

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 04 April 2018

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 815-817 The Ridge, St Leonards-on-sea, TN37 7PX

**Proposal:** Variation of condition 2 - (Approved plans) and condition 5 - (alignment of the parking area for plot 3 and 817A, and the spaces to the rear; turning space, and an additional parking space for visitors) of Planning Permission HS/FA/16/00790 - Amendments to internal layout & design changes

**Application No:** HS/FA/18/00062

**Recommendation:** Grant Full Planning Permission

**Ward:** ASHDOWN

**Conservation Area:** No

**Listed Building:** No

**Applicant:** Ridgeway Developments Ltd per Pump House Designs Pump House Yard The Green SEDLESCOMBE, East Sussex. TN33 0QA

**Public Consultation**

**Site Notice:** Yes

**Press Advertisement:** Yes - General Interest

**Letters of Objection:** 0

**Petitions of Objection Received:** 0

**Letters of Support:** 0

**Petitions of Support Received:** 0

**Neutral comments received** 0

**Application Status:** Not delegated - Applicant in politically protected post

## **1. Site and Surrounding Area**

The site is located to the south side of The Ridge and comprises the rear garden of 817 The Ridge and a portion of the rear garden of 815.

The existing property at 817 The Ridge is set back approximately 45m from the highway with an access driveway which runs southwards between 815 and 821 The Ridge. The existing dwelling is of a chalet bungalow style with the front and rear facing dormer windows, set at a lower level than the main road. The existing garden areas to the rear of 815-817 are extensive. The rear boundary of the application site adjoins the Dunelm/Pets at Home stores, again at a lower level than the application site (although the upper floors of the building are clearly visible). At the present time, the garden is bordered mainly by vegetation or fences.

815 The Ridge is also a chalet bungalow style detached dwelling, but is set closer to the highway and subsequently, at a higher level than 817 to the rear. A drive runs to the rear of this property, which leads to a single storey garage and garden area further to the south. This garden area adjoins the retail premises to the south and the rear boundaries of 813 The Ridge, 221 Harrow Lane, 219 Harrow Lane, as well as the BT telephone exchange building. Mature vegetation and fencing form the boundaries of the site.

The area has a varied character being defined by a mixture of uses and different size buildings including a two-storey shop, two-storey public house, bungalows, detached properties and two-storey terraced house, as well as the retail park to the rear.

### Constraints

- Area affected by surface water flooding (1 in 100 and 1 in 1000)
- 2km buffer zone of SGN high pressure pipeline
- SGN low pressure pipeline
- SSSI Impact Risk Zone

## **2. Proposed development**

This application seeks permission for variations to the recently approved application at 815-817 The Ridge (HS/FA/16/00790). The original application granted approval for the erection of 4 detached dwellings in and around the curtilage of No. 185 The Ridge.

The amendments to the proposal include:

1. Alterations to design of No. 817A
  - Increase in ridge height of 0.10 metres
  - Increase in eaves height of 1.4 metres
  - Alterations to front elevation resulting in double fronted property
  - Alterations to roof design to more traditional pitched roof with hip-to-gable elements at the front and rear
  - 2 larger openings and new door in east elevation
  - Larger opening in west elevation

2. Alterations to Plots 1-3
  - 3 New windows in south facing elevations
3. Alterations to the road layout
  - Inclusion of two visitors parking bays.
  - Width of driveway increased to 4.5 metres
  - Repositioning of driveway closer to side boundary with 817
4. Widening of residential curtilage to the side of No. 815
5. Relocation of communal refuse and recycling store
6. Enlargement of parking area for No. 817A
7. Enlargement of patio area at the rear of Plots 1-3

No additional accommodation is created as a result of these alterations.

### **Relevant Planning History**

HS/FA/16/00790 Erection of 4no. detached dwellings

GRANTED 9 February 2017

HS/FA/15/00237 Erection of 3 dwellings

GRANTED 3 June 2015

HS/FA/12/00772 Erection of two detached houses

GRANTED 5 December 2012

HS/FA/08/00818 Renewal of planning approval HS/FA/06/00004

GRANTED 16 February 2009

HS/OA/06/00986 Demolition of existing dwellings and outbuildings and redevelopment of site including road junction improvements, new site access road, 7 x dwellings and associated off road parking

WITHDRAWN 15 December 2014

HS/FA/06/00004 Erection of single dwelling

GRANTED 6 March 2006

HS/FA/05/00617 Erection of single dwelling

REFUSED 29 April 2005

WITHDRAWN 5 August 2005

### **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

Policy SC7 - Flood Risk

Policy H1 - Housing Density

Policy H2 - Housing Mix

#### 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**

Estates - **No Comments on the proposal**

SUDs - **No comments on the proposal**

Highways - **No objection, subject to conditions**

### **4. Representations**

In respect of this application, a site notice was displayed at the front of the site. No responses were received.

## 5. Determining Issues

### a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan - Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

Planning permission for varying forms of residential development have previously been approved on this site so the principle of housing on this land has already been established.

### b) Impact on Character and Appearance of the Area

This area of The Ridge is, in the majority, of non-uniform properties made up of a mixture of building types or varying sizes, heights and designs. It is considered that the proposed dwellings are of a size and scale not at odds with the mixture of dwellings in this location. The proposed residential use is also consistent with the variety of uses found in the area and will ensure that the proposal remains in keeping with the character of the area.

With regard to the appearance, the site is set back from The Ridge and would not form part of the streetscene. The proposed properties, due to their positioning, will be almost entirely hidden from view and so have little impact on the existing streetscene when viewed from The Ridge.

While the overall impact of the development on the character of the area has previously been assessed, there are alterations proposed to the design of No. 817a. As a result this, the impact must again be considered. The proposed alterations, as listed above, are considered to be relatively minor and would have a minimal impact on the overall character of the development or the wider character of the area. Taking this into account, it is considered that the proposed amendments are acceptable and in accordance with Policy DM1 of the Development Plan as quoted above.

### c) Impact on Neighbouring Residential Amenities

Policy DM3 of the DMP states that, in order to achieve a good living standard for future users of proposed development and its neighbours, it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This policy goes on to state that permission will be given for development where the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

There are three new window openings in the southern elevations of plots 1-3. These windows will face towards the neighbouring properties (plots 2 and 3) and the southern site border respectively. Due to the proximity of the dwellings to each other, it is considered that there would not be a detrimental impact from these windows in terms of loss of privacy or overlooking.

There are also several alterations to the approved fenestration in No. 817A. The new larger window in the west elevation is shown to be a tall, arch topped window serving the stairwell. This window will face towards the existing dwelling (No. 817) with 4.5 metres separation distance. Along the boundary between these properties it is proposed to erect a 2 metre high closeboard fence. As a result of these factors, it is considered that this altered window opening would not have a detrimental impact on No. 817. The additional window in the front

elevation of the property serves a study. This additional opening is approximately 24 metres away from the rear of No. 815. Due to this level of separation, it is considered that this window would not have an unacceptable impact on No 815 The Ridge.

Taking the above in to account, it is considered that the alterations would not have an unacceptable impact in terms of loss of privacy or overlooking. The alterations therefore comply with Policy DM3 as quoted above.

#### d) Future Residential Amenities

As a result of the internal alterations, the bedrooms in Plots 1-3 would be altered in size. The technical housing standards, as produced by the Department for Communities and Local Government (DCLG), require that single bedrooms are a minimum size of 7.5m<sup>2</sup> and doubles are a minimum of 11.5m<sup>2</sup>. Having assessed the altered bedrooms within these plots, it is apparent that all of the rooms meet the minimum requirements of the DCLG and as such are considered acceptable.

Taking this into account, it is considered that the proposed amendments would not have an unacceptable impact on the residential amenities and so meet the requirements of Policy DM3 of the Hastings Development Management Plan which requires that dwellings are designed to allow residents to live comfortably and conveniently with sufficient internal space.

#### e) Highway Safety/Parking

##### **Parking Provision:**

As part of the previous application, East Sussex County Council stipulated that the development would require 10 on-site parking spaces. The proposal fell short of this figure by two spaces, however, it was considered that a refusal on highway grounds would be difficult to defend, as it was unlikely that the impact of the lesser number of spaces would have been severe. As a result of this, it was recommended that visitor parking spaces be provided and it was suggested that these could be accommodated adjacent to the driveway. A condition (No.5) was therefore, imposed on the approval notice requiring details of the additional parking bays be submitted.

In response to this, the current scheme now includes two visitors parking bays, located adjacent to the western boundary of the site. To accommodate these parking spaces, the driveway has been shifted slightly to the east and is now much closer to the side boundary of No. 817. This has resulted in the loss of an area of soft landscaping and a previously proposed hedge along the boundary of No. 817. While this loss of soft landscaping, is unfortunate, it is considered that, as the principle of the creation of parking spaces in this location has previously been agreed, the alteration to the approved scheme is, on balance, acceptable. It must also be acknowledged that, without these additional spaces, the development would still fail to meet the requirements of the local Highways Authority.

In response to concerns raised by the Highways Authority the parking area at the front of No. 817A has also been enlarged. An officer from the Highways Authority has reviewed this amendment and confirmed that the enlarged area is considered sufficient to allow adequate and safe turning space within the curtilage of the property.

##### **Access on to The Ridge:**

The amended plans submitted show that the new shared access on to The Ridge is to be widened to 4.5m for the first 10m. The Highways Authority have advised that this is considered to be appropriate for a development of this type and size. Highways go on to state that, on roads subject to a 30mph speed limit, the visibility splay requirements for an access are 2.4m x 43m in each direction. In this instance there is some obstruction, caused

by parked cars to the right of the access. However, taking into consideration the guidance within Manual for Streets, it is apparent this is a common occurrence in built up areas and does not create significant problems in practice. As a result of this, it is considered that the proposed alterations to the entrance to the site are acceptable and the overall sight line in both directions is satisfactory.

### **Cycle Parking:**

No cycle parking has been included on the submitted plans, however, as per the previous approval, it is considered that this can be addressed by way of a planning condition (No.8).

Taking the above into account, it is considered that the development is acceptable and meets the requirements of Policy DM4 of the Hastings Development Management Plan in terms of parking and highway safety.

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

The proposed development is located approximately 38 km from the Ashdown Forest Special Area of Conservation (SAC), 37 km from the Lewes Downs SAC and 11.5 km from the Pevensey Levels SAC. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensey Levels or Lewes Downs SACs and therefore it is necessary to determine if the proposal has a likely significant effect on the conservation objective or special integrity of the SACs.

The amendments proposed in this instance would not result in an increase of living accommodation and as such the development will not increase the movements. 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 therefore remain unchanged. As such an Appropriate Assessment to consider whether the development could give rise to nitrogen deposition on the SACs is not considered necessary in this instance.

### **g) Site Constraints**

The site is located within the 2km buffer zone of a high pressure pipeline and a low pressure pipeline serves the existing dwelling at 817 The Ridge. The site layout as proposed will not affect the pipeline within the site directly, although an informative (No.4) will be added to advise the applicant of their responsibilities in this regard. The high pressure pipeline is located a significant distance away from the application site and, as such, will remain unaffected by the proposed development.

## **6. Conclusion**

Taking the above into account, it is considered that the amended proposal complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

## 7. Recommendation

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

1. The development hereby permitted shall be begun within three years of the date of the original approval HS/FA/16/00790.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
5732/LBP, 5732/1/A, 5732/2 and 5732/3
3. 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.
4. Prior to commencement of development full details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. The access shall be reconstructed with a minimum width of 4.5m for the first 10m 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 occupation of the development hereby permitted.
6. The completed access shall have maximum gradients of 2.5% (1 in 40) from the channel line and 11% (1 in 9) thereafter
7. 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 the Local Planning Authority for approval in consultation with the Highway Authority.
8. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

9. The windows in the side elevations of the proposed dwellings shown serving bathrooms shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.8 metres from finished floor level.
10. (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 then 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, and  
  
(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.
11. Prior to commencement of development a scheme for soft landscaping, which must 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 shall be submitted to and approved in writing by the Local Planning Authority. The 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.
12. 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. Prior to commencement of development full details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details must include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials.
14. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

15. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre based broadband.
16. Prior to commencement of development the measures outlined in the Preliminary Ecological Appraisal (The Mayhew Consultancy) dated October 2016 approved under HS/FA/16/00790 must be fully implemented, unless:
  - (i) the programme for such measures is otherwise specified within that document, in which case the works shall be carried out in accordance with the timescales contained therein or;
  - (ii) unless the measures contained within the Appraisal is otherwise first varied, by way of prior written approval from the Local Planning Authority.
17. Prior to commencement of development, permission must be obtained by Southern Water to connect to the public sewer. A copy of this permission from Southern Water shall be submitted to the Local Planning Authority prior to the commencement of 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).

**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 safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
4. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
5. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
6. To ensure the safety of persons and vehicles using the access and/or proceeding along the highway.
7. In the interests of highway safety.
8. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
9. To protect the amenities of adjoining residential properties.
10. To prevent increased risk of flooding

11. To ensure a satisfactory form of development in the interests of the visual amenity.
12. To ensure a satisfactory form of development in the interests of the visual amenity.
13. To ensure a satisfactory form of development in the interests of the visual amenity.
14. To ensure a satisfactory form of development in the interests of the visual amenity.
15. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014
16. To protect features of recognised nature conservation importance.
17. To support sustainable drainage methods proposed, and prevent increased risk of flooding.

#### **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. Bins for collection from the dwellings hereby approved should be placed on the boundary of the highway (The Ridge).
  4. The site is within a High Pressure Pipeline (Scotia Gas Networks) 2km buffer zone and guidance regarding any possible excavation works should be obtained through the relevant legislation under The Health and Safety Executive (HSE). For more information please contact the Plant Location Team at [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk) before works commence
  5. The applicant is advised that the smaller bedroom at first floor level in Plots 1, 2 and 3, does not meet the minimum floorspace requirements for a double bedroom, and should only provide one bedspace each
  6. No development or tree planting shall be located within 3m either side of the centreline of the public sewer, and no soakaways shall be located within 5m of the sewer.
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**Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

**Background Papers**

Application No: HS/FA/18/00062 including all letters and documents