

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: Land off, Robert Tressell Close, Hastings, TN34 1UP

Proposal: Erection of 10no. family dwellings and associated parking and access road.

Application No: HS/FA/14/00823

Recommendation: Grant Full Planning Permission

Ward: BRAYBROOKE

File No: LO55082

Applicant: Gold Property Developments Ltd per Mr Coupland Lower Ground Floor 30 Park Place Leeds, West Yorkshire. LS1 2SP

Interest: Owner

Existing Use: Vacant

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11, C1

Conservation Area: Yes - Blacklands

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: DS1, FA2, SC1, SC3, SC4, EN1, EN2, EN3, H1, H2, H3, T3

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

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 5

Petitions Received: 0

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

Summary

The proposal is for the erection of 10 two storey houses on land to the west of Robert Tressell Close. The main issues are tree loss, ecology, character and appearance and the amenity of neighbouring residents. After considering all matters, I am of the opinion that the proposal is acceptable.

The Site and its Location

The site consists of an undeveloped parcel of land to the west of Robert Tressell Close. The site adjoins residential properties to the north and south and the boundary of the Blacklands Conservation Area runs along the site's northern boundary. A vacant area of the land lies to the east and a parking area to the west. Mature trees run along part of the northern, southern and eastern boundaries.

The area is defined by a mixture of housing types including larger houses at Lower Park Road to the north. Due to levels of open space and the gardens of neighbouring properties the area is considered to have a suburban type character and appearance.

Details of the Proposal and Other Background Information

Planning permission exists on the land for 9 dwellings (HS/OA/07/00963 & HS/DS/10/00681). The approved scheme involves taking access from the parking/turning area at the western end of Robert Tressell Close with the dwellings arranged around an access road running across the centre of the site from east to west. Works to the access have commenced and it is considered that the scheme of 9 dwellings has been implemented for planning purposes, and will therefore be extant in perpetuity.

In 2014 a planning application was made for 11 dwellings on the same site (planning application: HS/FA/14/00144). The scheme was withdrawn due to concerns regarding the proximity of three of the units to protected trees along the site's eastern boundary.

The current application was also originally for 11 dwellings but following negotiations is now for 10 dwellings. The layout involves taking access from the parking/turning area in a similar way to that previously approved, but altering the layout so that the houses are arranged around a 'T' shape access road. Each dwelling is to be 4 bedroom with 2 x parking spaces and a rear garden. Four housing types are proposed including 6 x 2 storey pitched roof properties (Plots 1- 6), a pair of two storey pitched roof properties (plots 7 & 8) and 2 x 3 storey properties with half hipped roofs (Plots 9 & 10). The materials proposed include: facing brick, concrete tiles and UPVC windows.

Relevant Site History

- HS/OA/07/00963 Erection of 9 houses with parking & new access road & creation of 4 x replacement parking spaces.
Granted 01 February 2008.
- HS/DS/10/00681 Erection of 9 houses with parking & new access road & creation of 4 x replacement parking spaces. Approval of reserved matters pursuant to application HS/OA/07/00963.
Granted 01 January 2011.
- HS/FA/14/00144 Development of land off Robert Tressell Close to provide 11no. family dwellinghouses and associated parking and access road. Withdrawn 14 July 2014.

Details of Consultations

The **Borough Arboriculturalist** has raised no objection subject to conditions (Conditions 4 & 5)

Comments have been received from **Southern Water** who have recommended the use of a condition (Condition 3) and an informative (Informatives 4, 5 & 6).

The **Transport Development Control Team** have raised no objection subject to conditions (Conditions 10-15), a legal agreement and an informative (Informative 7).

The **Environment Agency** have made no comment but recommended consulting the Lead Local Flood Authority.

The **Environment and Natural Resources Manager** has raised no objection.

The **Housing Services Team** have advised that an affordable housing contribution is required.

The **Waste and Streetscene Services Team** have provided advice regarding the type of collection vehicle used and the number of bins required.

A total of **five letters of objection** have been received. The main issues raised include: overlooking, noise and general disturbance (during construction), overshadowing, loss of outlook, light pollution, damage to parking area, traffic congestion, parking, ecological impacts, Japanese Knotweed, surface water drainage, size and scale, character and appearance, landscape impact, density, lack of affordable housing, the level of internal space proposed and the quality/level of information provided.

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".

Character and Appearance

The two storey dwellings, including the pair of semi-detached dwellings, are to be staggered in height to take account of the topography of the area. The three storey properties are split level with the ground floor cut into the rising land to the rear. In my opinion this approach ensures that the dwellings will not appear overly large in relation to neighbouring properties. The scheme also includes open space at various points between properties and parking areas, and the retention of trees along boundaries which helps to break up hard surfaces and the urban form. It is considered that these features coupled with the conventional fenestration and materials proposed will ensure that the proposal remains in keeping with the site's suburban surroundings.

The existing screening along the site's northern boundary and the change in levels ensures that there is a natural break between the more modern housing estates to the south and the older properties within the Blacklands Conservation Area to the north. The proposal encroaches no further south than the existing estate to the east and therefore the relationship between the area and the Conservation Area remains unchanged.

Living Environment

The proposal is to the south of properties at Lower Park Road but due to the distances (29m at closest point) and the existence of vegetation along part of the site's northern boundary, it is considered that the proposal will not result in unacceptable levels of light loss. It is also considered that the distances to neighbours, the existing screening and the topography of the

area ensure that the proposal will not result in unacceptable overbearing impacts, loss of privacy or create a sense of enclosure.

The proposal will result in a net increase of one unit above the previous approval and also increasing all units from 3 to 4 bedrooms. The scheme makes adequate provision for parking (see below) and having regard to the character of the existing area, I am of the opinion that the resulting increase in traffic is acceptable in a suburban environment such as this.

Noise and general disturbance during the construction period can be mitigated against through the use of conditions to control the hours of building works, details of temporary site works and wheel wash facilities.

The properties are family size homes and each is to have a 10m garden in accordance with local policy and 2 x off road parking spaces. The useable floor areas (taking account of roof slopes) of each dwelling comply with the space standards for self contained flats but for unit types A, B & C fall slightly short (4-5 square metres) of the standards set out in emerging policy DM3 of the DM Plan. Having regard to the fact that the DM Plan has not been adopted the level of internal floor space is considered appropriate.

Following negotiations the units at plots 9 & 10 have been orientated to face north so that the trees along the eastern boundary do not cause unacceptable levels of overshadowing. The trees are also considered important for screening the development to the east and maintaining the suburban character of the area. The amended positioning of the dwellings will help ensure that pressure to work on or remove the trees in the future is reduced as future occupants will not be adversely affected.

The distances from the proposed dwellings to neighbouring properties and the existing levels of screening ensure that future occupants will not experience poor levels of privacy.

Highways and Parking

As advised by the Transport Development Control Team (TDCT) the levels of parking and cycle parking are considered adequate for a development of this size. The TDCT have also advised that the road network has sufficient capacity for the increase in traffic. Having regard to the comments received I am of the opinion that the scheme will not result in highway safety issues, unacceptable levels of congestion or inconvenience for neighbouring residents. It is recommended that conditions are imposed to ensure the parking/cycle parking facilities are provided and wheel wash facilities are put in place during the construction period.

The previous permission included a condition to secure improvements to pedestrian access from the site to Priory Avenue. The TDCT have recommended the use of a legal agreement to secure these improvements on this occasion, however it is considered unreasonable to impose a legal agreement at this stage as the existing permission has been implemented. Therefore in line with the previous approval it is recommended that a condition is imposed to secure the improvement works.

Ecology and Biodiversity

As mentioned previously a scheme of 9 dwellings including a wildlife corridor along the southern boundary has already been implemented at the site. As the scheme is implemented the works could be completed at any time without the need for further consent from the Local Planning Authority. The previous scheme was submitted with an ecological

report which concluded that the works would have minimal impacts but also recommended certain mitigation measures. The current scheme includes a wildlife corridor in the same location, and has been submitted with an update from the ecologist which confirms that the situation at the site remains unchanged. It is therefore recommended that a condition is imposed requiring the development to be completed in accordance with the recommended mitigation measures.

It is also recommended that a condition is imposed requiring details of soft landscaping to ensure that adequate screening is secured, and that adequate tree protection measures are put in place for the construction period.

It is understood that Japanese Knotweed is present at the site and it is recommended that a condition requiring details of a protocol for removal of all non native invasive species.

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 to ensure that the site is appropriately drained. The TDCT have also request a condition requiring details of how surface water is to be controlled to stop the discharge of water to/from the public highway.

Housing Type and Density

Both the HLP and the Strategy advise that there are large numbers of small units across the Borough. The proposed dwellings are family size homes and therefore help to address imbalances in the housing stock as required by Policy H2 of the Strategy.

The density of the scheme equates to 20 dwellings per hectare (dph). This is below the requirements of 30 dph set by Policy H1 for schemes outside of the town centres and other highly sustainable locations. However, Policy H1 also makes provision for flexibility when taking into account the characteristics of the area. In this case, as stated above the scheme includes open space and is considered to be in keeping with the suburban character of the area. The scheme is also otherwise considered acceptable in terms of impacts, parking provision, garden length and will result in additional family size accommodation. On balance the density proposed is therefore considered to be acceptable on this occasion.

Affordable Housing

Following recent changes to national guidance the Council's affordable housing policy no longer applies to schemes of 10 units or fewer. As the scheme is now for 10 units there is no longer a requirement for an affordable housing contribution. It should also be noted that when the previous scheme of 11 units was considered, the applicant produced evidence which demonstrated that the scheme would be unviable. The Council commissioned consultants who verified the information submitted.

Other Matters

As with other users of the road network the applicant/developer has the right to access their land. The maintenance of the adjoining road network is the responsibility of East Sussex County Council.

Conclusion

It is considered that the proposal will result in the formation of additional family size accommodation without adversely impacting on its surroundings. I therefore recommend 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 the measures outlined in the submitted ecological statements and reports (Land off Robert Tressell Close, Hastings, Ecological Impact Assessment by the Bourne Valley Consultancy dated September 2007; and the update letter from the Bourne Valley Consultancy dated 17 October 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;

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.

3. (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 the dwellings hereby approved shall not be occupied until those works have been completed.

The dwellings hereby approved shall not be occupied 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.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development (in accordance with BS5837 2012: Trees in relation to design, demolition and construction – Recommendations). New soft landscaping details shall include planting

plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

5. 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.
6. No development shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials;
7. 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.
8. 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.
9. The dwellings hereby approved shall not be occupied until provision has been made for high speed broadband infrastructure to serve the development.
10. Prior to the commencement of development details of the proposed surface water drainage shall be submitted to the Local Planning Authority for approval. The development shall be completed in accordance with the approved details.
11. 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 Planning Authority, to prevent contamination and damage to the adjacent roads.
12. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

13. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
14. During development every loaded lorry shall be covered before leaving the site.
15. No development shall take place until a scheme has been submitted to and approved by the Local Planning Authority that shows works to improve pedestrian access between the site and Priory Avenue by installing dropped kerbs at junctions where necessary. The improvements shall be provided prior to the occupation of any of the dwellings hereby approved, and shall be implemented in accordance with the approved scheme.
16. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
17. No development shall commence until details of the size and location of any temporary structures required during the construction process, proposals in respect of the public footpath during construction, a vehicle wheel washing facility together with areas for the 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 approved details shall remain in place and in operation for the duration of the construction period.
18. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.
19. No building hereby permitted shall be occupied until the same has been connected to the main drainage system and the approved means of vehicular and pedestrian access thereto have been constructed to a specification and to an extent approved by the Local Planning Authority in relation to that building.
20. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
21. The development hereby permitted shall be carried out in accordance with the following approved plans:

1210-001REV E; 1210-002REV E; 1210-003REV E; 1210-004REV E;
1210-005REV E; 1210-015REV A; 1210-100REV X; 1210-101REV H;
1210-102REV E; 1210-103REV C; 1210-130REV E; 1210-131REV C;
1210-132REV A; 1210-140REVD; 1210-141REV C; 1210-142REV C;

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 features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
3. To ensure a satisfactory standard of development.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. To ensure a satisfactory form of development in the interests of the visual amenity.
6. To ensure a satisfactory form of development in the interests of the visual amenity.
7. To ensure a satisfactory form of development in the interests of the visual amenity.
8. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
9. To ensure a satisfactory standard of development.
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. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
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 and the amenities of the area.
15. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety. (Hastings Local Plan 2004 policy TR10)
16. To protect features of recognised nature conservation importance.
17. In the interests of the visual and residential amenities of the locality.
18. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
19. To ensure that no property is occupied until adequate access and drainage

facilities have been provided.

20. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
21. For the avoidance of doubt and in the interests of proper planning.

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, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
5. In the event that any sewers are found within the site the applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
6. No excavation, mounding or tree planting should be carried out within 3m of the public foul sewer, and no new soakaways should be located within 5m of the public sewer without consent from Southern Water Services Ltd. The applicant is advised to contact Atkins Ltd. Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (Telephone 01962 858688) or www.southernwater.co.uk.
7. The Local Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
8. With regard to condition 14 of this planning permission the applicant's attention is drawn to the guidance set out in the Environment Agency's booklet: "The Knotweed Code of Practice", a copy of which is obtainable at:

<https://www.gov.uk/japanese-knotweed-giant-hogweed-and-other-invasive-plants>

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00823 including all letters and documents