

**Report to:** PLANNING COMMITTEE

**Date:** 03 December 2014

**Report from:** Development Manager

**Application Address:** **48 - 49 Caves Road, St Leonards-on-sea, TN38 0BY**

**Proposal:** **Proposed demolition of minimal structures, erection of six no. 1 bedroomed flats and 1 two bedroomed flat together with access drive to serve 7 no. car parking spaces.**

**Application No:** **HS/FA/14/00527**

**Recommendation:** **Grant Full Planning Permission**

**Ward:** CENTRAL ST LEONARDS

**File No:** CA95049

**Applicant:** Mrs VALLIAMMAI per CKA ARCHITECTURAL CONS. LTD 36 CHURCH STREET OLD TOWN EASTBOURNE, EAST SUSSEX. BN21 1HS

**Interest:** Owner

**Existing Use:** Vacant - Former Scaffold Yard

**Policies**

Hastings Local Plan 2004: DG1, DG2, DG3, DG21, C3, C7, C9

Conservation Area: Yes - Grosvenor Gardens

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA2, SC1, EN1, EN2, EN3, EN6, H1, H2, H3, T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: DM1, DM3, DM4, DM5, DM6, HN1, HN3, HN5, HN7, HN8

**Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 3

Petitions Received: 0

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

## Summary

The proposal is for the re-development of a former scaffold yard and an end of terrace house with a development of 6 x 1 bedroom and 1 x 2 bedroom flats. The main issues include highway safety, bin storage, the amenity of neighbouring residents and the character of the surrounding conservation area. After considering all matters I am of the opinion that the proposal is acceptable subject to conditions.

## The Site and its Location

The site consists of a scaffold yard and a single terraced house located on the northern side of Caves Road and within the Grosvenor Crescent Conservation Area. The single house forms part of a row of four terraced houses (No's 49-52 Caves Road) which are built of facing brick with slate pitch roofs and timber windows.

The front of the site adjoins 47 Caves Road to the west and the rear of the site adjoins 46 Caves Road. To the rear the site adjoins Caves Road Cliffs which is designated as a Site of Nature Conservation Importance (SNCI) and a Local Wildlife Site (LWS). The site is opposite the rear of properties at Marina.

The surrounding area includes a mixture of traditional buildings with some sympathetic modern development. The area was previously defined by a mixture of residential and commercial activities but is now predominantly residential. Several new developments have taken place in recent years.

## Details of the Proposal and Other Background Information

In 2007 planning permission (HS/FA/07/00947) was granted for the re-development of the yard and the terraced house at 48-49 Caves Road together with the adjoining three terraced houses at 50, 51 & 52 Caves Road. The scheme was for 7 x flats and 3 x terraced houses. The planning permission has since expired and the applicant is now proposing a similar scheme but has split the site and applied for planning permission for the houses and flats separately. Planning permission: HS/FA/14/00539 was granted earlier this month for the erection of three replacement terraced houses at 50, 51 & 52 Caves Road.

The current proposal involves the replacement of the existing yard and a single terraced house with a three storey building comprising 6 x 1 bedroom flats and 1 x 2 bedroom flat. The building is to be built of facing brick and render with a slate tile pitch roof. A car park is proposed to the rear accessed from an archway leading from Caves Road. A bin store is proposed to be located within the car park area and a replacement retaining wall is to be provided along the rear boundary of the car park with the cliff.

## Previous Site History

- HS/OA/80/00782 Demolition of existing workshops and store and erection of single storey office building.  
Granted 17 December 1980.
- HS/DS/81/00134 Demolition of existing workshop and store and erection of single-storey office building.  
Granted 18 March 1981.
- HS/FA/07/00178 Demolition of 49 Caves Road and erection of 7 x 1 Bedroom and 1 x 2 bedroom flats together with access driveway to serve 7 x car parking spaces.

- Refused 21 May 2007.  
HS/CA/07/00179 Demolition of 49 Caves Road. Application HS/FA/07/00178 applies for the erection of 7 x 1 bedroom and 1 x 2 bedroom flat together with access driveway to serve 7 x car parking spaces.  
Refused 21 May 2007.  
HS/FA/07/00947 Proposed demolition of 49-52 Caves Road. Erection of 6 x 1 & 1 x 2 bed flat; 3 x 3 storey town houses together with access drive to serve 7 x car parking spaces.  
Granted 26 February 2008.

## Details of Consultations

The **Waste and Streetscene Services** team have advised that waste collection vehicles cannot access the proposed bin store at the rear. They have recommended relocating the bin store so that it is closer to the public highway.

Comments have been received from **Southern Water** who have provided general advice and recommended the use of an informative (Informatives: 4 & 5).

The **Transport Development Control Team** consider the development to be acceptable subject to conditions (Conditions: 9-14)

The **Environment and Natural Resources Manager** has advised that the main issue is the impact of land stabilisation works to the cliff above. He has suggested that the use of the concrete screeding option proposed is likely to have adverse impacts on the ecology of the area and that other options should be explored (Conditions 2 & 3).

A total of **3 letters of objection** have been received. The main issues raised include: general amenity (location of bin store), density, highway safety, character and appearance and land stability.

## Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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 main policies that apply are DG1, DG2, DG3, DG21, C3, C7, C9 in the adopted Hastings Local Plan 2004, policies, FA2, SC1, EN1, EN2, EN3, EN6, H1, H2, H3, T3 in the adopted Strategy and policies DM1, DM3, DM4, DM5, DM6, HN1, HN3, HN5, HN7 and HN8 in the Revised Proposed Submission Version of the Development Management Plan.

## Character and Appearance

The proposed residential use is considered to be in keeping with the predominantly residential uses which define the area. The proposal follows the pattern of development found in the area which includes mainly two - three storey terraced properties which face directly onto the road with yard areas to the rear. The proposal is to be the same height as the adjoining properties to the west and is therefore considered to be in keeping with the size and scale of development in the area. The scheme draws on the broad characteristics of the area as it includes features such as sash windows, window roof canopies, facing brick,

slate and render. Subject to joinery and material conditions it is considered that the proposal will enhance the appearance of the streetscene and preserve the historic character of the surrounding conservation area.

## **Living Environment**

The adjoining properties to the west of the site face towards the rear parking/yard areas of properties at Marina. The proposal will infill the space between the existing terraced properties and will be the same height as adjoining properties to the west. The proposal will therefore not result in additional overbearing or overlooking to the properties on the opposite side of Caves Road.

Having regard to the positioning of the proposed dwellings and the car park in relation to neighbouring properties it is considered that the scheme will not result in unacceptable levels of light or outlook to current or future occupants.

The proposal includes a bin store located in the yard area to the rear. The location is not considered acceptable as it is adjacent to the kitchen window of the adjoining property. In order to address this matter the bin store could be relocated to the opposite side of the yard (e.g. the location of parking space number 5) where it would be away from the windows of neighbouring/future residents. This location would also be 17.5m from the public highway which is within the 25m maximum distance set out in the Government's Manual For Streets policy document. It is therefore recommended that a condition is imposed which requires bin storage details to be submitted for approval.

## **Housing Type and Affordable Housing**

In accordance with the National Planning Policy Framework (NPPF) (paragraph 50) and Policy H2 of the Hastings Planning Strategy (the Strategy) there is a requirement to provide a genuine mix of housing types to support the needs of different groups. The Caves Road area includes a variety of houses and flats at the present time and therefore appeals to different groups. Recent developments in Caves Road have involved mainly family size accommodation and it is therefore considered that the scheme will help to ensure that a genuine variety of housing types continues to exist in the local area. Furthermore, the NPPF aims to boost significantly the supply of housing (paragraph 47) and sets a presumption in favour of sustainable development paragraph 14. On balance the unit types proposed are therefore considered to be acceptable.

In accordance with Policy H3 of the Hastings Planning Strategy there is a requirement to make a contribution towards affordable housing. The applicant has submitted viability information which demonstrates that the scheme will result in a net loss. The viability information has been sent to the District Valuer Service (DVS) for verification and confirmation has now been received that the scheme is unviable with an affordable housing contribution. On this basis the proposal is considered to be acceptable with no affordable housing contribution.

## **Land Stability**

The application has been submitted with a land stability report which concludes that the type of stability concerns associated with this type of rock face are not unusual and that they can be addressed through conventional stabilisation techniques. Various options have been suggested within the report and it is considered that the matter can be adequately controlled through the use of a condition requiring details of the stabilisation works to be submitted for approval.

## **Ecology and Biodiversity**

The application has been submitted with an ecology report which is an update to that submitted in 2007. The report concludes that the situation remains largely unchanged but does recommend the need to restrict groundwork and engineering operations to between May and October in any given year and the installation of a reptile protection fence. These measures can be controlled by way of a condition.

The original report advised that a variety of flora exist within the SNCI and LWS to the north and east. As stated by the case officer in 2007 the proposal does not encroach into this area and therefore the surrounding flora will remain unaffected. However, the land stability report does recommend a number of stabilisation methods for the cliff above. Having regard to the comments of the Environment and Natural Resources Manager it is considered that the matter can be addressed by way of a condition requesting details of the stabilisation works for approval. This will ensure that the works do not result in adverse impacts on the ecology of the area.

## **Highway Safety and Parking**

Having regard to the comments of the Transport Development Control Team (TDCT) the access proposed is considered to be acceptable. The proposal makes adequate provision for car parking and will therefore not result in inconvenience for current/future occupants. The parking areas can be secured through the use of a condition.

The TDCT have also recommended the use of a condition to secure the submission of a travel plan in order to limit disruption to the road. In addition to this condition it is also recommended that conditions are imposed requiring details of temporary works/structures (hoardings etc) and restricting the hours of building works in order to provide additional protection to neighbouring residents during the construction phase.

## **Drainage**

Having regard to the comments received from Southern Water it is considered that a condition requesting drainage details to be submitted for approval will be adequate for ensuring a satisfactory standard of development.

## **Conclusion**

It is considered that the proposal is in keeping with the historic character of the area and that it will contribute to the mix of accommodation in the area without adversely impacting on its surroundings. I therefore recommended the proposal for approval subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

## **Recommendation**

**Grant Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. No development shall take place until full details of the land stabilisation techniques have been submitted to and approved in writing by the Local Planning Authority. The details shall be prepared by a suitably qualified person and include evidence to support the methods chosen and regarding the impacts on the ecology of the area. The development shall be completed in accordance with the approved details.
3. No development shall take place until the measures outlined in the submitted ecological statements and reports (Ecological report on land at 48 & 49 Caves Road St. Leonards-on-Sea, East Sussex by Patrick Roper, 23 March 2007 and An update on the 2007 ecological report on 48 & 49 Caves Road, St. Leonards-on-Sea by Patrick Roper, 19 March 2014) 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.
4. No development shall take place until samples of the materials including a sample panel of render to be used in the construction of the external surfaces of the dwellings hereby permitted have been made available for inspection at the site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - (a) joinery details at no less than 1:10 scale of all windows and doors;
  - (b) window canopy details at no less than 1:20 scale;
  - (c) rainwater goods, flues and ventsThe development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.
6.
  - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
  - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the flats hereby approved shall occur until those works have been completed.

- (iii) No occupation of any of the 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.
7. No development shall commence until details of the size and location of any temporary structures required during the construction process, a vehicle wheel washing facility together with areas for storage of materials, and temporary site hoardings has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in full accordance with the approved details, and the wheel washing facility shall remain in place and in operation for the duration of the groundworks.
  8. Notwithstanding the information shown on drawing number: 227600-02 bin storage details including the size, location and means of enclosure of the bin store shall be submitted for approval by the Local Planning Authority prior to works commencing on site. The development shall be completed in accordance with the approved details and the bin store shall be used for no other purposes other than the storing of refuse bins awaiting collection unless otherwise agreed in writing by the Local Planning Authority.
  9. Prior to occupation of any part of the development hereby approved the proposed access shall be provided in accordance with drawing number 227600.02] and laid out and constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority.
  10. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.
  11. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority. This shall include the size of vehicles, routing of vehicles and hours of operation.
  12. Notwithstanding the information shown on drawing number: 227600-02 the development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
  13. Notwithstanding the information shown on drawing number: 227600-02 the development shall not be occupied until cycle parking has been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
  14. 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 and the turning space shall thereafter be maintained in a suitable condition for that use and shall not be used for any other purpose.

15. The development hereby permitted shall be carried out in accordance with the following approved plans:

227600.02, 227600.03 & 227600.04

16. 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. To protect future residents and users of the development in the interests of Health and Safety.
3. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
4. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area.
5. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area.
6. To ensure a satisfactory standard of development.
7. In the interests of the visual and residential amenities of the locality.
8. To ensure a satisfactory standard of development.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interests of highway safety.
11. In the interests of highway safety and for the benefit and convenience of the public at large.
12. In the interests of highway safety.
13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.



14. In the interests of highway safety.
15. For the avoidance of doubt and in the interests of proper planning.
16. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).

### **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. Consideration should be given to the provision of a domestic sprinkler system.
4. 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](mailto:developerservices@southernwater.co.uk).
5. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
6. With regard to condition 11 of this planning permission the applicant's attention is drawn to the consultation response from the Transport Development Control Team dated 14 August 2014.
7. With regard to condition 2 of this planning permission, it is only necessary to submit details of the works necessary to stabilise the cliff in relation to the development hereby approved. If following further investigation no additional works are required to the upper levels of the cliff then the evidence should accompany an application to discharge the condition.

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### **Officer to Contact**

Mr T Tanner, Telephone 01424 783336

### **Background Papers**

Application No: HS/FA/14/00527 including all letters and documents