

Report to: PLANNING COMMITTEE

Date: 04 March 2015

Report from: Head of Housing and Planning Services

Application Address: **Little Warren Cottage, Fairlight Road, Hastings, TN35 4AA**

Proposal: **Proposed side extension to form new bedroom and ensuite. Proposed rebuilding of attached store to form new porch area. Proposed demolition of WC and porch to form new lobby area to rear elevation. Proposed raised decking area, leading to a new Conservatory. Insertion of 3 No. rooflights. Internal alterations to facilitate proposals. New detached studio/storage building.(Use as residential permitted under HS/PD/13/00517)**

Application No: **HS/FA/14/00893**

Recommendation: **Grant Full Planning Permission**

Ward: ORE

File No: FA35800T

Applicant: Mr Wright and Carter per Elevations Design Ltd Junction House 1 Sedlescombe Road South St Leonards on Sea, East Sussex. TN38 0TA

Interest: Owner

Existing Use: B1

Policies

Hastings Local Plan 2004: L1, L2, L3, DG1, DG2, DG3, DG11, NC1, NC2, NC3, NC5, NC8, NC9

Conservation Area: No

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA5, SC1, EN1, EN2, EN3, EN4, EN5, EN6, H1, H2, E1, T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: DM1, DM3, DM4, HN1, HN4, HN8, HN9

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 40

Petitions Received: 0

Letters of Support: 4

Application Status:

Not delegated - More than 2 letters of objection received

Summary

The proposal is for extensions and alterations to the existing bungalow, the erection of an outbuilding, hard surfacing works and landscaping works. The main issues are the impacts of the proposal on the character and appearance of the surrounding High Weald Area of Outstanding Natural Beauty (AONB), Hastings Country Park, the ecology of the area and protected trees. After considering all matters I am of the opinion that the proposal is acceptable subject to conditions.

The Site and its Location

The site consists of a single storey building and former garden area surrounded by hedges and other mature vegetation. The dwelling is built mainly of brick with a clay tile pitch roof. Access to the site is via a track leading from Fairlight Road to the north. The site does not adjoin other properties but does adjoin public rights of way to the north, east and south. Trees exist on all of the site's boundaries which are covered by a Tree Preservation Order (TPO).

The site is located within the High Weald AONB and Hastings Country Park. The surrounding area is designated as part of the Hastings Cliff's Special Area of Conservation (SAC), the Hastings Cliffs to Pett Beach Site of Special Scientific Interest (SSSI), the Country Park Local Wildlife Site (LWS). The Country Park Local Nature Reserve.

Details of the Proposal and Other Background Information

The scheme follows the approval of application: HS/PD/13/00517 which was a prior approval application for the change of use of the premises from offices to residential. To provide some background, in accordance with planning law it is possible to change the use of office space to residential accommodation without the formal grant of planning permission. However, where an applicant wishes to make such a change they must make a prior notification application to the Local Planning Authority. This type of application basically seeks to determine whether the prior approval of the Local Planning Authority is required with regard to the following 3 matters only:

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flooding risks on the site,

Where a scheme does not result in unacceptable transport impacts and where the site is not affected by adverse levels of land contamination or flood risk the prior approval of the Local Planning Authority is not required. Other matters such as noise, general disturbance etc and the requirements of local planning policies are not considerations when dealing with prior notification applications.

The current application also follows the grant of planning permission: HS/FA/13/00685 which was for extensions and alterations to the building. The approved scheme includes a side extension to the west (area: 13.5 square metres), a replacement porch to the north (area: 2.3 square metres), the removal of a porch to the south and the formation of a raised decking area to the south (area: 10.8 square metres) .

The scheme currently proposed also involves an extension to the west with a similar footprint to that previously approved, a larger replacement porch to the north (increase of 0.7 square metres), replacing the existing porch/extension to the south with a new porch (area: 1.6 square metres), a conservatory to the south west (area: 4.9 square metres), the formation of a larger raised decking area (increase of 4.7 square metres) to the rear and an outbuilding (area 30 square metres).

Relevant Site History

- HS/FA/73/00252 Scout activity centre and hostel for cub scouts and scouts.
Granted 30 March 1973.
- HS/FA/87/00896 Conversion of existing offices, workshop and kitchen facilities for Country Park staff together with W.C. extension.
Granted 18 December 1987.
- HS/FA/10/00063 Conversion of existing offices to form 3 bedroom dwelling including extension.
Withdrawn 05 March 2010.
- HS/PD/13/00517 Prior approval application for conversion of offices (B1) to residential (C3).
Prior Notification Not Required 21 August 2013.
- HS/FA/13/00685 Erection of side extension including alterations to front raised decking and internal alterations.
Granted 14 October 2013.

Details of Consultations

The **Borough Arboriculturalist** has raised no objection subject to conditions to secure suitable tree protection fencing (condition 2) and to secure additional soft landscaping (conditions 3 & 4).

The **County Archaeologist** has raised no objection.

Comments have been received from **Natural England** who have raised no objection but have recommended considering their standing advice on protected species. They have also suggested that there may be an opportunity for the scheme to provide biodiversity enhancements, made reference to Site of Special Scientific Interest (SSSI) Impact Risk Zones and have advised comments are sought from the High Weald AONB Unit.

The **High Weald AONB Unit** have advised that they are unable to comment due to staff shortages.

The **Waste and Streetscene Team** have raised no objection.

The **Environment and Natural Resources Manager** has raised no objection subject to conditions to protect biodiversity (conditions 5, 6, 7 & 8) and an informative (informative 3), and has provided advice regarding the type of pea beach shingle proposed. The ENRM has not commented on the proposed resurfacing works on the land to the east of the site's entrance as the land is owned by Hastings Borough Council.

A total of **40 letters of objection** and **4 letters of support** have been received. The main issues raised include: proposed use, waste disposal, overdevelopment, tree loss, ecological impacts, geological impacts, precedent, character, appearance, emergency service vehicle access, light pollution, views and drainage.

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 proposed side extension is to be of a similar size and position to that previously approved. The materials proposed include render, facing brick and clay tiles to match existing and will therefore remain in keeping with the traditional character and appearance of the existing building. The proposed conservatory is to be of a timber construction and will be slightly taller than the eaves height of the existing building with dimensions of 3.1m in length x 1.6m in width. It is considered that the overall size of the conservatory coupled with its lightweight design will ensure that it remains subservient to the dwelling and also in keeping with the site's rural setting. The proposed raised decking area is to be confined to the rear of the property and is to be formed of timber which will ensure that it also has a light weight appearance. It is recommended that a condition is imposed requiring materials details to be submitted for approval.

The proposed outbuilding is to be 4.2m in height with a hipped roof and is to be built of brick with clay tiles to match the existing property. The overall height of the outbuilding will mean that it will be similar in height to the northern elevation of the existing property. It is considered that the hipped roof design and the materials proposed ensure that the outbuilding is of a traditional design and one in keeping with the rural character and setting of the existing property.

In my opinion, due to the hipped roof design of the outbuilding, its relationship to the existing property and the levels of screening to the north, it will not compete with the existing dwelling and it will be clearly read as an ancillary outbuilding. The outbuilding is to be used as an artists studio and garden store in connection with the dwelling and it is recommended that a condition is imposed restricting the use of the outbuilding for ancillary purposes only.

The proposal involves forming a pea beach surface to the parking area and the area to the north of the dwelling. The use of pea beach shingle is considered to be an appropriate material for the site's rural setting. The proposed plans also make reference to the use of type 1 roadstone (normally crushed granite or limestone) to the area immediately outside the site's entrance. This area of land is owned by Hastings Borough Council and the Council has not been approached regarding resurfacing this area. As such the Environment and Natural Resources Manager is unable to comment on the suitability of type 1 road stone. It is therefore recommended that a "notwithstanding" condition is imposed which states that the type 1 roadstone is not approved as part of this planning permission.

At the time of dealing with the previous application a larger number of trees existed along the site boundaries. Since that time some were removed within the site's boundaries before the trees were protected by a TPO. Hastings Borough Council as land owner has also removed trees from the area adjacent to the site's southern and south eastern boundaries which has left the property more visible within its surroundings. It is considered that a soft landscaping condition should be imposed in order to ensure that additional boundary screening is provided. A good quality screen will further ensure that the proposal does not impact on the landscape character of the surrounding area or the wider AONB in accordance with planning policies and the High Weald AONB Management Plan. The screening will also help to

ensure that public views of natural landscapes are not interrupted as a result of the scheme

Trees

The application has been submitted with an arboricultural report which concludes that no trees would need to be removed as a result of the proposal. The report advises that some works would be within the root protection areas of some trees but the impacts are considered to be minimal and tree protection measures are recommended which can be controlled by conditions. The report recommends that holly tree (T5) is coppiced in order to allow it to re-shoot and makes other recommendations regarding the need to prune the crown of an oak tree (T1) in the future. As stated previously the trees are all now covered by a TPO. Any future works to the trees, therefore, require consent from the Council's Estates Team.

Biodiversity

At the time of considering the previous application, an ecological report and a bat survey were prepared. The reports concluded that the scheme would not result in adverse ecological impacts and suggests a number of precautions which should be taken during development. The ecologist has confirmed that no additional survey work is required as a result of the latest application.

The Environment and Natural Resources Manager has concluded that the proposal will not result in adverse impacts on the special features of the surrounding nature conservation designations, the AONB or on protected species. Having regard to all matters, it is considered that the proposal will not result in adverse impacts on the biodiversity of the area providing it is completed in accordance with the submitted ecological information. It is, therefore, recommended that conditions are imposed requiring the works to be completed in accordance with the reports and which require further details of the methods for completing the works.

Drainage

In relation to water run-off the Environment and Natural Resources Manager originally requested clarification regarding the type of hard surfacing materials proposed. The use of pea beach shingle within the site is considered to be acceptable in principle. It is recommended that a condition is imposed which requires drainage details to be submitted for approval in order to ensure that the area is drained appropriately. In accordance with the Environment and Natural Resources Manager's suggestions, it is also recommended that a condition is imposed requiring a sample of the type of pea beach shingle proposed in order to ensure that it is acceptable both in terms of visual appearance and to protect the ecology of the area.

As mentioned above the area of type 1 road stone proposed outside the site's entrance will not be dealt with as part of this application.

Living Environment

The proposal will help to increase the level of accommodation available at the site. A suitable garden area will be retained making the property suitable for families.

The absence of any neighbouring properties ensures that there will be no adverse impacts on the amenity of other residents. The issue of visual amenity in terms of users of the Country Park has been addressed above.

Highways and Parking

The current proposal will generate vehicle movements, however it should be noted that the existing use of the premises as a rangers' office would also have generated some vehicle movements across the same track to the property. Furthermore the change of use of the property is permitted development and has already been established following approval of application: HS/PD/13/00517. The current proposal will therefore not result in materially worse impacts to the previous approvals at the site.

The scheme makes adequate provision for car parking within the site meaning there will be no need to park on the land to the east where there is the potential to obstruct public rights of way.

Archaeology

Having regard to the comments received from the County Archaeologist, it is considered that the scheme will not result in unacceptable impacts.

Loss of Employment Floor Space

As mentioned above there is currently a permitted right to change the use of the premises from an employment type use (B1) to residential. The requirements of Policies E4 of the Hastings Local Plan 2004 and Policy E1 of The Hastings Planning Strategy 2014-2028 therefore do not apply on this occasion.

Procedural Matters

In accordance with planning law, it is possible to make an application on land not owned by the applicant providing they serve notice on the relevant land owner. In this case the site boundary includes the area immediately outside the entrance which is owned by Hastings Borough Council. The applicant followed the correct procedure by serving notice on the Council's Estates Team in December 2014.

The application has been publicised in accordance with planning law and the Council's procedures.

Other Matters

The proposed outbuilding is also to be used as a bin storage space. The Waste and Streetscene Services Team have raised no objection to this approach. It is recommended that a condition is imposed which requires the bin store to be made available for use prior to the dwelling being occupied.

The issues of emergency service vehicle access and the suitability of the use of soakaways are matters that will be addressed at the building control stage.

Conclusion

It is considered that the proposal has been designed to be in keeping with the rural character and setting of the existing property. Through the use of conditions a suitable tree screen can be established to further ensure that the landscape character of the area is protected. Conditions can also be used to secure protection of trees during construction and the ecology of the area. 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 arboricultural report (Arboricultural Report Tree Survey Arboricultural Impact Assessment & Tree Protection Plan Little Warren Cottage Fairlight Road Fairlight East Sussex TN35 4AA by the Mayhew Consultancy), dated November 2014 have been 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 scheme(s), or programme(s) of measures contained within the report are otherwise first varied, by way of prior written approval from the Local Planning Authority.
3. 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. 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.
4. 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.
5. Prior to the commencement of development, a biosecurity protocol shall be submitted to and approved by the local planning authority detailing measures to minimize or remove the risk of introducing non-native species into a particular area during the construction, operational or decommissioning phases of the project. The measures shall be carried out strictly in

accordance with the approved scheme.

6. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following;

- Risk assessment of potentially damaging construction activities;
- Identification of “biodiversity protection zones”;
- 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);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- Responsible persons and lines of communication;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- 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.

7. No development shall take place until the measures outlined in the submitted ecological statements and reports (Scoping Survey Warren Cottage, Hastings County Park. by Camber Ecology Limited dated 9th November 2012 and Bat Survey Little Warren Cottage, Fairlight, East Sussex. by Camber Ecology Limited dated July - August 2013, and the letter from Camber Ecology Limited dated 04 November 2014) have been fully implemented, unless:

- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
- (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

8. Where ecological surveys have identified the presence of roosting bats, no activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated operations) shall be carried out unless under the direction of a licensed bat ecologist to ensure that an offence is not committed and in accordance with the submitted and approved Construction Environmental Management Plan (Biodiversity).

9. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the extension, conservatory, outbuilding and hard surfaces hereby permitted have been made available on site or submitted to the Local Authority for approval in

writing. Development shall be carried out in accordance with the approved details.

10. The accommodation hereby approved shall only be used as ancillary accommodation and storage incidental to the use of Little Warren Cottage, Fairlight Road, Fairlight, East Sussex, TN35 4AA as a dwellinghouse only. The building shall be used for no other purposes whatsoever including as independent residential use.
11. Notwithstanding the information shown on drawing number: 14.613/02 D the area immediately to the east of the site's entrance annotated "Type 1 roadstone" is not approved as part of this permission.
12.
 - (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 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.
13. The development hereby permitted shall be carried out in accordance with the following approved plans:

14.613/03, 01 (Date Stamped 10/12/14), 02D

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 and the landscape character of the area.
3. In the interests of the visual amenity.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
6. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
7. To protect features of recognised nature conservation importance.

(Hastings Local Plan 2004 policies NC8 and NC9.)

8. To protect features of recognised nature conservation importance.
(Hastings Local Plan 2004 policies NC8 and NC9.)
9. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
10. To accord with the terms of the application and to safeguard proper planning of the area.
11. To ensure a satisfactory standard of development and to protect features of recognised nature conservation importance.
12. To ensure that the property is occupied until adequate access and drainage facilities have been provided.
13. 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. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00893 including all letters and documents