

Report to: PLANNING COMMITTEE
Date of Meeting: 15 November 2017
Report from: Assistant Director of Housing and Built Environment

Application Address: 248 Wishing Tree Road, St Leonards-on-sea,
TN38 9LA
Proposal: Erection of a pair of semi-detached dwellings
on land rear of 248 Wishing Tree Road together
with construction of new access from
Crowhurst Road.
Application No: HS/FA/16/00414

Recommendation: Grant Full Planning Permission

Ward: WISHING TREE
Conservation Area: No
Listed Building: No

Applicant: Mr & Mrs Brunton per A&M Architectural Partnership
LLP 40 Cambridge Road Hastings East Sussex
TN34 1DT
Interest: Freeholder

Existing Use: Residential garden

Public Consultation

Site Notice: No
Press Advertisement: No
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 currently forms part of the rear garden of 248 Wishing Tree Road. The site is delineated by shrubs to the rear and fencing along the side boundary. The rear garden slopes down and the site is set at a higher level than the adjoining properties of Ironlatch

Cottages to the west. The site also adjoins residential development of The Suttons to the north which is characterised by detached dwellinghouses. Ironlatch Cottages have, in the recent past, been developed as 2 x detached two-storey houses. Crowhurst Road lies to the south.

Constraints

Badger foraging area
High pressure gas pipeline buffer
TPO 37 - along southern boundary
SSSI Impact Risk Zone
Outside 600m playground buffer

2. Proposed development

The applicant is seeking planning permission for a development with the same description as that proposed in the previously refused application (HS/FA/15/00303) - erection of a pair of semi-detached dwellings including construction of new access from Crowhurst Road.

The difference between the previous scheme and the proposed is that the houses are now lower, due to the proposal now being built into the site, and the roof design has been significantly revised to reduce the bulk of the building (roof now hipped on all sides with a shallower pitch).

The application is supported by the following documents:

- Drawings
- Planning Statement, including Design and Access Statement
- SuDS details
- Sustainability Statement
- Soft landscaping details
- Arboricultural report
- Ecology report

Relevant Planning History

HS/FA/15/00303 Erection of a pair of semi detached dwellings including construction of new access from Crowhurst Road.
Refused 09 July 2015
Appeal Dismissed 28 January 2016

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy H1 - Housing Density
Policy H2 - Housing Mix
Policy CI3 - Children's Play Provision

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

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.

3. Consultations comments

Waste - **No Objection.** States that refuse vehicles will not be able to enter site but that collection from roadside is possible.

Gas - **No Objection.** Provides information on the location of gas pipelines which will not be impacted by this development.

Highways - **No Objection.** Recommends conditions.

SuDS - **No Objection.** Recommends conditions.

Southern Water - **No Objection.** Recommends an informative.

Ecology - **No Objection.**

Arboricultural Officer - **No Objection.** Recommends conditions.

4. Representations

8 representations received from 6 different properties

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

- Loss of daylight and sunlight
- Overshadowing
- Reduced outlook
- Overbearing
- Removal of ash tree
- Overdevelopment
- Road safety
- Overlooking
- Drainage
- Impact on local character
- Properties too large
- Suitability of retaining structures and impact on neighbouring gardens

1 letter of support has been received raising the following:

- Proposal makes good use of the land

5. Determining Issues

Planning application HS/FA/15/00303 was refused due to its unacceptable impact on neighbouring residential amenities. This previous application was dismissed at appeal for the same reasons. This resubmission attempts to overcome those concerns and so the main consideration is the impact of the development on neighbouring residential amenities. However, as this new proposal is a different design, the impact on the character of the area will also be considered as well as matters including ecology, trees, highway safety and drainage.

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 area/development layout

The proposal is for a semidetached pair of three-bedroom houses. Although accessed from Crowhurst Road, the development would be closely related to development on Wishing Tree Road and The Suttons. Houses here are relatively modern - 1980s - and are two-storey, simple brick-facing developments with mostly dual-pitched roofs. Some of the properties, particularly Ironlatch Cottages which are closest to the site, have hipped roofs.

The proposed houses, which are two-storey and brick facing with hipped roofs, would relate well to the existing houses given their simple modern design and matching materials. Additionally, although the previous design was considered acceptable in terms of local character, the reduction in scale when compared with the previous scheme is also an improvement. In this respect, the height of the development has been reduced by approximately 3.5m (1 whole storey) and the roof has a much shallower pitch. This means that the properties are much more comparable with their surroundings which are exclusively two-storey dwellings.

The layout of the development is also acceptable. The plots are comparable with the plot sizes on The Suttons, the houses meet the minimum space standards for a three-bedroom four-person household, they provide for 11m rear gardens (minimum requirement is 10m) and allow for adequate parking. All of this is achieved whilst maintaining an element of existing screening and replacement planting (condition 11).

Given the above, the proposed development will not harm the character and appearance of the area.

c) Impact on Neighbouring Residential Amenities

The previous application was found to have an unacceptable relationship with nos. 7 and 8 The Suttons and nos. 1 and 3 Ironlatch Cottages. The properties on The Suttons can be found to the north of the site and the properties at Ironlatch Cottages can be found to the west.

Impact on The Suttons

The position of the proposed houses in relation to nos. 7 and 8 has not changed since the previous application - the proposed houses being approximately 17.5m from no. 7 and further from no. 8. However, as explained above the development has been reduced by one storey (approximately 3.5m) and the hipped roof now has a shallower pitch. This significant

reduction makes the development much less bulky, making the relationship between the existing and proposed houses much more comparable. Because of this reduction, it is considered that the previous concerns regarding outlook, due to the overbearing nature of the development, have been overcome.

Despite being north of the proposed development, the previous scheme was considered to be acceptable in terms of sunlight and daylight in relation to nos. 7 and 8. This relationship can only be improved now that the new development is smaller but for clarity the development is within the limits advised in BRE sunlight and daylight guidance.

The side elevation stairwell window which faces towards nos. 7 and 8 can be obscure glazed to prevent overlooking (condition 13).

Impact on Ironlatch Cottages

As with The Suttons, the position of the development in relation to nos. 1 and 3 Ironlatch Cottages has not changed since the previous application - the proposed houses being approximately 21.7m from nos. 1 and 3.

When assessing the previous application, the Planning Inspector noted that although well separated from each other, the proposed 3-storey height of the houses would result in both first and second floor windows being orientated towards nos. 1 and 3. Couple this with the slightly higher level of the application site in relation to Ironlatch Cottages and they concluded that the development would result in a loss of privacy to Ironlatch Cottages which would not be acceptable.

As with The Suttons, the significant reduction in the size of the property resolves this matter. The proposed houses still have windows orientated towards the Ironlatch Cottage properties, but with a separation distance of 22m and the relationship between the houses being more traditional - i.e. a two-storey property facing a two-storey property - it is considered that the level of overlooking would be no different to any other suburban location and is acceptable in this instance.

Given the above the proposal is not considered to cause any harm to neighbouring residential amenities.

d) Ecology

The proposed development has been accompanied by a preliminary ecological report explaining that the development would not impact upon protected species and no further studies are required. The Ecology Officer has confirmed that this information is acceptable and raised no objection.

A condition securing the precautionary protection measures during construction is recommended (condition 10).

The development is not considered to result in harm in terms of ecology.

e) Trees and landscaping

The development will result in the loss of three trees - 1 x Norway maple (T1), 2 x sycamore (T6 and T7). The sycamore trees form part of a belt of trees protected by TPO 37.

The Borough Arboriculturalist has assessed the application and comments as follows:

"The tree loss required to realise the development proposal is not insignificant, and the impact upon the local landscape is likely to be noticeable. However, the proposed replanting

is robust and will in time more than compensate for what will be lost should the development gain approval."

The Borough Arboriculturalist also requests that the applicant's planting proposals be secured by condition (condition 11).

The Borough Arboriculturalist's assessment is agreed. Any tree loss is regrettable but in this instance the loss is offset by the applicant's commitment to replacement planting.

The proposed tree loss and landscaping is considered acceptable.

f) Highway safety/parking

The proposed access will have a good visibility splay onto Crowhurst Road and the site allows for on-site manoeuvring of vehicles to avoid reversing onto the main road. Couple this with the low traffic movements likely to be generated by the development and the access into and out of the proposed development will be safe.

The proposal also provides for 5 parking spaces.

The access and the parking are both considered satisfactory to the Local Highway Authority and so the development is acceptable in terms of parking and highway safety (conditions 3, 4, 5, 6, 7 and 8).

g) Drainage

The applicant proposes both permeable paving and soakaways to manage the development's surface water drainage. The Lead Local Flood Authority (LLFA) initially raised concerns about the use of soakaways given both their location under the permeable paving and in an area with potentially high groundwater level. Following the submission of additional information, the principle of this drainage regime has been accepted by the LLFA subject to details by condition.

Southern Water have raised no objection with regard to foul drainage.

Given the above, and subject to a drainage condition, the development is not considered to result in any increased flood risk (condition 9).

h) Sustainable Construction

Whilst the applicant has submitted a sustainability statement with their application, the statement doesn't sufficiently explain how energy efficiency in accordance with the policy SC3 and the hierarchy of policy SC4 will be achieved. Further details of sustainability measures are therefore recommended by condition (condition 12).

i) Children's play space

The application site has been identified as outside of the 600m catchment area of nearby playgrounds. Policy CI3 requires new developments to be within 600m or 15-20mins walk of a play facility and where no facility is available to provide new facilities.

In this respect the proposal is only just outside the 600m catchment area, by approximately 30m. The site is therefore likely to be within 15-20mins walk of play areas on Blackman Avenue or the local housing estates. The site is also close to woodlands offering recreational opportunities and each unit has private garden space.

It should also be noted that the current supplementary guidance relating to play space only seeks contributions towards new play facilities on schemes of 25 units or over, not small

developments like this. Because of this it is not considered that refusal on the basis of policy CI3 can be justified.

6. Local Finance Considerations

There are no Local Finance Considerations considered material to the application.

7. Conclusion

The applicant has considered the reasons for the refusal of the previous application and the comments made by the Planning Inspector during the appeal. This proposal overcomes those previous concerns and a good standard of development is now proposed.

Subject to conditions these proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

8. 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:

3043-200D, 210D, 215C and 220E
3. The new access shall be in the position shown on the submitted plan (drawing no. 3043-210 Rev D) and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to the commencement of development.
4. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter.
5. The access hereby permitted shall not be used until a turning space for vehicles has been provided and constructed in accordance with the submitted plan (drawing no. 3043-210 Rev D) and the turning space shall thereafter be maintained in a suitable condition for that use and shall not be used for any other purpose.

6. During any form of earthworks and/or excavations that are carried out as part of the development, suitable wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to adjacent roads.
7. The development shall not be occupied until the parking area has been provided in accordance with the approved drawings and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
8. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
9.
 - (i) Construction of the development shall not commence until details of the proposed means of 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.
10. No development shall take place until the measures outlined in the submitted ecological statements and reports 'Preliminary Ecological Appraisal, dated June 2016 by The Mayhew Consultancy Ltd (ref EA/35315/R1) 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.
11. No development shall take place until the measures outlined in the submitted arboricultural and landscaping reports:
 - Arboricultural Report, dated June 2016 by The Mayhew Consultancy Ltd (ref AR/35315/R1); and
 - Planting Schedule & Planting, Maintenance and Establishment Specification, dated June 2016 by The Mayhew Consultancy Ltd (ref PP/35315/R1)

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, planting, maintenance) 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 reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

12. Before the development hereby approved is commenced details of the climate change adaptation and mitigation measures to be implemented within the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
13. The first-floor side elevation window facing towards nos 7 and 8 The Suttons shall be obscure glazed and fixed shut at all times.
14. 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.

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 the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
4. To ensure the safety of persons and vehicles using the access and/or proceeding along the highway.
5. In the interests of highway safety.
6. In the interests of highway safety and for the benefit and convenience of the public at large.
7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
8. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.

9. To prevent increased risk of flooding.
10. To protect features of recognised nature conservation importance.
11. In the interests of the health of the trees and the visual amenity of the area.
12. To ensure the development complies with policy SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.
13. In the interests of the amenity of the neighbouring residential occupiers.
14. To safeguard the amenity of adjoining residents.

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 Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. The surface water drainage details required by condition 9 above shall have regard to the comments provided by the Lead Local Flood Authority (email dated 19 June 2016 from Revai Kinsella, Principal Drainage Officer, Flood Risk Management Team, East Sussex County Council).
6. 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.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/16/00414 including all letters and documents