

Report to: PLANNING COMMITTEE
Date of Meeting: 19 October 2017
Report from: Assistant Director of Housing and Built Environment

Application Address: Land rear of 23, Martineau Lane, Hastings,
TN35 5DS
Proposal: Erection of a two-storey chalet style detached
dwelling
Application No: HS/FA/17/00468

Recommendation: Grant Full Planning Permission

Ward: ORE
Conservation Area: No
Listed Building: No

Applicant: Mr Pocknell per CLM Planning Limited 14 Magpie
Close Bexhill on Sea East Sussex TN39 4EU
Interest: CERT A Owner / Leaseholder

Existing Use: Open green land being used as C3 garden
extension.

Public Consultation

Site Notice: Yes
Press Advertisement: No
Letters of Objection: 6
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 application site is land to the rear of dwelling house, 23 Martineau Lane. The site is accessed from Mill Lane which is an un-made, unadopted lane.

Number 23 Martineau Lane is a large detached two storey family dwelling house with a large rear garden situated at the corner of Martineau Lane and Mill Lane. The High Weald AONB (Area of Outstanding Natural Beauty) lies behind. Many other properties in the local area along both Martineau Lane and the opposite side of Mill Lane are also substantial detached dwellings set in large garden plots; the area is characterised by this green detached housing layout. The application property lies at the edge of the Hastings built up area.

The land to the rear of number 23 is green field land that slopes up to a skyline hedged ridge. The land level rises from 135.5m at the level of the existing dwelling, to approximately 137m at the area of land for the proposed new dwelling and continues to rise up to the boundary to the AONB and to the hedged ridge at the top of the field behind. The boundary to the AONB cuts diagonally across the upward sloping field that lies to the rear of the application property. The area of the field that is within the AONB measures some 0.8259 hectares forming a triangle of land. It takes up approximately half of the field up to the ridge line.

The owner of the application site is the owner of 23 Martineau Lane. The application site is currently used as open garden land to No.23. It includes part of the green field that is not within the AONB. Previously a large agricultural workshop/store stood on part of the site. The workshop/store was demolished in recent years but the footprint of that previous development remains close to Mill Lane.

The application site extends up to the boundary line of the (AONB).

Constraints

AONB – High Weald. Ashdown formation –sandstone, siltstone and mudstone

SSSI Impact risk zone - 50673 no relevant issue

2. Proposed development

The proposed development is the erection of a detached chalet style dwelling house:

The proposed new dwelling house would have a footprint measuring approximately 10.8m x 12.75m (approximately 137.7sqm) stood within a large plot of approximately 1050sqm.

At ground floor level the new dwelling would provide an 'L' shaped open plan living-room/ kitchen/ family breakfast room; a shower-room and a fourth bedroom /study-room.

At first floor level there would be 3 bedrooms and 2 bathrooms.

It would have a lower ground level with built-in garage, small workshop and utility room (the lower ground level would cover a smaller area measuring approximately 85sqm due to being built into the natural slope of the land).

The chalet style dwelling would have a roof ridge height measuring some 10.5m from ground level when viewed from the north facing towards Mill Lane. From the opposite (south) side, the height measures 8.3m. From the west facing towards the AONB, it measures some 8.25m to roof ridge height and, from the east facing towards the rear of the existing dwelling No.23, it measures 8.9m in height. The different height measurements are due to the slope of the land.

To put this in context, the existing dwelling house, Number 23 Martineau Lane, measures approximately 8.5m in height as it faces Martineau Lane; viewed from the rear, it appears lower due to the natural slope of the land. The footprint of No.23 measures approximately 9.4m depth x 10.5m width (approximately 98.7sqm area). In addition it has an existing single storey side garage measuring approximately 4.12m width x 6m depth (24.7sqm area).

The detached chalet-style dwelling would, therefore, be a larger property both in height and footprint than the existing dwelling No.23 and would be situated at a higher level on the upward sloping land at the rear of the existing dwelling. However, the new 'chalet' style dwelling would have a high, pitched roof taking up some 6m of the dwellings total height. The roof would have small-hip ends to the east and west of the roof ridge giving the dwelling a rural character. There would be 3 pitched roof dormers set into the north and south (front and rear) roof slopes. From the south the proposed new dwelling measures only 2.3m to roof eaves height. From the north facing Mill Lane it measures 4.8m to roof eaves height.

To the front of the dwelling there would be a hardstanding area for car parking with drive access of Mill Lane. To the rear there would be a large garden area and small patio.

The application is supported by the following documents:

Arboricultural Report by Mayhew Consultancy Ltd (April 2017).

Preliminary Ecological Report Appraisal by Mayhew Consultancy Ltd (April 2017).

Site Waste Management Plan

CLM Planning Design & Access Statement

SUDs Decision Support Tool Document for small scale development.

Relevant Planning History

- HS/FA/09/00240 New 3 bedroom, detached, chalet bungalow - residential. Granted 25.06.2009
- HS/FA/09/00618 Removal of condition 15 of HS/FA/09/00240 removing permitted development rights. Refused 16.12.2009 appealed / appeal dismissed.
- HS/FA/11/00554 Extension of time limit for implementation of application HS/FA/09/00240 Granted. 15.09.2011(3 years)
- HS/CD/14/00602 Discharge of conditions 3 (materials), 5 (sewerage details), 6 (boundary details), 7 (hard landscaping), 9 (soft landscaping) & 15 (proposed access) of planning permission HS/FA/11/00554. Granted 16.09.2014
- HS/FA/08/00598 New proposed 4 bedroom detached residential dwelling (C3). Refused 07.10.2008
- HS/FA/08/00273 Demolition of existing Store/workshop building, formation of domestic dwelling with a chalet bungalow appearance. Withdrawn 07.04.2008
- HS/OA/71/00102 Site for erection of two dwellings. Refused.
- HS/69/00469 Site for erection of chalet bungalow and garage. Refused 16.06.1969
- HS/OA/63/00212 Erection of one dwelling with garage. Refused 14.05.1963

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 SC2: Design and Access Statements
Policy SC3: Promoting Sustainable and Green Design
Policy SC4: Working Towards Zero Carbon Development
Policy DS1: New Housing Development
Policy H1- Housing Density
Policy H2- Housing Mix
Policy EN2: Green Infrastructure Network
Policy EN7: Conservation and Enhancement of Landscape
Policy T3: Sustainable Transport

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 HN9 – Areas of Landscape Value

Other Policies/Guidance

Supplementary Planning Document: Parking Provision in New Developments (SPD)

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.

The following paragraphs are relevant to the environmental considerations of this application:

Paragraph 109 –

The planning system should contribute to and enhance the natural and local environment

Paragraph 111 –

Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value.

Paragraph 115 –

Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

3. Consultations comments

AONB – Neither object nor support

The Planning Advisor for the High Weald AONB Unit comments that it is the responsibility of Hastings Borough Council to decide whether the application meets legislative and policy requirements in respect of AONBs. They advise that Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to ‘the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect the designated area.

Highways – No Objection

ESCC Highways recommend that the first 5m of Mill Lane be upgraded so that it provides safe access, particularly at the junction, which is prone to flooding.

Ecology Officer – No objection

The ecology officer comments that the submitted ecology report concludes that there will be no adverse impacts on protected species and biodiversity. No further species surveys are required. It is advised we consider a standard planning condition to implement the mitigation recommendations in the submitted report.

ESCC Sustainable Urban Drainage Authority (SUDs) - No Objection

SUDs comment that there are no surface water sewers within the vicinity. The geology in the area is variable and therefore if infiltration is proposed they suggest the applicant undertake soakage tests to confirm the infiltration rates at the site. SUDs also suggest that the proposed rainwater harvesting system be included on the layout drawings.

Arboricultural Officer - No Objection

The development does not appear to impact upon existing landscape trees.

Waste Management- No Objection

This site is in a twin bin area so HBC would provide bins for waste and recycling. Bins to be presented on the boundary of the highway for collection on collection day.

SSE Water (SW) - No Objection

Southern Water would require a formal application for a connection to the foul sewer and water supply to be made by the applicant and requests that an informative be attached to any consent for formal application for connection to be made to SW.

4. Representations

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

- Impact on AONB - Impact on landscape / loss of trees and vegetation impact on landscape.
- Scale of property - proposed dwelling too large and visually dominant.
- Ecology - whether the proposal would be harmful to biodiversity and wildlife in this country-side setting.
- Planning precedent - there is local concern that should the dwelling be approved it would lead to further development of this green-field site.
- Loss of greenfield land - the site is outside the original garden curtilage of number 23.
- Land stability- there is local concern that the land to the rear of 23 Martineau Lane is indicated as an area of slippage.
- Connection to local utility service - whether there is sewer capacity for this proposal.
- Drainage / surface water flood risk down Mill Lane - Martineau Lane.
- Poor road surface / lack of vehicle access from Martineau Lane.
- Parking - lack of visitor parking.
- Pedestrian and horse rider safety along Mill Lane.
- Access for emergency vehicles / waste lorries / construction vehicles.
- Point out that the letter of support is from a neighbouring property currently for sale;
- Querying how the previous small building plot granted planning permission in 2009 has become 4 times its original size and asking how the new Local Plan has affected land designation in the Martineau Lane area.

1 letter of support has been received raising the following:

- The proposal would make a positive contribution to the housing stock providing a new dwelling in a sustainable location close to local services and amenities, and local bus route.
- The new location compared to the previous location will have less impact on neighbouring properties.
- Close to boundary of AONB but not within it.

5. Determining Issues

The following matters are considered relevant in the determination of this application:

- Impact on the AONB - the close proximity to the AONB boundary and impact this proposed new dwelling would have on views to and from the AONB.
- Impact on character of area.
- Loss of existing greenfield land use – relation to the edge to the built up area.
- Highway safety – quality of road surface, safe access from Martineau Lane and surface water run-off down Mill Lane.
- Drainage- slope of land and drainage issues re possible land slippage.
- Neighbour amenity - scale of property and impact on neighbours and character of local area.
- Biodiversity considerations - any potential harm to trees or wildlife caused by this development.

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. Planning permission has already been granted in 2009 for a detached chalet bungalow which gives weight to acceptability in principle.

b) Impact on Character and appearance of area

The main issue of concern for this proposal is adverse impact it may have on the AONB. Policy EN7 of Hastings Planning Strategy sets policy to protect and enhance the AONB and policy HN9 of Hastings Development Management Plan sets policy that where proposals have the potential to impact the AONB a landscape assessment will be required to understand the level of impact. Letters of objection have been received that the proposal would harm the character of the AONB.

There has been a local objection received to the perceived large scale of this proposed new dwelling and its dominant visual impact on the AONB and the character of the area.

The High Weald AONB Unit at the Woodland Enterprise Centre has been consulted and their planning advisor has commented that it is for Hastings Borough Council to decide whether the proposal will have regard to the purpose of conserving and enhancing the natural beauty of the AONB. They were consulted on the previous 2009 and provided comment for the 2009 development application (HS/FA/09/00240) that the site is within a finger of land that is bounded by the AONB but not within it. They said that the development was unlikely to have any significant impact on the views to or from the AONB and the unit had no further comments to make. Hastings Development Management Plan describes the AONB as designated for its rolling hills, small, irregular fields, abundant woods and hedges, scattered farmsteads and sunken lanes. In this case the irregular triangle of field within the AONB would remain and Mill Lane would still be a sunken lane and the development proposed is not considered to have a significant impact in this respect.

Property No.23 as existing is a large two-storey family dwelling house with a large rear garden that extends some 23m beyond the rear elevation. Beyond this is a green field area. The application site is certified on the application form as in the ownership of the applicant. It is currently being used as an open area of garden land. Previously, there was a large workshop / store shed that occupied part of the site close to Martineau Lane.

The piece of land that is the subject of this planning application measures approximately 25m across from the rear garden boundary of number 23 (as originally built) up to the boundary with the AONB. The AONB boundary crosses the open field in a diagonal north-west to south-east line.

The planning history shows that there have been two relatively recent planning applications for development of a new dwelling on land to the rear of number 23 Martineau Lane. The first dwelling house proposed was a large 'L' shaped building situated close to the boundary with the AONB measuring approximately 6.2m in height. It was refused under the policies of the previous Local Plan for reason that the plot size was considered too small for the scale of dwelling proposed and for reason of loss of existing trees and potential ecology issues.

A later application for a new smaller dwelling house was approved. It was considered unlikely to have significant impact to views to or from the AONB. The impact on trees was considered by the Council arboricultural officer as low to insignificant. The later approved application was for a more compact 3 bedroom chalet style dwelling over two floors measuring 6.3m in height to roof ridge height. This approved dwelling had planning condition attached to remove permitted development rights to extend the property or erect out-buildings.

The above planning history supports the principle of a new dwelling in this location. The application site for this proposed dwelling is larger than the previous approved site and shows an increase in scale for the new dwelling (from the previous approved dwelling). This increase in scale would be acceptably proportionate to the increase in size of site applied for.

The proposed new dwelling would be situated at an angle to the boundary with the AONB. Its west side elevation would be situated between 8m and 3.6m from the AONB boundary. The previous approved dwelling was situated some 12.5m from the AONB boundary. This between 4.5m and 9m difference in proximity to the boundary line is not considered to make a significant difference to views to or from the AONB. It is a development close to the AONB boundary in either case. For this application, landscaping has been suggested by the applicant to soften the impact of the development along the AONB boundary and a planning condition could be attached to ensure that this would be carried out.

The triangular piece of land that forms the AONB scenic back drop to this proposed development is a relatively small field that slopes up to a hedged ridge some 85m distant. The AONB at this location is narrow. Beyond the hedge line, the view from Mill Lane back to the application site is screened from view by hedging and tree cover with few visual gaps. Mill Lane is the route of the local By-Way Right of Way and this development would not harm users of the By-Way. An informative would be attached to any decision to approve that the By-Way must be kept clear at all times.

There will be some obstruction of the extensive northerly view from the AONB field behind the application property looking towards the junction of Mill Lane with Martineau Lane due to the height of the proposed new dwelling. However the increase in height of this proposed dwelling from the previously approved dwelling (nearly 2m higher to roof ridge height) is not considered to be so substantial that this proposal should be refused. The eaves height of the earlier approved dwelling varied in height (due to the topography of the site) from between approximately 3m up to 5m, by comparison the proposed eaves height of this proposed new dwelling measure between approximately 2.3m up to 4.8m the greater part of the new dwelling being taken up by the roof. The increase in height is part compensated for by the more rural/ less urban design of the proposed new dwelling and the chalet-style roof with hipped ends will help to reduce its visual bulk and impact on the landscape. The rising slope of the field to the rear means that elevated views from the AONB to the north would still be enjoyed.

Viewed from Martineau Lane towards the AONB, the new dwelling will be set behind the existing dwelling and, as already mentioned, the ground level rises from approximately 135.5m up to approximately 137m, however the new dwelling would be part screened by the existing dwelling and not appear too dominant to the street scene. Being set further back from the Mill Lane it is considered a less dominant feature in views towards the AONB from Mill Lane than if it were set further forward towards the lane in the position of the previously approved dwelling. The neighbour on the opposite side of Mill Lane at number 17 Martineau Lane supports this proposal on the grounds that the new location compared to the previous location will have less impact on neighbouring properties.

The increased size and height of the proposed dwelling is not considered to be harmful enough to views to or from the AONB that the application should be refused.

A letter of representation has been received querying how the building line for the built-up area has changed from the previous application which showed a smaller site. The defined built-up area boundary as delineated in the previous Hastings Local Plan 2004 is not defined on the policy map for the current adopted Local Plan. At the time that the current Local plan was drafted it was proposed to remove the development boundary because ecological and landscape designations and strategic policies offered sufficient protection to areas on the edge of the Borough. Removal of the boundary could allow for positive new development opportunities in appropriate locations and in the Council's view there was no need, in a tightly bound urban area, for an extra restrictive policy. The decision to not include the previous defining built-up area line was considered to afford greater flexibility for decision making. The current plan shows the application site to be within the white area of the plan, which is land within the Borough not covered by land designation. In other words the application site is not located in designated countryside.

Further details of external materials to be used in the construction of the dwelling would be conditioned and supporting information required as to the sustainable development qualities of the materials proposed.

c) Previous appeal decision considerations:

Local representation has been received pointing out the removal of permitted development rights for extension or out-buildings that were a planning condition of the previous approved dwelling.

The earlier planning permission referred to was planning application reference HS/FA/09/00240. It was conditioned to remove permitted development rights for extensions or erection of out-buildings. The applicant appealed against this condition and the appeal was dismissed. The Inspector considered that an extension to the new approved dwelling or erection of out-building for it were likely to encroach on undeveloped land and could potentially result in the built development appearing squeezed into the plot. This appeal decision has been taken into consideration.

In this case the proposed new dwelling is set in a larger plot of land and while it does encroach into previously undeveloped green-field land, the site is outside the AONB and this proposal would not look 'squeezed in' but be set in ample garden curtilage.

The Appeal Inspector took the view that an extension to the approved dwelling or the erection of an out-building developed under permitted development rights could detract from the rural setting bordering open countryside and the AONB. However the Inspector did not rule out any extension or increase in scale to the approved dwelling he simply stated that a particular scale and mass of bungalow had been allowed and that an increase in scale and mass, or the erection of outbuildings should be subject to express authorisation from the LPA.

This application is a further application to the LPA. While it increases the scale and height of the development as discussed above it is not considered to be unacceptably harmful to the views to and from the AONB. The larger scale of dwelling is set in a suitably larger plot and its bulk is off-set by the chalet style design of the new dwelling.

The proposed dwelling is considered to nestle reasonably well with the existing built area and would not be out of keeping with the character of the AONB such that refusal would be necessary.

d) Loss of existing use:

Previous use of the land has been agricultural use. However Natural England Agricultural Land Classification map classifies the land as poor agricultural quality and loss of the land has, in part, already been accepted by the previous planning consents. The small size of the field and the poor grade of land are such that it is not likely to be used for productive agricultural use. The owner of the land currently uses it as open domestic garden land to number 23 and part of the site has previously been built on for workshop /store that was demolished.

The area of land approved under HS/FA/09/00240 and HS/FA/11/00554 measured some 650sqm of which approximately 390sqm was outside the garden curtilage of Number 23.

The current application is for an area measuring approximately 1050sqm. Approximately 750sqm of this larger site is green land that was not part of the previous development site so the increase in the area of green field land to be developed is not inconsiderable but is not considered to be of such significance that it would justify refusal of this proposal.

Approximately 500sqm would be landscaped garden to the south of the new dwelling helping to soften the visual impact of the new dwelling on the surrounding countryside and this would be conditioned to prevent permitted development of further extensions or out-buildings as per the previous approval to protect the AONB. None of the land is within the AONB and the main issue to be considered is the harm this proposal would have on views to and from the AONB which have been discussed above. The land has no special land use designation.

The increase in plot size from the earlier application will allow for an improved site layout and better proportion of garden land to dwelling size enhancing the spatial relationship with the existing dwelling and thereby being more in-keeping with both the character of the built up area and the open countryside making this small loss of land outside of the existing built area acceptable.

e) Impact on Neighbouring Residential Amenities.

Policy DM3 of Hastings Development Management Plan sets policy for protecting amenity including loss of privacy. In this case the proposed new dwelling would be situated some 27m from the existing dwelling and would face north at a slight (15°) angle to Mill Lane whereas the existing property faces north-east to Martineau Lane. This layout and the distance between them will protect the privacy of both properties.

The proposed new dwelling would be set back by between 7.8m and 11.7m from Mill Lane. While the new proposed dwelling is higher and has three front roof dormers that face towards Mill Lane, the set-back position will make the nearest property on the opposite side of the lane, number 17 Martineau Lane some 25m distant. The owner of number 17 has written in support of this development.

The new dwelling would be situated further away from the existing dwelling than the previous approved dwelling thereby increasing the garden space curtilage between them improving the private amenity garden area for both the existing and approved dwellings compared to the previous approved dwelling. The proposed increase in distance between the dwellings is considered to be more in character with the detached spatial character of the area and to improve the privacy and amenity of both properties.

The proposal is not considered to be harmful to the private amenity of neighbouring properties.

f) Ecology

The identified constraints for this site include possible badger forage area. The applicant has submitted a Preliminary Ecological Report Appraisal by Mayhew Consultancy Ltd (April 2017). The site is currently used as a well maintained grassed garden area with a number of young fruit trees planted across the site and herbaceous borders around the site. The Ecology report carried out a robust assessment of biodiversity on the site and concluded that no additional surveys would be necessary and that any negative ecological impact in general terms would be limited. The report states that the proposal is unlikely to disturb any protected species with the exception that there is a limited potential for reptiles to be present and nesting birds to be disturbed and mitigation measures are recommended to protect existing biodiversity during any construction works and suggestions made to increase biodiversity post any development taking place. Based on the Mayhew Consultancy report there are no known or anticipated ecology concerns from this proposal that would necessitate planning refusal. The ecology officer has been consulted and commented that the submitted ecology report concludes there will be no adverse impacts on protected species and biodiversity and no further species surveys are required. He advised that we consider a planning condition to implement the mitigation recommendations in the submitted report. The mitigation measures and suggestions included in the Mayhew Consultancy report are included in planning condition 4.

g) Trees

The applicant has submitted an Arboricultural Report by Mayhew Consultancy Ltd (April 2017) and the Arboricultural Officer has been consulted and raised no objection. He considers that the proposal does not appear to impact upon existing significant landscape trees. Condition 14 is recommended for tree protection.

h) Highway Safety/Parking

Policy DM4 of Hastings Development Management Plan requires that development that would generate additional traffic on an un-metalled carriageway should bring the road up to an acceptable standard for it either to remain a private road or be brought up to an adoptable standard by the Highway Authority. Letters of objection have been received raising concern over pedestrian safety, safety of horse-riders, the poor surface and poor drainage of Mill Lane and lack of parking for the development.

A letter has been received from owner of No. 23 refuting matters arising in objection letters that harmful works have been undertaken by him in Mill Lane. He states that in common law he is responsible for half way across the lane that abuts his property (Mill Lane) and that he is the person who keeps the lane tidy.

Mill Lane as existing is an un-metalled surface lane. Application HS/FA/09/00240 was conditioned to secure improvements to the first 20m of Mill Lane, ESCC Highways were consulted and have commented that it would be difficult to request that the road be brought up to an accessible standard for the first 20m taking into account the area of the Mill Lane that the applicant is responsible for. They comment that in this case Highways look for suitable visibility splays at the junction where Mill Lane meets the adopted highway and request that there is adequate space for two cars to pass clear of the adopted highway (4.5m for the first 5m). If the applicant needs to improve the access or if it does not meet the above width requirements a licence will be required to carry out improvements where the access meets Mill Lane. Highways advise that the applicant would need to contact East Sussex Highways to apply for a licence. This is set out in informative No.4.

Highways further commented that the condition of Mill Lane, particularly the section from the site down to the junction with Martineau Lane is in a very poor condition, badly potholed, quite steeply sloping and has no positive drainage. However, they accept that the additional traffic generated by a single dwelling would not be sufficient to recommend refusal on traffic safety grounds, but consider it appropriate that the first 5m of Mill Lane be upgraded so that it provides safe access, particularly at the junction, which is prone to flooding.

Drawing 1634/VS has been submitted that shows that the existing vision splay where Mill Lane meets Martineau Lane does not meet the East Sussex County Council Minor Application Guidance. A suitable vision splay would be required prior to the development taking place. A Grampian style condition could be attached to any decision to approve to ensure that before the proposed development took place, the first 5m of Mill Lane would be up-graded and a suitable vision splay be in place (see recommended condition 12).

Policy DM4 sets the standards for parking for new development and the SPD for parking in new development estimates that parking demand generated by this proposal would be 2.33 spaces. The proposal includes an integral garage 9m in width, large enough to park 2 cars and the plans show an area of hardstanding to the front of the property large enough for vehicle access and possible off-street parking to satisfy this parking demand. The application is, therefore, considered acceptable in this respect

i) Sustainable Construction / Sustainable Urban Drainage

Policies SC1 to SC4 of Hastings Planning Strategy provide policy for achieving sustainable development to support the move to a low carbon economy and incorporate appropriate climate change mitigation and adaptation measures. The submitted Design & Access Statement states that the development will incorporate green and sustainable construction solutions and recommends that such details be secured through planning condition.

One objection received is that the land to the rear of 23 Martineau Lane is an area susceptible to slippage. There has also been local concern raised at surface water flood run-off risk down Mill Lane depositing debris on Martineau Lane.

However the constraints for the site do not identify any flood risk. They identify that the AONB is Ashdown formation –sandstone, siltstone and mudstone, which formation may have potential to slippage. The ESCC SUDs tool-kit for small scale development has been used and identifies the following site constraints:

- Ground instability problems are probably present. Increased infiltration may result in ground instability.

- The soil is potentially suitable for infiltration; however, soakage tests in accordance to BRE365 should be undertaken to determine the actual infiltration potential.

The SUDs tool-kit gives an indicative rainwater volume of attenuation storage requirement of 1.2 cubic metres for an estimated impermeable area of 175sqm within the overall total site area of 1050sqm. The tool-kit gives an appropriate SUDs solution as rainwater harvesting.

SUDs were consulted and suggested that the applicant undertake soakage testing to confirm infiltration rates and that the applicant include the proposed rainwater harvesting system on the layout drawings. They also comment that the proposal is for discharge of surface water to main sewer but they identify no surface water sewers within the vicinity.

Southern Water have been consulted and commented that they will require a formal application for connection to the public sewerage system and the water supply. The Southern Water pipe plan provided shows a water main running up Mill Lane and a Foul Water Sewer running along Martineau Lane as far as number 23. The plan shows no surface water sewer pipe.

Neither Southern Water nor ESCC SUDs Authority object to the proposal, so a planning condition No.8 is attached for soakage tests to be undertaken and submission of a drainage scheme to include rainwater harvesting scheme and sustainable urban drainage for discharge of surface water prior to any development.

Policy SC1 of Hastings Planning Strategy for managing change in a sustainable way requires new development to make provision for fibre-based broadband infrastructure and a condition would be attached that before the new dwelling was occupied provision must be made for the ability to connect to fibre-based broadband (condition 13).

j) Waste storage / management

The Waste Management Team was consulted and commented that the proposed dwelling is within a 'twin bin' area so Hastings Borough Council will provide bins for waste and recycling.

6. Conclusion

Recommend approval subject to planning conditions.

The new chalet-style dwelling proposed is not considered to impact unacceptably on the character or views into or from the AONB. A small area of greenfield land would be developed but this is poor grade agricultural land.

The dwelling would provide a new chalet-style family dwelling on a site that was granted planning permission in 2009 for development of a similar chalet style new dwelling. The current site is larger than the site previously granted planning permission and will encroach further onto greenfield land, however, the benefits of this further encroachment are considered to out-weigh the loss of further green land and would not look out of place in this semi-rural location.

The proposal would provide a good layout between the existing dwelling and the proposed dwelling and relate well to the plots sizes of the surrounding built up area. The land is currently used as additional open garden land to the application property No.23 and a significant approximately 500sqm of the site would remain as garden land.

The plot size is suitably proportionate to the scale of the dwelling proposed and will not look out of character with other detached dwellings in the local area or the surrounding countryside. The proposal would not harm the amenity of neighbouring dwellings. It will provide a new large family dwelling in a sustainable location.

There would be no loss of trees of any importance as a result of this proposal and the submitted ecology report identifies no ecological concerns.

Mill Lane at the junction to Martineau Lane would need to be brought up to a suitable standard and this would be dealt with by planning condition. The proposal is considered to be acceptable development and is recommended for approval subject to planning conditions.

7. 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:

1634-01C, 1634-02C, 1634-03C, 1634 - J, 1634 -VS.
JPI Survey 07.10.2016
Preliminary Ecological Appraisal prepared by The Mayhew Consultancy Ltd April 2017
Arboricultural Report prepared by The Mayhew Consultancy Ltd April 2017
3. Prior to development full details of hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and the works shall be carried out as approved prior to first occupation. Details shall include proposed finished levels; means of boundary enclosure; car parking layouts; vehicle access; hard surfacing materials and waste storage area.
4. Prior to first occupation of the dwelling hereby approved, there shall be submitted to and approved by the Local Planning Authority (LPA) a scheme of soft landscaping, which shall include all existing trees and hedgerows on the land to be retained, a full planting scheme to include planting on the south-west boundary of the site to soften the buildings appearance to the adjoining countryside and shall incorporate the landscaping suggestions for increasing biodiversity listed in Section 9 of the submitted Mayhews Preliminary Ecological Appraisal (April 2017). The scheme shall be implemented prior to first occupation or within the first planting season of substantial completion of the development unless otherwise first agreed in writing with the Local Planning Authority.
5. All planting seeding or turfing comprised in the soft landscaping scheme approved for condition 4 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 substantial completion of the development.

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 variation.

6. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the new dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details of the materials to be used shall include supporting information to explain how the materials will help to promote sustainable and green design as required by planning policies SC1 and SC3 of Hastings Planning Strategy:
Policy SC1- Overall Strategy for Managing Change in a Sustainable Way
Policy SC3 – Promoting Sustainable and Green Design.
Development shall be carried out in accordance with the approved details.
7. Throughout the development works recommended measures for protecting biodiversity as listed in Section 8 of the submitted Mayhew Consultancy Ltd Preliminary Ecological Appraisal (April 2017) must be fully adhered to.
8.
 - 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.
 - (i) Soakage tests must be undertaken by a suitably qualified professional to confirm infiltration rates for the site and a detailed drainage scheme to include a rainwater harvesting system suitable to the infiltration rates of the site must be 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) & (ii) and no occupation of the dwelling hereby approved shall occur until those works have been completed.
 - (iii) No occupation of the dwelling 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.
9. 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.
10. The dwelling hereby approved shall not be occupied until such time as it has been connected to the main drainage system and the mains water system to the satisfaction of the Local Planning Authority.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or as may be subsequently amended or re-enacted no extension of the property shall take place or out-buildings be erected for the property without the grant of planning permission from the Local Planning Authority.
12. No development of the dwelling hereby approved shall take place until a scheme for the improvement of the first 5m of Mill Lane to include suitable vision splay at the junction with Martineau Lane has been submitted to and approved in writing by the Local Planning Authority (LPA). Such scheme shall provide for the timing of the improvement works in relation to the implementation of the development, and shall be implemented in accordance with such timing before the dwelling is first occupied. The approved scheme shall be completed accordingly and have been certified in writing as complete by the LPA prior to the occupation of the dwelling hereby approved.
13. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
14. Prior to works starting on site the recommended tree protection measures in the submitted Mayhew Consultancy Ltd Arboricultural Report (April 2017) must be fully implemented.

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 protect the character of the Area of Outstanding Natural Beauty AONB and the amenity of adjoining residents.
4. In the interests of the visual amenity.
5. In the interests of the visual amenity.
6. In the interests of the visual amenity of the area.
7. In the interest of protecting biodiversity.
8. To prevent increased risk of flooding.
9. To safeguard the amenity of adjoining residents.
10. To ensure a satisfactory form of development in the interests of health and safety and the character and amenity of the area.
11. To protect the visual amenity of the AONB.

12. To ensure a satisfactory form of development in the interests of vehicular and pedestrian safety and in compliance with policy DM4 of Hastings Development Management Plan .
13. In the interest of sustainable development management; the amenity of occupants and to ensure the development complies with policy SC1 part (f) of Hastings Planning Strategy 2011-2028.
14. In the interest of protecting biodiversity.

Notes to the Applicant

1. 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.
2. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
3. A formal application for connection to the public sewerage system and water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
4. To improve the access from Mill Lane into Martineau Lane a licence will be required to carry out improvements. The applicant will need to Contact East Sussex Highways to apply.
East Sussex County Council, Transport Development Control Team tel. 01273 335443 and information can be found via the following web address: <http://www.eastsussex.gov.uk/environment/planning/applications/developmentcontrol/vehiclecrossings.htm>
5. Guidance for construction of private vehicle access onto residential sites is available on East Sussex County Council Highways Authority document HT-407. Works undertaken must not cause damage to the public By-Way.
6. The Public By- Way along Mill Lane must remain clear and unobstructed at all times both during and after the construction period.
7. This site is in a twin bin area so HBC provide bins for waste and recycling. Bins to be presented on the boundary of the public highway for collection on collection day and to be stored on-site at all other times.

Officer to Contact

Ms N Ranson, Telephone 01424 783253

Background Papers

Application No: HS/FA/17/00468 including all letters and documents