly into the application site. Concern has been raised by the occupier that the boundary fencing has been moved over time to be directly adjacent to the property, resulting in the windows overhanging the boundary line when opened. The plans submitted with this application however, show the application site boundary 0.7 metres away from the west side elevation of 35 Charles Road West, providing for enough separation for window openings to overcome this part of the objection.

The front elevations of units 2-5 face towards 35 Charles Road West. Approximately 7 metres (including the access road) separates the front of the new properties from the existing house, which is a sufficient distance to help minimise any overbearing effect. Whilst the front of these new dwellings incorporates a large single window at upper floor level, they have been designed so as to be angled towards the south east, and away from the windows in the side elevation of the existing property. Taking this design feature into account and the fact that the windows within the side elevation of 35 Charles Road West serve non-habitable rooms, it is considered that the amenities of existing neighbouring residents are safeguarded as much as is reasonable and that overlooking and loss of privacy are kept to a minimum.

Unit 6 also aligns the boundary of 35 Charles Road West at the rear of the site. The site layout has been amended since the original submission to ensure an approximately 1m separation between this property and the site boundary to reduce the cramped effect of the overall development. This dwelling incorporates an upper floor window in its west side elevation, which has the potential to overlook the garden area of 25 Charles Road West. It is however, recommended that a planning condition is imposed to ensure that this window is obscure glazed and non-opening where relevant, to protect the privacy of these existing occupiers (See planning condition 4).

Despite objections received, it is unlikely that the siting of unit 7 at the rear of the site will detrimentally impact on the nearest residential occupier at 15/16 The Green, given the 26m distance separating these dwellings from the boundary of the application site. 1.6m separates the side elevation of unit 7 from the rear boundary of 15/16 The Green, providing a reasonable separation distance between the dwelling and the adjacent garden area. There are not, however, any windows in either side elevation of the new dwelling that could provide for overlooking or loss of privacy towards this adjacent property and so the impact on amenity is considered acceptable in this instance. The Green Lawn Tennis Club adjoins the site's rear boundary and so, residential amenity will not be affected.

The siting of unit 1 fronting Charles Road West itself will not have a detrimental impact on existing residential amenity. Over 10m of green space separates it from the site boundary on its western side and the access road and parking area separates it from the nearest property to the east. The rear of the property is sited just 1m from the site boundary but, given the length of garden serving 13 The Green to the rear (just over 30m), it is not considered unreasonable to construct a dwelling in this location. There are no windows in the rear elevation of unit 1 that could overlook the rear garden of 13 The Green.

Ecology

Several ecological surveys have been undertaken in accordance with the requirements of Policy HN8 of the Development Management Plan 2015. Whilst there are no designated sites in close proximity to the application site, there is still potential for ecological value given the amenity grassland, dense scrub and scattered trees occupying part of the site. The initial Phase 1 Habitat and Bat Scoping Survey dated June 2016 assessed the site's potential to support protected species and habitats and made appropriate recommendations. Buildings and trees within the site were also assessed for their potential to support roosting bats.

This initial survey concluded, that whilst it was unlikely that the development would affect any designated sites of nature conservation importance, further surveys were required to determine the presence/likely absence of reptiles, given the site's suitability to support them. It also concluded that further survey work was required to determine the level of use by bats in B1 (main bungalow currently sited in the centre of the site), B2 (shop at the front of the site) and B3 (shop store, also at the front of the site).

A further reptile survey undertaken in January 2017 by Greenspace Ecological Solutions did not record the presence of any reptiles, which satisfies the recommendations of that element of the Phase 1 Habitat and Bat Scoping Survey. This report does, however, recommend that, in the unlikely event that a reptile is encountered during the works, all works should stop and the appointed ecologist contacted on the appropriate manner in which to proceed.

Conservation of Habitats and Species Regulations 2010 provide that a competent authority, including a planning authority must, in the exercise of any of their functions, have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. Where developments affect European Protected Species (EPS) planning

permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted, an EPSM licence from Natural England is required to allow the development to proceed. The Bat Emergence Survey, also undertaken in January 2017 by the same ecologists, noted that building B1 (the main bungalow) supports a non-maternity roost of common pipistrelle bats which have been identified roosting in a gap between the brickwork and a protruding timber on the southern gable end. It concluded that no works should commence until a European Protected Species Mitigation (EPSM) licence has been submitted to and approved by Natural England. An EPSM licence can only be granted if the development proposal is able to meet the following three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

In terms of the first test, the Local Planning Authority has a statutory duty to provide sufficient homes within its area and to maintain a 5 year supply of land for housing. The Hastings Local Plan gives a requirement to provide 3,400 new dwellings over the plan period (Policy DS1 of the Hastings Planning Strategy 2014). The development would assist in meeting the housing requirement, therefore it is concluded that the proposal meets the first of these tests.

The second test requires there to be no satisfactory alternative; the alternative in this case being to retain what protected species are on site and all habitat for the species. Pursuing this alternative could prejudice the requirement to provide additional housing in the Borough. The mitigation proposed as part of the report shows how the development of the site will retain or re-provide habitat for protected species, therefore, it is concluded that there is no overriding public interest or satisfactory alternative.

In relation to the third test, the Ecologist has advised that the submitted information should ensure that any impacts would not be detrimental to the ongoing favourable conservation status of the species at this site. Therefore, should permission be granted, the mitigation proposed within ecological appraisals would be secured through planning conditions.

The content of the EPSM licence will detail the timeframes, methodology and mitigation measures required, this will include measures such as bat boxes to be installed to re-locate bats discovered during the works, to be sited in an eastern orientation. The Bat Emergence Survey (January 2017) concluded that, subject to the effective implementation of the proposed mitigation strategy, there is no reason why consent could not be granted.

No objections are raised by the Council's Environment and Natural Resources Manager and so it is considered that suitable mitigation can be provided and new wildlife features created on site. For this reason, no objection is raised on ecological grounds.

Trees

The submitted Arboricultural Survey and associated Tree Protection Plan shows that 6 trees and part of one group is to be removed to facilitate this development. These, with the exception of T3 which is a category U tree (no value), are classified as category C1, which means that they are of low quality and can be considered for replanting should they impinge on the proposed development.

Amendments to the scheme have enabled the retention of both T1 and T4 towards the front of the site. Concern has been raised from objectors that the new access would result in the damage or removal of T1, a large established tree currently sited on the pavement outside the application site. However, relocation of the access and the submission of a revised methodology for construction of the drive will ensure that excavation will be limited and the tree roots will remain unharmed. T4 is located outside of the site and within the rear garden of 12 The Green, which now remains unaffected given the re-siting of unit 2 elsewhere within the site layout. The relationship between the proposed development and existing trees is considered to be acceptable, allowing for successful retention of existing trees and potential for replanting. A planting scheme will be required by condition, should permission be granted (condition 13).

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. The development will not give rise to ground or surface water pollutions and conditions are attached which require details of surface and foul water drainage. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Highway safety, parking and access

The application proposed access to be provided along the eastern boundary of the site, leading down towards Plots 6 and 7 at the rear. The access has been amended during the course of the application to overcome the majority of both objector and highway authority concerns in respect of the access arrangements. Parking spaces are provided either side of this access and at the front of Plot 1 fronting Charles Road West. Unit 6 also encompasses an integral garage.

The submitted transport report concludes that it is unlikely that development will lead to discernible impacts on the operation of the public highway. It demonstrates that the development will generate fewer trips than the previously consented residential development providing for 10 dwellings. This is corroborated by the Highway Authority who note that there is likely to be a reduction in trips to and from the site compared with the already consented scheme and consider the number of parking spaces provided to be acceptable for a development of this scale.

Cycle parking has not been provided for within the site layout plan and, as such, this should be required by condition (condition 8). Once this has been provided to the satisfaction of the Local Planning Authority, it is considered that the requirements of Policy DM4 of the Development Management Plan in relation to safe access, parking provision and alternative methods of transport, have all been complied with and that the proposed development is acceptable in these regards.

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle should not have to reverse more than 20m.

According to Manual for Streets a 3.7m carriageway is needed, however, this can be reduced to 2.75 over short distances. The internal access is considered as such to be a short distance and the fire appliance could reach 20m within the site (adjacent to plot 2) and reach the furthest dwelling (Unit 7) within an additional 45m. The accessibility for emergency services is therefore considered acceptable for the 7 units proposed within the site, and this is endorsed by the Highway Authority.

Sustainable drainage

It was originally proposed that green roofs were included in the design of the development. However, given the significant changes in site design and layout required to accommodate both officer and objector concerns, this method of surface water management is no longer appropriate. A revised SUDs Toolkit has since been submitted, which indicates that the surface water flows will be accommodated through permeable paving, which provides the appropriate level of attenuation required. It should also be noted that the development of the site provides for less of an impermeable surface than the existing structures and hardstanding areas on site, and as such, provides a positive contribution in terms of surface water drainage (condition 18).

Conclusion

This is a site allocated within the Hastings Local Plan 2011-2028 for residential development. The capacity proposed is in line with that recommended in the Local Plan, and accords with local policy with regard to housing density. The development has been designed so as to take appropriate reference from the streetscene and surrounding character of the area, whilst also providing a more modern and contemporary development within the site itself. No harm is caused to neighbouring residential occupiers and, subject to a scheme for soft landscaping, there is an acceptable relationship between the existing trees and the new development. The impact on protected species has been fully assessed and mitigation measures proposed and appropriate access and parking arrangements have been facilitated. 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. 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:

15.071.010
15.071.011
15.071.020
15.071.021
15.071.032 (Rev B)
15.071.030 (Rev E)
15.071.050 (Rev D)
15.071.051 (Rev D)
15.071.052 (Rev B)
15.071.053 (Rev B)
16-415-TPP (Rev B)
Indicative Landscape Plan 02.06.17

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. Windows in the upper floor of the east side elevation of Plot 6 shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level. Plot 6 shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.
5. No part of the development shall be occupied until such time as the vehicular access, vehicle turning space and resident/visitor parking spaces have been constructed in accordance with plans and details hereby approved. The areas shall therefore be retained for those uses, and shall not be used for any other purposes.
6. No part of the development shall be occupied until such time as the existing vehicular access onto Charles Road West has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
7. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.
8. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
10. No part of the development shall be occupied until a dropped kerb (including tactile paving) across Charles Road West at the junction with The Green has been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
11. No development above ground shall take place (other than demolition) 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; minor artefacts and structures including refuse storage areas and forms of lighting (eg refuse or other proposed and existing functional services above and below ground (eg power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
12. 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.
13. No development shall take place (other than demolition) until there has been a submission 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. 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.

14. 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.
15. No development shall take place until the measures outlined in the submitted ecological statements and reports 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;
 - (ii) 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.

The submitted ecological statements and reports referred to are:

- Reptile Survey (Greenspace Ecological Solutions, January 2017)
 - Bat Emergence Survey (Greenspace Ecological Solutions, January 2017)
 - Extended Phase 1 Habitat and Bat Scoping Survey (Greenspace Ecological Solutions, June 2016)
 - Tree Survey Report (Rev B) (Canopy Consultancy, April 2017)
16. No development shall take place (including any demolition, ground works, site clearance) until a method statement for creation of new wildlife features such as bat roosts and structures and for the roof stripping and full and partial demolition of buildings have been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial after care and long-term maintenance;

g) disposal of any wastes arising from works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

17. The demolition of any buildings or parts thereof, as specified in the application, shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by Natural England pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

18.
 - (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.

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 and future residents.
4. To safeguard the amenity of adjoining and future residents.
5. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
6. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
7. In the interests of road safety.
8. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

9. In the interests of highway safety and the amenities of the area.
10. To enhance alternative travel options to the use of the car in accordance with current sustainable transport policies.
11. To ensure a satisfactory standard of development.
12. To ensure a satisfactory standard of development.
13. To ensure a satisfactory standard of development.
14. To ensure a satisfactory standard of development.
15. To protect features of recognised nature conservation importance.
16. To protect features of recognised nature conservation importance.
17. To protect features of recognised nature conservation importance.
18. To ensure a satisfactory standard of 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. The off-site works (dropped kerbs/remedial works to footway) and construction of the new access will also need to be carried out under the appropriate license. The applicant should contact ESCC on 01273 482254 to apply for a license to ensure the construction is up to an acceptable standard.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. 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.
6. The applicant is advised that Plots 1-6 should do not meet the minimum floorspace requirements for a 2 bedroomed, 4 person dwelling, and the smaller bedroom of each should only provide 1 bedspace. These dwellings should therefore provide 2 bedroomed, 3 person accommodation.

7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
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Officer to Contact

Miss S Roots, Telephone 01424 783329

Background Papers

Application No: HS/FA/16/00412 including all letters and documents