

<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	23 August 2017
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application Address:</b>	<b>Woodbine Cottage, 2 High Wickham, Hastings, TN35 5PB</b>
<b>Proposal:</b>	<b>Re-landscaping of property frontage to improve accessibility and parking.</b>
<b>Application No:</b>	<b>HS/FA/17/00492</b>
<b>Recommendation:</b>	<b>Grant permission</b>
Ward:	OLD HASTINGS
Conservation Area:	Yes - Old Town
Listed Building:	No
Applicant:	Mrs & Mr Noboa & Morris per Pump House Designs Pump House Yard The Green SEDLESCOMBE, East Sussex. TN33 0QA
Interest:	Freeholder/Leaseholder
Existing Use:	Residential dwelling
<b>Public Consultation</b>	
Site Notice:	Yes
Press Advertisement:	Yes - Conservation Area
Letters of Objection:	5
Petitions of Objection Received:	0
Letters of Support:	1
Petitions of Support Received:	0
Neutral comments received	0
Application Status:	Not delegated - 5 or more letters of objection received

## 1. Site and Surrounding Area

The site comprises a detached bungalow at the lower end of High Wickham, which in itself rises significantly upwards following the slope of the land. Woodbine Cottage is sited close to the entrance of the road, before it curves round and rises up to Hastings Country Park and its associated Local Nature Reserve. It is sited approximately 2-3 metres higher than the road, with the existing driveway sloping steeply upwards. A retaining wall abuts the pavement to provide support to the front garden area, and a picket fence encloses the lawned garden area, above the existing retaining wall.

Woodbine Cottage is of noticeable difference to the rest of High Wickham, in terms of its orientation, aesthetics and massing. The cottage is detached and a single storey in height, located at a 90 degree angle from the remainder of the properties in the road. These consist of 2 to 3-storey terraces and semi-detached dwellings, which directly overlook the boundary of the Country Park

The site incorporates a large front garden which has tandem parking for 2 vehicles. The western boundary of the property is bordered by 3 High Wickham, which has an established sycamore tree protected by a Tree Preservation Order on its shared boundary. The property does not have a rear garden and backs onto the rear garden of No 4 High Wickham.

The application site is located within the Old Town Conservation Area.

### Constraints

- Archaeological Notification Area
- Tree Preservation Order to boundary with adjacent property
- Old Town Conservation Area
- Nearby listed buildings - Minnis Rock and Villa Julia, both on High Wickham

## **2. Proposed development**

This is a resubmission of a previously refused application to re-landscape the property frontage to improve accessibility and parking. The works involve the removal of 3.1m of the front boundary wall (plus an additional 1.3m leading into the driveway) and some cutting into the bank of the existing front garden area to enable easier access into the driveway. 7.4m of the wall will be rebuilt in matching stonework curving round towards the front of the dwelling, adjacent to the parking area. 10m of the existing wall will remain.

The works will create an additional 1m in width to the existing driveway and create a curved approach into this access point.

The application is supported by the following documents:

- Arboricultural report
- Heritage Statement
- Historic Environment Record
- Preliminary Ecological Appraisal (The Mayhew Consultancy Ltd, March 2017)
- Site Waste Management Plan
- SUDs Report

### **Relevant Planning History**

HS/FA/17/00139 Demolition of existing bungalow and proposed replacement dwelling including re-landscaping of property frontage to improve accessibility.  
WITHDRAWN 13 June 2017

HS/FA/16/00607 Demolition of front garden wall to repair broken drain, plus re-landscaping of property frontage to improve accessibility, whilst maintaining off street parking for 2 vehicles.  
REFUSED 14 October 2016

## **National and Local Policies**

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

Policy FA5 - Strategic Policy for Eastern Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC7 - Flood Risk  
Policy EN1 - Built and Historic Environment

### 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 HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)  
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

### 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 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

## **3. Consultation comments**

East Sussex County Council -(Highways) - **no objection**

Note that the works are likely to require re-location of the lamp column adjacent to the existing access.

Conservation Officer - **no objection subject to conditions**

Consider the revised scheme to be an improvement on that previously refused. The proposed off-road parking area appears to be well-designed and would be in keeping with the character of the conservation area, provided the details and materials are controlled by condition.

Ecology Officer - **no comment required**

The submitted Preliminary Ecological Appraisal did not conclude that additional surveys were required and mitigation measures to protect existing biodiversity during construction are proposed.

Arboricultural Officer - **no objection**

Subject to a condition for a tree protection and planting scheme

East Sussex County Council (Flood Risk Management) - **no objection**

No objection to the proposed permeable pavement and do not consider land stability to be a significant issue given that the permeable pavement is only draining the rain that falls on the pavement. No additional water will need to be accommodated from anywhere else. This is a reasonably small area making the impact of infiltration from the permeable pavement on stability minimal.

East Sussex County Council (Archaeology) - **no objection**

Do not consider that any significant below ground archaeological remains are likely to be affected by these proposals.

## 4. Representations

6 representations received from 6 different properties. 5 letters objected to the proposal, whereas 1 was in support.

Letters of objection considered the following issues:

- Similar to previously refused application
- Negative impact on the character and appearance of the area and the significance and setting of nearby listed buildings
- Potential land instability due to landscaping works
- Lack of supporting information - should require geo-technical survey and drainage survey
- Necessary consultees were not notified of the application

The letter of support received made the following observations:

- The works will serve to upgrade the property and improve its appearance
- Will help convenience of use
- Materials proposed are in keeping with those existing

## 5. Determining Issues

This is a re-submission of a previously refused application for similar works. It is therefore important to consider the differences between the two schemes and assess whether the previous reasons for refusal are still justified. In this instance, these primarily relate to the impact on the character and appearance of the area and whether enough information has been submitted in support of such heritage considerations. Drainage and land stability issues are also considered.

### a) Principle

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.

### b) Impact on character and appearance of conservation area

The proposal involves cutting into the bank of the existing front garden and the removal of a small section of front boundary wall to create a wider parking area. This enlarged area will be bounded by retaining walls curving back into the site, through to forming the rear wall of the parking area, in stonework to match that existing. It is acknowledged that the stone boundary walls that curve around Barley Lane into High Wickham make a positive contribution to the character and appearance of this part of the Old Town Conservation Area.

The stone boundary walls also contribute to the wider setting of the two listed buildings at the entrance to High Wickham, Minnis Rock and Villa Julia, in close proximity to the application site. It should be noted however that this boundary wall reduces in height as the road slopes upwards, and it terminates at the existing vehicular access to Woodbine Cottage. The application property has a return sandstone wall that runs back into the site along the edge of the drive.

Villa Julia, the listed building that sits to the immediate west of Woodbine Cottage, doesn't have a stone boundary wall on the side boundary. Instead, it has a low rendered wall with timber panelled fencing immediately adjacent to the frontage of the cottage and then a low rendered wall with metal railings above, closer to the corner with its front elevation to High Wickham. On the opposite side of the road, the listed property at Minnis Rock is bounded on its Southern and Eastern elevation by a sandstone boundary wall. However, this stone wall ends part way along its frontage and the boundary treatment becomes a hedge opposite Woodbine Cottage.

It is, therefore, clear to say that there is a variety of front boundary treatments in the immediate vicinity of the application site and not just the stone wall in question. This variety should be taken into account in the decision-making process.

Application HS/FA/16/00607 was refused permission on the following:

1. The proposed works would result in the removal of the front boundary wall, which makes a positive contribution to local character and the overall appearance of the streetscene. The wall forms a key element of the entrance to High Wickham and its loss would cause harm to the significance and setting of the Old Town Conservation Area. The proposal is therefore contrary to policies HN1 and DM1 of the Hastings Development Management Plan 2015, in that it does not sustain or enhance the historic context of the area, protect local character, street patterns or boundary treatments

1. The Heritage Statement submitted does not provide a full understanding of the significance of the development on the conservation area. The statement fails to convincingly demonstrate how the development will enhance the conservation area, and is therefore contrary to the requirements of Policy HN1 of the Development Management Plan

The refused application resulted in the loss of an additional 7m of front boundary wall compared to that which is lost under this application. Only 3m of the wall would have remained fronting High Wickham should that proposal have been approved and implemented. In this revised application, approximately a 10m length of wall will remain in situation and unaffected. Therefore, there is substantially less harm caused in terms of the loss of the wall by this application compared to the previous proposal, as the majority of the existing frontage will remain. The loss does however, have to be considered in the context of the totality of all the stone walls along this part of High Wickham, which is not considered to be critical, given the extent of wall to remain and the use of matching materials. A minor impact on the character of the conservation area may result but this is not considered to be sufficient to warrant refusal of permission.

The proposed off-road parking area appears to be well-designed and in keeping with the character of the conservation area, provided the details and materials are controlled by condition (conditions 3, 4 and 5). Given that there was previously a dark stained timber picket fence within the front garden of Woodbine Cottage, the proposed picket fence is not considered inappropriate in this setting, provided it is stained a dark colour to match the original fence (condition 6).

Taking the above considerations into account, it is considered that the revised proposal is a significant improvement on the previously refused application. The submitted heritage statement also makes an adequate assessment of the site's heritage significance and the potential impact of development on the significance and setting of the designated heritage assets. The proposal will not result in significant harm to the conservation area, and its character and appearance are preserved within acceptable limits. Policy HN1 of the Development Management Plan 2015 is therefore complied with.

### c) Impact of the development on the setting of listed buildings

The proposals will result in a change to the setting of two listed buildings - Villa Julia and Minnis Rock. However, it should be noted that changes over time to the setting of a listed building are not always harmful - they can be positive, negative or neutral. The biggest impact is on the setting of Villa Julia, the side and rear elevation of which immediately abut the application site to the west. However, as the boundary treatment at Villa Julia differs from the stone boundary wall in front of Woodbine Cottage and there is already a gap in the stone boundary wall adjacent to Villa Julia, the impact of the development is not considered to be negative. Provided that the consent is adequately controlled by the imposition of conditions controlling the quality of materials and details of the new parking area (conditions 3,4 and 5), then the changes to the setting of Villa Julia should be neutral.

Minnis Rock sits opposite the application site. The key view of Minnis Rock is east along High Wickham, when the attractive portico is visible in the view. The front boundary wall of Woodbine Cottage is also visible in this view towards the portico. However, it is not considered that slightly shortening the stone wall in this view will be significant, as a wrapping around from the frontage, into the site, will still be visible. It is, therefore, considered that the proposal will not harm the setting of Minnis Rock.

#### d) Impact on archaeological remains.

The application site is located within the Hastings Historic Core Archaeological Notification Area (ANA). Given their limited scale, the works are not considered to result in any significant impact in terms of below ground archaeological remains, and these are likely to remain unaffected. The County Archaeologist is in agreement with this approach. Policy HN4 of the Development Management Plan is therefore complied with. No conditions are required in this respect.

#### e) Impact on residential amenity

The creation of a more useable driveway with greater visibility on this stretch of road will benefit existing residents in terms of both vehicular safety and residential amenity. It is acknowledged that in order to create this additional space, approximately 6sqm of garden space will be lost at the front of the existing dwelling, which provides the main amenity space for its residents given the lack of a rear garden area.

However, an extensive garden will still remain, extending up to 11m in length at its longest point, reducing to approximately 7.5m at its shortest. 8m of width will still remain with the driveway in place. This is considered more than adequate to serve the residents of the existing dwelling and is in accordance with the requirements of Policy DM3 in relation to external amenity space, required for new dwellings. The objector concerns in this regard are therefore, not considered to be justified.

#### f) Drainage and land stability

It is argued by objectors that there may be some issues regarding land stability at the application site and that the proposed works may negatively impact on this. No evidence has been submitted that this is the case, however, and given the small scale nature of the development to provide a driveway extended by 1m in width only, it is not considered that the geo-technical survey is necessary. Certainly, it would not usually be required in applications of this scale unless land stability issues were well known.

The views of the Flood Risk Management Team were, however, sought on this issue, taking account of the nature of the soil and the concerns raised. They do not consider that further investigation is warranted in this respect as no additional water will be coming from anywhere else, other than draining into the permeable paving installed on the new driveway. They note that it is a reasonably small area and the impact on infiltration from the permeable pavement on stability will be minimal.

Taking both these considerations into account, therefore, the use of permeable paving is considered acceptable in light of the existing ground conditions and works proposed, and the impact on land stability is considered negligible. Policy SC7 of the Planning Strategy 2014 and Policy DM5 of the Development Management Plan 2015 are therefore complied with.

#### g) Tree works and ecological implications

No trees are to be lost as a result of the implementation of the proposed works and no specific tree works are recommended in the submitted arboricultural report. Similarly, the site was found to be clear of protected species and no further survey work was considered necessary in this respect. It is, however, recommended that mitigation measures to protect existing biodiversity and tree protection measures are employed during construction, to ensure that these aspects are fully protected and no harm is caused. (Condition 7).

#### h) Other matters raised by objectors

Whilst it is at the discretion of the case officer to consider which departments or bodies should be consulted for a planning application (other than within statutory limits), and it is not open to public negotiation, it has been argued that not all the necessary consultees were notified of this application.

The Council's Conservation Officer, Arboriculturalist, Environment and Natural Resources Manager, together with East Sussex County Council's Archaeologist and Flood Risk Management Team, were all consulted with regards to the scheme, contrary to claims made. Given the small scale of the development, it was not considered necessary to consult Building Control or Southern Water and this position is maintained.

#### i) Highway safety/parking

The Highway Authority raise no objection to the proposal, but note that any necessary works to the lamppost sited outside the application site will be subject to a 278 agreement with East Sussex County Council (note to applicant - 5). It should be noted that the proposed works are not creating a new access, only improving the usability of that existing and the works will serve to improve visibility into and out of the site. Therefore, a safe access will be provided, and the requirements of Policy DM4 are complied with.

### **6. Conclusion**

It has been demonstrated that the revised application for re-landscaping of the property frontage to provide an enlarged parking area causes significantly less harm to the significance, and setting of, the conservation area and setting of nearby listed buildings than the previous refusal. Concerns regarding land stability, residential amenity and drainage have been addressed and the proposed works, therefore, 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.

### **7. Recommendation**

#### **Grant 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:

5293-EX-C, 5293/100/LBP/A, 5293/17/3 (including extract with dimensions added)

3. The new retaining walls to the sides and rear of the new off-road parking area shall be faced in sandstone blocks to replicate the form and appearance of the existing sandstone front boundary walls on High Wickham. The sandstone blocks shall thereafter be retained.
4. No development shall commence until the following samples have been submitted to and approved in writing by the Local Planning Authority:
  2. Stone sample
    - Paving sample
    - Paving sample for the steps (if different to the drive)

Development shall be carried out in accordance with the details approved and retained in that form thereafter.

5. Once a stone sample has been approved, a sample panel of the proposed new stone walls (measuring at least 1m x 1m) shall be provided on site for the approval of the local planning authority. Thereafter, all walls shall be completed to match the approved stone sample panel
6. No development shall commence until the details of the proposed finishes to the new picket fence and bin store door (paint/stain type and colour) have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details approved and retained in that form thereafter.
7. No development shall take place until the measures outlined in the submitted ecological and arboricultural statements and reports detailed below have been fully implemented, unless:
  - the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring and other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
  - (i) 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 are:

- (ii) Preliminary Ecological Appraisal (The Mayhew Consultancy Ltd, March 2017)
  - Arboricultural Report (The Mayhew Consultancy Ltd, March 2017)

## 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 ensure a satisfactory standard of development and to protect the significance and setting of the Old Town Conservation Area.
4. To ensure a satisfactory standard of development and in the interests of the significance and setting of the Old Town Conservation Area.
5. To ensure a satisfactory standard of development and in the interests of the significance and setting of the Old Town Conservation Area.
6. To ensure a satisfactory standard of development and in the interests of the significance and setting of the Old Town Conservation Area.
7. To protect features of recognised nature conservation importance.

## 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 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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. The requirements of the Hastings Borough Council Act 1988, Section 5, in relation to retaining walls will apply. Details are attached hereto.
5. The lamp column adjacent to the existing access is likely to require relocation as a result of the proposed works, and a S278 Agreement will need to be prepared with the Highway Authority at the applicant's expense.

---

## Officer to Contact

Miss S Roots, Telephone 01424 783329

## **Background Papers**

Application No: HS/FA/17/00492 including all letters and documents