

Report to: PLANNING COMMITTEE

Date: 29 April 2015

Report from: Head of Housing and Planning Services

Application Address: **Site of former 28 Dane Road and, 37 Brittany Road, St Leonards-on-sea**

Proposal: **Erection of studio house and parking on rear garden of 28 Dane Road**

Application No: **HS/FA/14/00912**

Recommendation: **Grant Full Planning Permission**

Ward: GENSING

File No: DA30028

Applicant: Lakehurst Developments Ltd per Michael Collins Consultancy Coopers Farm Wartling Road Wartling, Hailsham. BN27 1RX

Interest: Owner

Existing Use: Vacant - previously occupied by garages

Policies

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

Conservation Area: Yes - Markwick Terrace

National Planning Policy Framework: No Conflict

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

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM4, HN1, HN5, HN7, HN8

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 3

Petitions Received: 0

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

Summary

The proposal is for the erection of a dwelling on vacant land on the northern side of Dane Road. The main considerations are the impacts on the character and appearance of the area, protected trees and the amenity of neighbouring residents. After considering all matters I recommend the proposal for approval subject to conditions.

The Site and its Location

The site consists of a vacant plot of land on the northern side of Dane Road. The site stretches back behind Du Cros House, 37 Brittany Road which is positioned to the north west. The site also adjoins a chalet bungalow at 27 Dane Road to the south east and the rear of Nevill Court, 35 Brittany Road. 27 Dane Road includes a vacant parcel of land to the north between the site's boundaries and 1 Cumberland Gardens and is a proposed housing allocation in the emerging Hastings Development Management Plan. A number of mature trees and other vegetation exist along the site's boundaries. The trees along the site's frontage with Dane Road are protected by a group Tree Preservation Order (TPO). A stone wall exists across part of the site's front boundary with Dane Road and the other boundaries are indicated by closeboard fences.

The area forms part of the Markwick Terrace Conservation Area which includes the row of three to four storey terraced properties of Markwick Terrace but is otherwise defined mainly by three storey pairs of semi detached properties as well as larger blocks of flats.

Details of the Proposal and Other Background Information

The proposal consists of a three storey dwellinghouse with a slate pitch roof, painted rendered walls, aluminium casement windows and hardwood doors. A roof terrace is proposed to the rear of the property at first floor level. The proposal is to include pedestrian access only via a path leading from Dane Road and front and rear gardens.

Relevant Site History

HS/OA/76/00516 Erection of a garage.
Granted 17/09/76.
HS/FA/80/00410 Erection of a double garage.
Granted 18/06/80.

Details of Consultations

Comments have been received from **Southern Water** who have advised that a formal application for a connection to the sewer will need to be made and have provided general advice (Informative 3).

The **Borough Arboriculturalist** has raised no objection subject to a condition requiring suitable tree protection measures and a soft landscaping scheme (conditions 7, 8 & 9).

A total of **three letters of objection** have been received. The main issues raised include: character and appearance, noise and general disturbance (both generally and during construction), environmental impacts, overlooking, loss of habitat, size and scale, loss of view, loss of light, loss of outlook and future maintenance.

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 wider area is defined by pairs of three storey properties and large blocks of flats. The locality along this section of Dane Road is defined by the large blocks of flats at Du Cros House and the bungalow at 27 Dane Road. When read as part of the streetscene only partial views of 27 Dane Road are available due to mature trees and vegetation along boundaries.

The proposal is three storeys in height with a pitch roof. Its overall height is lower than the neighbouring block of flats at Du Cros House but taller than the neighbouring bungalow at 27 Dane Road. This approach means that the scheme "bridges" the gap between the two neighbouring properties and therefore draws on the size and scale of development found in the area. The front elevation of the property will be partly obscured by the existing mature trees as some are to be retained as part of the proposal.

The pitch roof design proposed is a feature found throughout the area and the style of windows, window canopies and rendered elevations draw on the features of other properties found in the area including those at Markwick Terrace. It is therefore considered that the proposal complies with the requirements of national and local planning policies which aim to ensure that new developments follow the pattern of development found in the area and that the design draws on the broad characteristics of the area.

Living Environment

The scheme has been designed so that the three storey section is not positioned directly in line with any habitable room windows at either Du Cros House or 27 Dane Road. A single storey section is proposed to the rear which is in line with a rear projecting bay of the bedroom of the ground floor flat which has a side facing window. This window presently faces onto the closeboard fence which defines the boundary and therefore outlook from the side facing window will remain largely unchanged. In terms of light impacts the single storey section will not be tall enough to result in unacceptable light loss to the bay window in accordance with the Building Research Establishment (BRE) guidelines.

The neighbouring block at Du Cros House includes an octagonal section at the front which includes the living/dining rooms for four of the flats. The living/dining rooms include three windows, one of which faces north eastwards towards the application site. Given the positioning of the dwelling and the fact that two other windows face south and south west it is considered that the scheme will not result in unacceptable impacts on light/outlook to these windows.

With regard to privacy, in a back to back situation a distance of 21m is normally considered adequate for maintaining levels of privacy and amenity. In this case a distance of 24m exists between the roof terrace and the rear garden of 1 Cumberland Gardens. It is therefore considered that this property will not experience poor levels of privacy.

The proposal includes a partial screen along either side of the roof terrace but it is not considered adequate for maintaining levels of privacy to Du Cros House and 27 Dane Road. It is therefore recommended that a condition is imposed which requires details of screening to be submitted for approval. Having regard to the BRE guidelines it is considered that it would be possible to form a screen of an appropriate height to protect privacy without resulting in adverse impacts on light to the bay window of the ground floor flat.

It is considered that future occupants will not experience poor levels of privacy due to the positioning of the building and once an appropriate screen has been formed. The levels of internal space are adequate for meeting the requirements of condition DM3 of the

Development Management Plan Revised Proposed Submission Version 2014 (DM Plan) and a garden of at least 10m in length is proposed.

In terms of noise and general disturbance, it is recommended that conditions are imposed restricting the hours of building works and which require details of hoardings/temporary works to be submitted for approval. The proposal involves pedestrian access only and is for residential development in a predominantly residential area and is therefore unlikely to result in adverse levels of noise and general disturbance.

A studio is proposed at third floor level which is considered acceptable in principle providing it is used for ancillary purposes in relation to the dwellinghouse. If the studio were used for commercial purposes or as a separate unit of accommodation it would result in different impacts on its surroundings. It is therefore recommended that a condition is imposed restricting the use of the studio to ancillary purposes only.

Highways and Transport

The scheme originally proposed vehicular access from Dane Road. In order to ensure the protection of the TPO trees at the site the drive would have been a particularly steep gradient which would have been unacceptable. As a shallower gradient would have affected the roots of the protected trees and because on street parking with additional capacity exists in the area it was considered appropriate for the proposal to have pedestrian access only.

From visiting the site at varying times of day it is evident that additional on street capacity exists. It is therefore considered that the proposal will not result in unacceptable levels of inconvenience to neighbouring residents. It is recommended that cycle storage spaces are secured by way of a condition in order to encourage the use of sustainable forms of transport.

Housing Need and Affordable Housing

The National Planning Policy Framework (NPPF) aims to boost significantly the supply of housing and to provide a variety of housing types. Within this context the Hastings Planning Strategy 2011-2028 (the Strategy) aims to address imbalances in the housing stock and to support a range of household sizes, ages and incomes. The proposal is for a one bedroom dwelling but with an internal floor area which exceeds the necessary standards.

As a result of national changes the Council's affordable housing policy no longer applies to schemes of 10 units or less. The scheme is therefore considered acceptable without an affordable housing contribution.

Biodiversity

The proposal will involve the removal of some trees in order to facilitate development. However, the trees that are considered to be more appropriate in terms of the contribution they make to the character of the area are to be retained. The tree loss can also be compensated for through the use of soft landscaping conditions. It is recommended that a condition is imposed requiring the development to be completed in accordance with the recommendations of the submitted arboricultural report and that tree protection measures are provided.

The scheme has been accompanied by an ecological report which makes recommendations for protecting and enhancing biodiversity but does not identify any adverse impacts. It is recommended that a condition is imposed which requires the development to be completed

in accordance with the ecological reports recommendations.

Drainage

In order to ensure that the proposal makes adequate provision for foul and surface water drainage and following the response from Southern Water it is recommended that a condition is imposed requiring drainage details to be submitted for approval.

Other Matters

It is well established in planning law that there is no right to a view across third party land.

As stated above the adjoining property is a proposed housing allocation. As the proposal is considered acceptable in terms of its impact on the existing bungalow at 27 Dane Road it is considered that the scheme does not prejudice future development at the property.

The issues of access to the neighbouring property during the construction phase and for future maintenance of the building is considered to be a private matter between the relevant parties and not a planning consideration.

Conclusion

It is considered that the scheme draws on the broad characteristics of the area and that it will result in an additional unit of accommodation without resulting in adverse impacts on the surrounding 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. 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.
3. The dwelling hereby approved shall not be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.
4. Prior to the development hereby approved being occupied details of a

screen to be positioned along the north west and south east edges of the flat roof area to the rear of the dwelling hereby approved shall be submitted for approval by the Local Planning Authority. The screen shall be erected in accordance with the approved details and shall be maintained as such in perpetuity.

5. No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- (a) detailed elevation and cross section drawings at no less than 1:20 scale and/or samples of the proposed guard rails/enclosures to the rear edge of the flat roof area.

- (b) detailed elevation and cross section drawings at no less than 1:20 scale and/or samples of the privacy screen required by condition 4.

The works shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

6. The development shall not be occupied until cycle parking details have been submitted to and approved in writing by the Local Planning Authority. The cycle parking areas shall be provided before the dwelling is occupied and in accordance with the approved details. Once provided the cycle parking areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

7. 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.

8. 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.

9. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current "BS 5837:2012 - Trees in relation to design, demolition and construction. - Recommendations" standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has

been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

10. 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.
11. No development shall take place until the measures outlined in the submitted ecological and arboricultural statements and reports (Tree Survey Arboricultural Impact Assessment & Tree protection Plan Land at 28 Dane Road St Leonards on Sea TN38 0QW by The Mayhew Consultancy Ltd Dated December 2014 and Preliminary Ecological Appraisal Land at 28 Dane Road St Leonards on Sea TN38 0QW by The Mayhew Consultancy Ltd Dated 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; 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.
12. The studio at third floor level shall only be used as ancillary accommodation in relation to the main use of the building as a single dwellinghouse. The third floor shall be used for no other purposes whatsoever including as independent residential use or for commercial purposes.
13.
 - (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 dwelling shall not be occupied until those works have been completed.
 - (iii) The dwelling 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.
14. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no hardstanding shall be created to the front of the property and no vehicular access shall be created without the grant of a separate planning permission.
15. The development hereby permitted shall be carried out in accordance with

the following approved plans:

PO861/SK/1/1, 1/2D, 1/3A, 1/4A, 1/5A, 1/6A, 1/7A, 1/8B, 1/9B, 1/10A, 1/11C, 1/14C, 1/15C, 1/16.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
3. To ensure a satisfactory standard of development.
4. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
5. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
6. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable transport.
7. To ensure a satisfactory form of development in the interests of the visual amenity.
8. To ensure a satisfactory form of development in the interests of the visual amenity.
9. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
10. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
11. To protect features of recognised nature conservation importance and the character and appearance of the area.
12. To accord with the terms of the application and to safeguard proper planning of the area.
13. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
14. To enable the local planning authority to control the development in the interests of the visual amenities of the area, with particular regard to the trees on the site.
15. 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. 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.
4. 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.
5. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00912 including all letters and documents