

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 07 March 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Land to the rear of, 18 Hollington Park Road, St Leonards-on-sea, TN38 0SG  
**Proposal:** Proposed demolition of existing domestic garage and erection of a three bed bungalow to the rear of 18 Hollington Park Road.  
**Application No:** HS/FA/17/00884

**Recommendation:** Grant Full Planning Permission

Ward: MAZE HILL  
Conservation Area: No  
Listed Building: No

Applicant: Mr Cockerill per Elevations Design Ltd Junction House 1 Sedlescombe Road South St Leonards on Sea, East Sussex. TN38 0TA

**Public Consultation**

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	11
Petitions of Objection Received:	0
Letters of Support:	0
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 comprises a section of the communal outdoor space for the residential flats at 18 Hollington Park Road containing a domestic three-bay garage located on the northern boundary with hardstanding at the front of the garage connecting with the access drive. The peripheral borders of the site area contain established shrubs, particularly to the east. The site is located at the rear of 18 Hollington Park Road, a substantial detached property currently occupied by flats. 18 Hollington Park Road is set back from the road with landscaped front gardens and a hard-surfaced parking area directly to the rear of the building. The application site is separated from 18 Hollington Park Road by a line of trees

and landscaping. The application site and no.18 share a long single lane vehicle access from the road running along the southern boundary. The site also abuts the rear garden boundary of neighbouring properties on Avondale Road and Sycamore Close.

The site is located in a predominantly residential area in Maze Hill ward and constitutes a backland location and is a brownfield site (i.e. previously developed land). There are off-site TPO trees located in proximity to eastern and north-eastern shared boundary.

### Constraints

The following site constraints are relevant to this application:

- Off-site TPOs relating to individual trees within the adjoining properties to the east and northeast of the site.
- Flooding surface water 1 in 1000

## **2. Proposed development**

Proposed demolition of a domestic three bay-garage and erection of a three-bed bungalow to the rear of 18 Hollington Park Road.

The existing garage to be demolished is located adjacent the northern shared boundary.

The proposed bungalow would be located broadly in the centre of the site adjacent to the southern boundary shared with 18 Hollington Park Road. The bungalow would have a footprint of some 92 sqm, eaves level of some 2.2m above ground level and ridge height some 5.2m above ground level. The bungalow would be a traditional design finished in facing brick work with a tiled pitched roof.

### Amendments

The position of the house has been amended to take into account the Council's Arboriculturalist's comments regarding the impact on the Root Protection Area (RPA) of a neighbouring TPO and has been moved away from the northern boundary. The amended layout is shown on drawing 17.870/01 C.

The application is supported by the following documents:

- Design and Access Statement
- Tree Report
- Waste Management Plan
- SUDS Report

## **3. Relevant Planning History**

HS/OA/80/00108 - Erection of one bungalow – Refused due to detrimental impact to neighbouring residential amenities and appearing out of keeping with the character of the area.

HS/OA/79/00808 – Erection of 4 dwellings – Refused due to detrimental impact to neighbouring residential amenities and appearing out of keeping with the character of the area.

HS/56/00544 - Erection two additional garages – Granted

HS/FA/49/00889 - Erection of garages – Granted

## 4. National and Local Policies

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

Policy DS1 - New Housing Development

Policy FA1 - Strategic Policy for Western Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

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

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Para. 111 advises that planning 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. Although it is noted that the NPPF Annex 2: Glossary does exclude land in built-up areas such as private residential gardens from the definition of previously developed land.

## 5. Consultations comments

**Waste service:** Confirm approval

**Tree Officer:** Initial comments advised that the proposal requires significant incursion into the root protection area (RPA) of T7, an off-site tree of significant landscape value. The proposed layout was amended and the house has been moved closer to the south-west shared boundary. The Arboriculturalist advises that the new location would be acceptable in terms of tree impacts.

**Sustainable Drainage:** No objections subject to condition

**Highways Officer:** Does not wish to be formally consulted due to the level / amount of proposed development. The proposal does not meet the requirements to consult ESCC Highways Authority. Notwithstanding this, they advise that adequate parking should be provided within the site and the width of the access should be a minimum of 4.5m for the first 5m to cater for two-way flows given the increase in use. Adequate visibility should also be provided.

**Natural England:** Have no specific comments to make and recommend using their standing advice. Natural England advise that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes.

## 6. Representations

11 representations of objection have been received raising the following (summarised) objections.

- Loss of trees.
- Proposed roof design not in keeping with surrounding properties.
- Impact on wildlife.
- Construction disturbances.
- Plot size is out of keeping with neighbouring plots.
- Encroachment onto tree root protection areas.
- Similar application refused in 1980s.
- Cramped form of development.
- Leaseholders have right of way over some of the site.
- Garages to be demolished are in use.
- Ground conditions.
- Remaining parking for 18 Hollington Park Road would be insufficient.
- Vehicle access is narrow for construction vehicles. Construction traffic would block the shared vehicle access.
- Inadequate access width.
- Highways safety.
- Loss of privacy.
- The proposal would devalue property values.
- Additional traffic.
- Out of keeping with neighbouring properties.

Councillor Andy Patmore has called the application to planning committee for the following summarised reasons:

- Impact on the root protection area of a neighbouring Oak tree.
- Use of the shared vehicle access
- The vehicle access cannot be widened as suggested by ESCC Highways.
- Highways access / safety.

## 7. Determining Issues

The main issues to be considered are: the principle of residential development in this location; whether the site is capable of accommodating the amount of development proposed; highways safety and parking provision; whether the access is acceptable from a highways safety perspective; loss / impact on trees; design and residential amenity.

Consultation responses and neighbouring objections have been assessed and considered within the main body of this report.

### 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) Loss of garages and communal garden area

There are no specific policies that seek the retention of these residential garages and one of the core principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value (para. 17). It is also noted that the existing garages do not meet ESCC Highways minimum internal size requirements and are not large enough to accommodate a modern car. No objections are therefore raised with regard to the loss of residential parking spaces and displacement of cars onto the surrounding road network.

The site has been described as communal gardens for the flats at 18 Hollington Park Road although it would appear that the site has historically been used as a garage site / parking area and for refuse storage. Notwithstanding this, it is not considered that the redevelopment of the site would result in the loss of a significant amount of communal garden at 18 Hollington Park Road which benefits from a large landscaped front garden which forms the principle communal outdoor space for the flats.

### c) Impact on Character and appearance of area

The proposed single storey bungalow would be discreetly located behind the 2-3 storey detached property at 18 Hollington Park Road and would be set back from the road by approx. 60m so the proposal would not be visible within the streetscape or from any public vantage points.

The eaves height would be 2.2m which is marginally higher than typical residential boundary fencing and the ridge height has been reduced by 1m following negotiations between the Local Planning Authority and applicant thus reducing the scale of the roof. It is, therefore, considered that the proposal would not appear overly prominent from the neighbouring residential properties, including 18 Hollington Park Road.

The bungalow design is not particularly imaginative, however, given the scale of the proposed development and discreet backland location, the traditional form and design is considered to be acceptable in this instance. The existing domestic garages and site in general are somewhat neglected and the redevelopment would provide an opportunity to tidy up the site and enhance the character of the area.

The proposed layout demonstrates that the proposed bungalow could be accommodated on site and would not appear as a cramped form of development. There would be sufficient parking and turning space at the front of the house and an adequate rear and side garden area with ample space for planting on a majority of the site boundaries.

#### d) Future living conditions

The internal floorspace measurements meet the minimum requirements set out in the Government guidance 2 "Technical housing standards – nationally described space standard" (March 2015), and the habitable rooms would receive adequate levels of natural light and ventilation. The proposed bungalow is, therefore, considered to provide an adequate standard of living accommodation in accordance with Policy DM3 and HC1 of the Development Management Plan 2015.

The proposal includes a private rear and side garden space in excess of 10m in length in accordance with the requirements of Policy DM3 and HC1 of the Development Management Plan 2015, securing an acceptable living environment for future residents.

Refuse storage areas would be outside the front of the house and future occupiers would need to pull wheelie bins some 60m along the shared access drive to present the bins on Hollington Park Road for collection. This distance is well in excess of the 25m set out in Council guidelines. However, the refuse storage / collection arrangement would be similar to the current situation at 18 Hollington Park Road and the Council's Waste Management Team raises no objection to the proposed location of the refuse storage area and it would be the responsibility of the future occupiers to present the bins on the highway on the day of collection.

#### e. Impact on Neighbouring Residential Amenities

The proposed windows would not afford any direct views into neighbouring habitable room spaces or private amenity areas due to the single storey nature of the development / height of the windows and the location of existing boundary treatment.

The bungalow would be located in proximity to the boundary shared with 18 Hollington Park Road and there would be a separation of between some 10m and 15m between the rear elevation of 18 Hollington Park Road and the flank wall of the proposed bungalow. Given the proposed eaves height adjacent to the shared boundary, orientation of the proposed development and angle of the roof pitch which would slope up away from the shared boundary, it is not considered that the proposal would represent an overbearing or unneighbourly form of development in terms of the impact on No.18.

The application site abuts the boundary of five residential properties, including 18 Hollington Park Road. With an eaves level of some 2.2m above ground level and reduced ridge height of some 5.2m, coupled by the separation distance from the neighbouring properties and design of the roof, which would pitch up away from the shared boundaries, the proposal is not considered to result in any unacceptable loss of outlook or light.

It is unclear from the proposed plans whether any new boundary treatment is proposed along the shared boundary with No.18 and a condition will be attached requiring further details in this respect.

(Conditions 4 relate to tree protection and landscape details)

#### f. Impact on tree and landscape

The application is supported by a tree survey which advises that four individual trees and one group of trees would be directly lost if the proposal were to be implemented. The tree survey also advises that three U category trees (T1 and T2 elms and T5 silver birch) were considered to be in such a condition that their immediate removal is recommended, irrespective of the outcome of this proposal.

Trees to be removed as a result of the proposed development comprise two category B trees (Holly and Silver Birch) and three category C trees (mixed shrubs and 2 x Yew).

An amended layout has been submitted to address the Arboriculturalist's comments regarding the impact of the proposed development on the RPAs of a TPO tree located on a neighbouring property to the north-east of the site. The revised layout shifts the house away from the RPA of the TPO tree and the Council's Arboriculturalist does not raise any objections to the proposal based upon the amended layout.

Subject to a robust landscaping and planting scheme being submitted, it is not considered that as a result of development, there would be a significant negative impact on the landscape and the trees to be removed are not prominent amenity trees and so the loss of these trees is not considered to cause harm to the wider landscape or streetscene.

(Conditions 5 and 12 relate to tree protection and landscape details)

#### g. Ecology

The application is supported by an ecology survey which identifies that there are likely to be reptiles present on the site. There was no evidence of bats roosting in the garage block and no on-site trees suitable as bat roost would be affected by the proposed development. An additional bat emergence or scoping survey is not deemed necessary by the ecologist as a result.

Given the results of the ecology survey it is considered that no further protected species surveys are required subject to ecology mitigation and enhancement conditions in accordance with the ecology report and aims and objective of the NPPF to provide ecological enhancements within the site.

(Condition 13 relates to ecology protection and enhancements)

#### h. Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions, and the development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

#### i. Drainage

The layout proposes to utilise permeable paving to infiltrate surface water to the ground. East Sussex County Council's Flood Risk Management Team have raised no objection to the proposed drainage advising that infiltration should be viable at the site subject to a ground investigation which can be secured via conditions. The connection to existing sewers is controlled by the Water Industry Act and is a matter between the developer and Southern Water. Southern Water has not objected to the proposed development.

(Condition 8 relates to drainage)

#### j. Highway Safety/Parking

Two parking spaces are proposed which would be in accordance with East Sussex County Council's parking standards and there would be sufficient turning space at the front of the house to ensure vehicles can enter and leave the site in forward gear.

The ESCC Highways Authority has confirmed the level / amount of proposed development does not meet their requirements to be consulted as the Highways Authority. Notwithstanding this the highways officer has provided some advice stating that adequate parking should be provided within the site and the width of the access should be a minimum of 4.5m for the first 5m to cater for two way flows given the increase in use. Adequate visibility should also be provided.

It would not be possible to widen the existing single lane vehicle entrance into the site to 4.5m as recommended by ESCC Highways. However, the new bungalow proposes to utilise the existing vehicle access for 18 Hollington Park Road which is deemed to be acceptable for the existing residential occupiers using the access. The proposal would result in the removal of a three-bay garage which would be replaced by a three-bed bungalow with a parking requirement of two spaces. The proposal would, therefore, result in a reduction in vehicle trips that could potentially occur at site at present, therefore, no objections are raised with regard to the continued use of the established residential vehicle access at 18 Hollington Park Road and the vehicle movements introduced by a single three-bedroom property.

The proposal for one additional three-bed house is not considered to result in a significant or severe increase in vehicle trips compared to the current use of the site so the proposal is considered to be in accordance with the NPPF which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

A number of objections have been raised regarding construction traffic blocking the access drive. This is not a material planning consideration but is a civil matter between the relevant parties / owners / leaseholders. It would be a matter for the developer and applicant to ensure the construction traffic does not block the existing driveway. Having said this and due to the number of objections on this issue, it would be prudent to require a construction management plan via condition to demonstrate / control construction deliveries and parking during the course of the construction.

(Condition 10 and 11 relate to highways and parking)

#### k. Screening of Application under Habitats Regulations 2017 - Impact of Development on Ashdown Forest Special Area Conservation (SAC)

The proposed development is located approximately 35.5 km from the Ashdown Forest Special Area of Conservation (SAC), 41 km from the Lewes Downs SAC and 17 km from the Pevensey Levels SAC. The proposal is not directly connected with or necessary to the management of the Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and the Pevensey Levels SAC and therefore it is necessary to determine if the proposal has a likely significant effect on those special areas of conservation. As such an Appropriate Assessment has been undertaken to consider the impact of the proposed development. The conclusions of the appropriate assessment are that the development is not considered to result in nitrogen disposition from additional vehicle movements as a result of the proposed development. The reasons for concluding this are:

The existing site constitutes a brownfield site with a three-bay garage with a historic parking demand of three spaces and vehicle movements associated with the existing parking



spaces. The existing three-bay garage would be demolished and the proposal is for a three-bed dwelling with car parking for two cars. As the parking demand would be reduced at the site, it is therefore considered that the development will not increase the traffic movements. Natural England has advised that they have no comments to make on this application and that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. The impact on the Ashdown Forest SAC in respect of nitrogen disposition as a result of this application, in combination with other relevant development, will remain unchanged.

### I. Other Matter

A bungalow was refused on this site in 1979/80 due to the backland development being out of keeping with the character of the area and due to the loss of neighbouring residential amenity. Since the refusal of the bungalow, the character of the surrounding area has changed significantly with the new housing development at Sycamore Close and the development of the proposal site is no longer considered to appear out of keeping with the neighbouring pattern of residential development. In addition, there was a presumption against backland development in 1979/80 which is no longer applies and the local plan and NPPF support the sustainable development of brownfield sites. The impact on neighbour amenity from the proposed scheme has been assessed above.

## **8. Conclusion**

The proposed three-bedroom dwelling would provide an acceptable living environment for the future occupants without adversely impacting on the amenities of neighbouring residents. The proposal would be acceptable in terms of parking provision and there are no highways safety objections. The proposal would be discreetly located in a backland position and would not have a significant visual impact on the character of the surrounding area. The proposals represent an acceptable standard of design and the proposed layout demonstrates that the bungalow could be accommodated on site and would not appear as a cramped form of development with an adequate rear and side garden area with ample space for planting. It is therefore considered that the scheme represents sustainable development and is acceptable. As a result a recommendation of approval has been made for these proposals.

These proposals comply with the development plan in accordance with Section 38 (6) of the Page 37 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.

## **9. 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:

17.870/01C

3. The materials to be used in the construction of the external surfaces of the proposed dwelling shall be as indicated on the approved plans.

4. No development shall take place above ground until full details of all the existing and proposed boundary fences; walls; enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary fences; walls; enclosures shall be erected before the building to which it relates is occupied.

5. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

6. 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.

7. No development above ground shall take place until full details of the hard surfacing details have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to the occupation of any part of the development.

8. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management, including suitable ground investigations to establish the infiltration rates and the depth of groundwater at the site, have been submitted to and approved in writing by the Local Planning Authority. The submitted drainage details shall include:

1. Any soakage testing should be undertaken to the BRE365 methodology. These should be used to confirm the design of the proposed surface water drainage network.
2. If surface water is to be discharged to the public sewer then it should be limited to a rate agreed with Southern Water, and no more than the existing run-off rate, for all rainfall events including the 1 in 100 (plus climate change). Evidence of this, in the form of hydraulic calculations which take into account the connectivity of the drainage system should be provided.

3. A maintenance and management plan for the entire drainage system should be submitted to the Local Planning Authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

The development shall be carried out in accordance with the approved drainage details.

9. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to the property shall take place without the grant of an additional planning permission.
10. No development to be commenced on site until a Construction Management Plan setting out mitigation measures to protect against disruption caused during construction has been submitted to and approved in writing by the Local Planning Authority.
11. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles.
12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

13. All ecological measures and/or works, including site clearance, shall be carried out in accordance with the details contained in the Preliminary Ecological Appraisal (ref: EA/56317) prepared by The Mayhew Consultancy and dated August 2017 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

**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. In the interests of the visual amenity of the area.
4. To ensure a satisfactory standard of development and to safeguard the amenity of adjoining and future residents.
5. In the interests of the health of the trees and the visual amenity of the area.
6. To safeguard the amenity of adjoining residents.
7. To ensure a satisfactory standard of development.
8. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
9. To safeguard the amenity of adjoining residents.
10. In the interests of vehicular and pedestrian safety and in the interests of the amenity of the neighbouring residential occupiers.
11. To ensure an adequate level of off-street parking to serve the development.
12. In the interests of the visual amenity.
13. To protect features of recognised nature conservation importance and to secure ecological enhancements.

**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. A formal application for connection to the public sewerage system 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](http://www.southernwater.co.uk)".

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**Officer to Contact**

Mr A Jolly, Telephone 01424 783250

**Background Papers**

Application No: HS/FA/17/00884 including all letters and documents