

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: Land at Church Street, Hastings
Proposal: Development of site to provide five dwellings

Application No: HS/OA/14/00876

Recommendation: Grant Outline Planning Permission

Ward: TRESSELL

File No: GR60000X/02V

Applicant: Homes and Communities Agency per Kember Loudon Williams Ltd Ridgers Barn Bunny Lane Eridge, Nr. Tunbridge Wells, Kent. TN3 9HA

Interest: Freeholder

Existing Use: Undeveloped

Policies

Hastings Local Plan 2004: NC8, NC9, DG1, DG2, DG3 and DG11

Conservation Area: No

National Planning Policy Framework: Sections 6, 7 and 11

Hastings Planning Strategy: FA4, SC1, SC3, SC4, EN2, EN3, H1, H2 and T3

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: LP1, DM1, DM3, DM4, HN7, HN8 and CV04

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 136

Petitions Received: 0

Letters of Support: 2

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

Summary

The application site relates to land at Church Street near the junction with Clifton Road.

An outline planning application has been submitted for the erection of 5 dwelling houses with approval sought for the access and layout of the development only. The scale, appearance and landscaping are reserved matters.

The main issues to consider are the impact of the development on the character of the area, the impact on neighbouring residential amenities, the impact on biodiversity and parking/highways matters.

Having considered these issues and the objections raised I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to land at Church Street near the junction with Clifton Road. The site includes no development and is otherwise open as a mixture of unkempt shrubbery and mowed grass.

The surrounding area is predominantly residential with houses to the north, south and west. To the east is an area of undeveloped land, known locally as 'Speckled Wood', which is proposed to be designated as green space in the emerging Hastings Local Plan: The Hastings Planning Strategy.

Details of the Proposal and Other Background Information

The applicant proposes to build five dwelling houses on the site and although this is an outline planning application they are seeking approval of the access and layout of the development. The appearance of the buildings, landscaping and scale of the development are reserved matters meaning that approval of these will be sought at a later date should this application be approved.

On this basis the applicant has submitted drawings showing the access and layout and indicatively showing the scale, appearance and landscaping of the development.

Previous Site History

None relevant.

Details of Consultations

The **Local Highway Authority (East Sussex County Council)** has raised no objection, subject to the use of appropriate conditions.

The **Environment & Natural Resources Manager** has raised no objection subject to conditions. (Conditions 7, 8, & 9)

The **Waste & Streetscene Officer** has raised no objection but does request each property have sufficient space for wheeled bins. They also state that the road be of an adequate sized to accommodate a 26t refuse collection vehicle that can drive in, turn around and safely exit.

Southern Water has raised no objection subject to the use of informatives. (Condition 6, note 3)

The **Housing Needs & Enabling Manager** has stated that the development should provide for affordable housing, however, following a recent change in planning guidance affordable housing can no longer be sought on developments of 10 units or fewer.

Following the public consultation 136 objections and two letters of support have been received.

Objections include:

Impacts of development on biodiversity.

Loss of woodland.

Lack of an Environmental Impact Assessment.

The Hastings Local Plan: Development Management Plan is not yet adopted.

There are covenants protecting the land from development.

There is inadequate open space in the local area.

No cycleway provision.

The site includes Japanese Knotweed.

Loss of parking.

Proposals do not comply with Local Plan.

Proposals do not have large enough gardens.

Overdevelopment.

Increased noise.

Increased pollution.

Increased crime and antisocial behaviour.

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/guidance that apply are listed above. The main issues to consider are the impact of the development on the character of the area, the impact on neighbouring residential amenities, the impact on biodiversity and parking/highways matters.

As this is an outline planning application these matters need to be considered in that context and the details of scale, appearance and landscaping will be submitted at a later date.

Impact upon the character of the area

The application site is oddly shaped and constrained by the way in which the existing Church Street access cuts through the site. Despite these constraints the applicant has managed to create a development layout which provides for adequately sized homes each with off street parking and a decent level of outdoor amenity space.

Three of the properties clearly meet the requirement for 10m gardens (in accordance with policy DG11 of the HLP and policy DM3 of the DMP) and plot 3 mostly achieves this. Unfortunately, plot 5 does not meet the 10m garden length, although it achieves this length down one boundary the garden boundary is angled sharply towards the house and the middle of the garden measure between 7-8m before decreasing in length to 4.5m. The garden does still provide for some useable space and, on balance, is considered acceptable in this instance.

The character of the area is not uniform with a mixture of property types and sizes. Properties do still tend to be in certain sets – i.e. rows of terraced houses and groups of semi-detached houses – and whilst this development does not have that type of identity, the

mixture of local property types means that this development would not look out of place.

It is considered that the layout of the development will not harm the local character.

As mentioned above the scale, appearance and landscaping of the scheme are reserved matters with details to be approved at a later date as part of a separate application. Notwithstanding this, the applicant has submitted indicative drawings with this application of the proposed houses and it is clear that the scale of the development will be compatible with its surroundings.

The dwellings shown on the indicative drawings are two storey (plot 1 is shown as split level) which is typical of the surrounding area.

In terms of their appearance the dwellings are shown as pitched gable or hipped roofs which is acceptable and the elevations show a mixture of brickwork and weatherboarding. The use of materials in the area is mixed and this development will add to that mixture of development types but in a positive way.

The submitted block plan shows that decent landscaping can be achieved with a good balance of hard soft landscaped area.

Impact on neighbouring residential amenities

The application site is surrounded by development to the north, south and west. Therefore there is potential for the development to impact on neighbouring amenities.

The applicant has considered this constraint and, although the scale and appearance of the buildings are indicative, they have shown that with consideration to window design and orientation there will be no impacts in terms of overlooking.

Plots 2 and 3 are suitably distanced from the properties at Speckled Wood to cause no concerns in terms of overshadowing or being too dominant.

The relationship of plot 1 with 2 Greville Road is unusual but given the suggested split level design of plot 1 it is not considered that its position will cause any unreasonable loss of light or overshadowing. For the same reason, plot 1 is not considered to be overbearing to the residents at 2 Greville Road.

Overall the proposed development is not considered to cause any harm to neighbouring amenities.

Impacts on biodiversity

The proposed development has been accompanied by an ecological report, not only because of the undeveloped nature of the site, but also because of the known presence of badgers in the area.

The outcome of the report is that the site is of low ecological interest but badgers are known to be nearby. A number of mitigation measures is proposed in order to protect badgers.

The Environment & Natural Resources Manager is satisfied with the submitted information and recommends a number of conditions to ensure biodiversity is protected.

A large number of objections to the application are concerned with the impact upon the local

badger sett as well as identifying the possibility of other protected species. However, no conclusive evidence has been submitted to counter the claims made by the applicant's ecologist. Given this and the comments of the Environment & Natural Resources Manager I consider that there will be no adverse impact on biodiversity.

Parking and highway matters

The proposed development of five houses is considered to have low highway impact and no objections have been raised by the Local Highway Authority.

Most dwellings will have parking available for two vehicles (plot 5 indicates an arrangement of two vehicles but one is more likely) and this is considered acceptable in accordance with parking guidelines.

The low level of movements produced by this development means that the proposed access road is of an acceptable standard. Although the Waste & Streetscene Officer has stated that the access should be sufficient to allow for a 26t RCV with turning head, this level of road engineering cannot be justified for a development so small – a smaller vehicle able to reverse out of the access would be sufficient. The proposed access is therefore considered acceptable.

Other

Most of the objections to the development are concerned with the loss of land belonging to what is locally referred to as 'Speckled Wood' – an area of undeveloped land to the south east. This land, including this application site, is an allocated housing site in the HLP but a large portion of the land is proposed to be designated as green space in the emerging Development Management Plan (DMP).

This application site remains as a housing allocation in the emerging DMP, however, and it is of very low quality in terms of woodland or open space. With this in mind the principle of a housing development is acceptable.

An Environmental Impact Assessment is not required as the proposed development does not meet the 0.5ha threshold for an assessment.

The proposed development is residential and includes a design that allows for passive surveillance. No crime or antisocial behaviour issues are envisaged.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I recommend that planning permission be granted.

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

Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the scale, external appearance of the building(s)

and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the design, external appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out in accordance with the following approved plans in terms of access and layout only:

664.02F

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 dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings 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 works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
 - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

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

8. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person have been submitted to and approved in writing by the local planning authority. The

appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following;
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of “biodiversity protection zones”.
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

10. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
11. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no extensions or windows at first floor level or above to the property shall take place or be installed without the grant of an additional planning permission.
13. The new access shall be in the position shown on the submitted drawing 664.02F. Any works on or abutting the existing highway will require a s184 license with East Sussex County Council, prior to the commencement of works. Details of construction, surface water drainage, gradients and potential traffic management requirements can all be discussed with East Sussex County Council through the s184 license process.
14. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the Local Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

15. The access onto Clifton Road shall not be used until visibility splays of 2.4m by 43m are cleared of all obstructions exceeding 800mm in height and kept clear thereafter.
16. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. To prevent increased risk of flooding.
7. To protect features of recognised nature conservation importance.
8. To protect features of recognised nature conservation importance.
9. To protect features of recognised nature conservation importance.
10. To ensure the development complies with policy SC1 part (f) of the Hastings Local Plan: The Hastings Planning Strategy.
11. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
12. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
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15. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
16. In the interests of highway safety and for the benefit and convenience of the public at large.

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 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.
4. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/OA/14/00876 including all letters and documents