

Report to: PLANNING COMMITTEE

Date of Meeting: 16 October 2019

Report from: Assistant Director of Housing and Built Environment

Application Address: 52A Burry Road, St Leonards-on-sea, TN37 6QZ

Proposal: Proposed demolition of existing building (currently used as a Beauty Salon) and erection of a two storey contemporary dwelling with off street parking (amended design).

Application No: HS/FA/19/00357

Recommendation: Grant Full Planning Permission

Ward: SILVERHILL 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Pocknell 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:	6
Petitions of Objection Received:	0
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	1

Application Status: Not delegated - 5 or more letters of objection received

1. Site and surrounding area

The site consists of a detached, single storey commercial unit on the south side of Burry Road. The unit has a large, open forecourt area at the front for the parking of vehicles. The existing building is a mixture of architectural styles with a brick, pitched top element and a flat roof, white clad element extending to the side. The existing unit has had a mixed past being used as workshop and more recently as a beauty parlour. The unit is currently vacant.

The surrounding area is characterised by a mix of semi-detached, terraced and detached residential properties. The majority of these properties are two storey, with a single bungalow on the opposite side of the road. The site is in a sustainable location, being in easy access of the Silverhill shopping area and local primary school.

Constraints

SSSI Impact Risk Zone

2. Proposed development

This application seeks permission for the erection of a two storey, detached dwelling on the south side of Burry Road. To facilitate the development it is proposed to demolish the existing single storey premises on site. The proposed dwelling is of a modern design with a split level roof and windows with vertical emphasis.

Two parking spaces are provided along with a refuse storage area to the rear of the dwelling.

Dimensions:

Width - 8.3 metres

Depth - 5 metres

Eaves Height - 4.9 metres

Maximum ridge Height - 7.7 metres

The application is supported by the following documents:

- Site Waste Management Plan

Relevant planning history

HS/FA/12/00586 Change of use from clock and watch repairs/shop to mixed use as a clock workshop and place of worship (Retrospective)

Granted 13.09.2012

HS/FA/98/00270 Extension of shop and workshop with new pitched roof

Granted 13.07.1998

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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

Policy DS1 - New Housing Development

Policy H1 - Housing Density

Policy H2 - Housing Mix

Policy T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

National Planning Policy Guidance (PPG)

Planning should promote local character (including landscape setting) - Paragraph: 007
Reference ID: 26-007-20140306

Considering layout - Paragraph: 024 Reference ID: 26-024-20140306

Considering form - Paragraph: 025 Reference ID: 26-025-20140306

Considering scale - Paragraph: 026 Reference ID: 26-026-20140306

Housing design issues - Paragraph: 040 Reference ID: 26-040-20140306

Other guidance:

Urban design lessons: Housing layout and neighbourhood quality - 2014

3. Consultation comments

Hastings & Rother Disability Forum - **No objection received**

Borough Refuse and Waste - **No objection received**

County Highways - **No objections, referred to standing advice**

4. Representations

In respect of this application a site notice was displayed at the front of the site and in Sedlescombe Road North. In response to this, 7 letters of objection from 5 different properties were received. The concerns within these letters include;

- Lack of reflection of local character
- Dwelling appearing overly dominant in the street scene
- Objection to roof terrace due to potential over looking - This element of the proposal has now been removed
- Impact on traffic levels in Burry Road
- Impact on highway safety in Burry Road
- Disruption during development stage
- Overshadowing to garden to the rear of the site
- Loss of privacy
- Lack of parking in the road
- Area serves as a turning space for emergency service vehicles
- Loss of existing business
- A different site should have been considered
- Impact on levels of light to the bay window at No.52 Burry Road

One further letter was also received stating that the resident 'neither objected to or supported the Planning Application'. However, having read the comments, it is considered that this letter should also be logged as an objection to the scheme, taking the overall number to 8 letters from 6 different properties. The concerns raised have been included in the list above.

5. Determining issues

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) Layout

The site is L shaped and approximately 144.4m². The proposed dwelling is to be located in the centre portion of the site, having a smaller footprint than the existing building on site, albeit slightly repositioned, 0.52 metres closer to the road than the existing building. The dwelling is to be set back from the highway by 3.1 metres with an area of hard surface and soft landscaping to the front. A separation distance of 2 metres (elevation to elevation) is proposed between the application property and No.52 Burry Road and 12.7 metres from the rear of No.99 Sedlescombe Road North. The upper most part of the roof as proposed will be lower than the neighbouring properties (0.8 metres lower than No.52 and 1.2 metres lower than No.99 Sedlescombe Road North).

c) Impact on character and appearance of area

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

The Housing and Community Agency (HCA) have produced guidance titled 'Urban Design Lesson - Housing Layout and Neighbourhood Quality' published January 2014. The guidance in section 2, 'Active Frontage' states that 'A street or space is formed by the buildings that surround it, much like a room is formed by the walls around it. Well-defined streets and spaces are created by relatively continuous building frontage. Active frontage made up of front doors and windows (especially to ground floor habitable rooms) create lively and well-supervised streets. This is a key requirement for creating safe and attractive public spaces. Keeping gaps between buildings limited and avoiding blank walls and garden fences which face the street are important considerations. To achieve this, long perimeter blocks, wide frontage dwellings and bespoke dual-fronted corner dwellings can all contribute to active frontage.' and notes under the heading Lessons the advice, 'Minimising blank walls and garden fences: Buildings fronting onto streets and spaces are key to quality of place and the animation of the public realm'.

As stated above, the surrounding area is predominantly residential with a mix of architectural styles and property sizes. The proposed dwelling is two storey with a split level, modern roof design. The new dwelling is shown to be subservient to the immediate neighbouring property No.52 Burry Road with the eaves and ridge being set down. While the new dwelling has a wide frontage in comparison to the neighbouring semi-detached and terraced properties, this is balanced by the vertical emphasis of the windows and the use of vertical cladding. There is therefore a connection between the proposed design and the architectural features of the immediate locality.

The proposed dwelling is set back from the highway, following the building line established by No.99 Sedlescombe Road North. It is acknowledged that the proposed dwelling will sit slightly forward of No. 52 Burry Road, however this is minimal and due to the existing bay window projections in these properties, which are not annotated on the plans, will not appear overly dominant when travelling west along Burry Road.

Taking the above in to account, it is considered that the proposed dwelling, whilst different from the existing properties in Burry Road in terms of scale and design, compliments the mix of existing built form and contributes to the variety of architectural styles. It is also considered that the proposed dwelling relates well to the existing street pattern and would not appear overly dominant or overbearing within the existing streetscene. The proposal is therefore

considered to meet the aims of Policy SC1 and DM1 of the Hastings Development Management Plan along with the guidance within the Urban Design Lesson, as quoted above.

d) Future residential amenities

Internal Floor space:

The Department for Communities and Local Government (DCLG) has produced Technical Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. This document states that the minimum internal floor area for a two storey, two bedroom unit is 70-79 m². Having calculated the internal floor area for this unit, it is apparent that at 69.2m². While this falls slightly short of the 70m² stipulated by the TGSS an appeal decision from the Planning Inspectorate (APP/B1415/W/16/3151453, APP/B1415/W/16/3151454) for a similar small unit within the Borough should be taken in to account. The Inspector considered that *'whilst the size of the flat may be slightly below the national space standard, the layout of the accommodation demonstrates that it provides adequate living conditions for the occupiers of the dwelling. For these reasons, I conclude that occupiers of the property enjoy satisfactory living conditions and, as such, the development complies with Policy DM3 of the DMP that seeks to ensure dwellings provide comfortable and convenient living accommodation with sufficient space for the residents'*.

The individual bedrooms within the unit have also been assessed. Both the single and double bed space meet the minimum requirements of the above quoted TGSS, with the single bedroom exceeding the 7.5m² metre requirement.

Taking the above in to account, and in light of the comments from the Inspector it is considered that the slight shortfall of overall floor space is acceptable in this instance with the unit providing acceptable living conditions for future residents. It is also considered that the proposal will aid in delivering the Council's five year supply of housing land in accordance with the National Planning Policy Framework.

External Amenity Space:

Point (g) of Policy DM3 of the Hastings DM Plan states that appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length.

To the rear of the property it is proposed to provide a small garden area 6.7 metres in length and 6 metres in width. While this falls short of the 10 metre requirement of the above quoted policy, a smaller garden in a built up area is not an uncommon feature. Several examples of smaller gardens exist in Burry Road, with the properties at 41-46 Burry Road and No.99 Sedlescombe Road North all having gardens smaller than 10 metres in depth. As a result of this established pattern and the compact nature of the existing built form, it is considered that the garden area proposed is acceptable in this instance.

e) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan 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 includes the use of the scale, form, height, mass, and density of any building or buildings, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

As identified above several concerns have been raised by local residents in relation to the potential impact of the development on their amenities. These concerns are addressed below.

Impact on Privacy:

In the side elevation of the proposed new dwelling facing towards No. 99 Sedlescombe Road North, there is a total of 4 windows and a door. The door is located at ground floor level and will be screened, in the majority by the existing boundary treatment. The largest window at first floor level serves the landing area are to be conditioned as obscure glazed (condition 7). The three small windows at roof level are to also be obscure glazed and are high level windows. It is however suggested that a condition (No.7) be imposed requiring that these windows are fixed shut and remain obscure glazed at all times. With this condition in place, it is considered there would not be an unacceptable impact on the residents at No.99 in terms of overlooking or loss of privacy.

No windows are proposed in the side elevation of the dwelling facing towards No.52 Burry Road and as such there would not be an impact in terms of loss of privacy or overlooking to this property.

With regards to the gardens of the properties at the rear of the site, it should be acknowledged that the dwelling has been designed with no window openings in the rear elevation to ensure no loss of privacy or overlooking. It is however suggested that a further condition (No.8) be imposed to ensure no openings are created in this elevation.

Taking these factors in to account, it is considered there would not be a detrimental impact on the amenities of the neighbouring residents in terms of loss of privacy or overlooking.

Impact on Natural Light:

Concerns have also been raised by local residents in terms of loss of light to neighbouring gardens. When compared to the existing situation on site, it must be acknowledged that there will likely be an increase in terms of the level of shadowing to the rear gardens of No. 99 and 97 Sedlescombe Road North, as a result of the development. The level of light received into neighbouring properties is not considered to be harmfully affected noting that No.52 has no side windows and all other neighbouring dwellings are sufficiently removed to ensure there would be no detrimental harm.

In terms of shadowing, again, No.52 has no side windows and shadow cast is likely to be late afternoon, early evening principally to the front of No.52. No.99 Sedlescombe Road North will experience a shadow cast of varying extents in the early morning until approximately midday. The degree of that shadow will not extend over more than 50% of the garden of No.99. The BRE site layout planning for daylight and sunlight: a guide to good practice (BR209) sets out circumstances where shadow cast could be of harm, that being more than 2 hours over more than 50% of the garden, that would not be the case here. The garden of No.97 is orientated in such a manner that it would not be affected by shadowing.

This approach is also supported by paragraph 123(c) Nation Planning Policy Framework which states that, 'Local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site'.

With regards to the potential impact on the development on the front bay window at No.52, due to the separation distance and the orientation of the new dwelling, it is considered that there would not be a detrimental impact on the existing levels of light to the existing bay window.

Outlook:

The majority of properties are sufficiently removed or orientated in such a fashion so that their outlook is not harmfully affected by the proposed new dwelling. It is acknowledged that part of the proposed two storey house sits immediately adjacent to the mutual boundary of No.97 Sedlescombe Road North. Whilst this is not ideal, the extent of garden affected is 3.3 metres and is located at the bottom of their garden. Therefore, it is not considered that this relationship is unacceptably harmful.

Overall Impact on Neighbouring Amenity:

Taking the above factors in to account, it is considered that the development as proposed, by virtue of the design and scale is acceptable and would not have an unacceptable impact on amenities of the neighbouring residents. The development is therefore considered to be in accordance with the aims of Policy DM3 of the Hastings Development Management Plan 2015.

f) Highway safety/parking

Access, Layout and Parking Provision:

Presently at the front of the site is a large area of dropped kerb allowing access on the forecourt area associated with the existing unit. A white line is also present across the full width of the site. A 5 metre portion of the existing access is to be retained with 7 metre long wall being erected along the remaining front boundary. This wall is to be 1.4 metres in height with three, 1.8 metre height piers. The width of the access to be retained exceeds the minimum 2.75m required by the Highways Authority.

The East Sussex County Council Highways guidance for minor applications (2017) requires that, for a development of this scale, a total of two parking spaces are required. Two spaces are to be provided on site, one at the front of the dwelling and one to the side.

The guidance from ESCC states that a parking spaces should be a minimum of 5 metres in length and 3.1 metres in width. These parking spaces are considered acceptable to meet the requirements of the of the parking standards and as such are considered acceptable.

Several concerns have been raised by local residents in relation to the potential impact on existing levels of parking in Burry Road. Off-street parking is to be provided as part of the development and as such it is considered there would not be a detrimental impact of the existing levels of parking available for residents. With regards to potential disruption to residents during construction phase, a condition is to be imposed (No.5) requiring a Construction Management Plan be submitted and approved prior to commencement of development, to ensure minimal disruption to the residents in Burry Road.

Access for Emergency Vehicles:

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle (FSV) should not have to reverse more than 20m. The proposed dwelling is approximately 3.1 metres from the highway and as such is considered to comply with the requirements of Manual for streets, providing acceptable access for emergency

service vehicles.

A resident has stated that the existing forecourt area is used by emergency service vehicles to turn around. While this is acknowledged, this is not a material planning consideration and cannot be formally considered. Moreover, emergency service vehicles cannot rely on private land to safely access and leave an area.

Cycle Parking:

No details have been provided in relation to the storage of cycles within the site, however, there is ample space within the rear garden with direct access to the highways at the front. As a result of this, it is considered that a cycles store could easily be accommodated within the rear garden. A condition (No.10) is to be imposed to ensure a storage unit is provided on site.

g) Waste and Refuse

As part of the development it is proposed to provide an area for the storage of waste and recycling within the rear garden. This is considered acceptable, with residents being required to relocate their bins to the highway on the relevant collection day.

h) Drainage

Foul Sewerage:

Within the application form it states that it is proposed to connect the new dwelling to the existing mains sewer. Having reviewed drainage mapping for the site it is apparent that a sewer intersects the site. The agent is aware of this and is intending to request a 'build over' agreement with Southern Water upon achieving permission for the development. It is suggested a condition be imposed (No.4) requiring evidence of this agreement be submitted prior to commencement of development.

Surface Water:

As part of the development it is proposed to install permeable paving and areas of soft landscaping. This is considered a positive in comparison to the existing expanse of hard surface on site and as such is acceptable. The installation of these materials will be secured by the imposition of a landscaping condition (No.6).

6. Conclusion

Taking the above in to account, it is considered that the 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 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:

19.056/01 B, 19.056/02 C
3. Prior to commencement of development above ground, full details of the proposed external materials to be used in the construction of the development hereby approved are to be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved materials.
4. (i) Prior to commencement of development full details of the proposed means of foul sewerage and surface water disposal/management, including evidence of a 'build over' agreement from Southern Water for any necessary works, are to be 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 hereby approved shall occur until those works have been completed.

and

(iii) No occupation of any of the dwelling hereby approved shall occur until evidence (including photographs) have been submitted to and approved in writing by the Local Planning Authority to demonstrate that the necessary drainage infrastructure capacity is now available to adequately service the development.
5. Prior to commencement of development, including any ground works or works of demolition, a Construction Management Plan is to be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - The anticipated number, frequency and types of vehicles used during construction,
 - The method of access and egress and routeing of vehicles during construction,
 - The parking of vehicles by site operatives and visitors,
 - The loading and unloading of plant, materials and waste,
 - The storage of plant and materials used in construction of the development,
 - The erection and maintenance of security hoarding,

The provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders).

6. Prior to occupation of development hereby approved, full details of the soft and 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 prior to occupation or within the timescales agreed by the Local Planning Authority. These details shall include the proposed planting plan; written specifications, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme, finished levels or contours; means of enclosure; parking layouts; hard surfacing materials; minor artefacts; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).
7. The first and second floor (side) west elevation windows shall be fitted with obscure glazing and fixed shut prior to occupation and thereafter retained.
8. All soft and hard landscaping 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.
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 external alterations or extensions are to be carried out to the dwelling hereby approved or any outbuildings erected within the curtilage, without the prior written approval from the Local Planning Authority.
10. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking or re-enacting that Order with or without modification) no windows or openings (other than those expressly authorised by this permission) shall be inserted into the south and west elevation(s) of the dwelling hereby permitted.
11. Prior to occupation of the dwelling hereby approved the parking spaces within the site serving the new dwelling are to be provided. These areas are to be retained and available for the parking of vehicles at all times.
12. Prior to occupation of the dwelling hereby approved areas for the storage of bins and cycles are to be provided on site, with evidence being submitted to and approved in writing by the Local Planning Authority. These areas are to then be retained on site for the perpetuity of the development.

13. 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 a satisfactory form of development in the interests of the character and amenity of the area.
4. To ensure a satisfactory development and prevent increased risk of flooding.
5. In the interests of highway safety and the amenities of the neighbouring residents.
6. To ensure a satisfactory standard of development and in the interests of the visual amenities of the area.
7. To safeguard the amenity of adjoining and future residents.
8. To ensure a satisfactory standard of development.
9. To ensure a satisfactory standard of development and in the interests of the visual amenities of the area.
10. To safeguard the amenity of adjoining and future residents.
11. To ensure a satisfactory development and in the interests of highway safety.
12. To ensure a satisfactory standard of development.
13. 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 paragraph 38 of the National Planning Policy Framework.

3. Consideration should be given to the provision of a domestic sprinkler system.
4. The application should contact BT in respect of the telegraph pole at the front of the site. Any required works must be done at the applicants expense. Further guidance can be found via the following link;
<https://www.openreach.com/network-services/altering-our-network>
5. The applicant is advised to engage with local residents in respect of a programme of development.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/19/00357 including all letters and documents