

Report to: PLANNING COMMITTEE

Date: 03 June 2015

Report from: Head of Housing and Planning Services

Application Address: 55 Collinswood Drive, St Leonards-on-sea, TN38 0NX

Proposal: Proposed demolition of existing property and garage and erection of 4 No. dwellings with off-street parking.

Application No: HS/FA/15/00215

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL

File No: CO31055

Applicant: CF Developments Ltd per Elevations Design Ltd
Junction House 1 Sedlescombe Road South
St Leonards on Sea, East Sussex. TN38 0TA

Interest: Owner

Existing Use: Dwellinghouse

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11, DG24 and DG27

Conservation Area: No

National Planning Policy Framework: Sections 6 and 7

Hastings Planning Strategy: DS1, FA1, SC1, SC3, SC4, SC7, EN2, EN3, H1, H2 and T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version: LP1, DM1, DM3, DM4, HN7 and HN8

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 10

Petitions Received: 0

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

Summary

The application site relates to 55 Collinswood Drive, St. Leonards-On-Sea. This is an existing bungalow property which is located to the rear of 49 to 61 (odds) Collinswood Drive and accessed via an access between 53 and 59 Collinswood Drive. The application is for the demolition of the existing property and the erection of 4 houses with off-street parking.

The main issues to consider are the principle of the development, the impact upon the character and appearance of the area, the impact on neighbouring residential amenities, the standard of the accommodation proposed, the impact on highways and parking and the impact upon existing trees.

The development will increase built form to the rear of existing properties but because of the way the development has been designed, it is not considered to have any adverse impacts on neighbouring residential amenities or the character of the area. A good standard of accommodation is proposed and there will be no harm to existing trees. Suitable parking can be provided within the development and the access is considered appropriate. Appropriate mitigation and some further details to ensure a satisfactory development can be secured with the recommended conditions listed below.

I recommend that planning permission be granted subject to conditions.

The Site and its Location

The application site relates to 55 Collinswood Drive, St. Leonards-On-Sea. This is an existing bungalow property which is located to the rear of 49 to 61 (odds) Collinswood Drive and accessed via an access between 53 and 59 Collinswood Drive. The site slopes from northeast to southwest and the existing bungalow sits within the middle of the site built into the slope. The land in the wider area generally slopes in the same direction. As the property is to the rear of other houses, it is surrounded entirely by residential property on Collinswood Drive and Filsham Road. There is a public footpath that runs along the rear (northwestern) boundary of the site.

Collinswood Drive is suburban in character, defined almost exclusively by detached houses. The houses are mixed between bungalow style properties and detached two storey houses. St Leonards Church of England Primary School can be found a short distance to the southeast of the site. The properties to the rear of the site on Filsham Road are also detached two storey dwellings but much grander on scale.

Details of the Proposal and Other Background Information

The applicant engaged in pre-application discussions about developing the site for 5 houses prior to submitting the application. They were advised that the principle of development was acceptable but there were matters that needed to be considered, such as the impact on neighbouring residential amenities and the provision of parking.

Following the pre-application discussions an application was originally submitted for 5 detached houses. The application has since been revised and is now for the demolition of the existing property and the erection of 4 houses with off-street parking.

Previous Site History

HS/OA/88/00300 Erection of detached bungalow and garage
Refused 09 May 1988

HS/FA/59/00063 Erection of detached bungalow and formation of vehicular access
Granted 16 February 1959

Details of Consultations

The **Borough Arboriculturalist** recommends that the development is reduced to 3 dwellings. Whilst he has confirmed that no consequential damage will be caused to trees as part of the development, the Arboriculturalist is concerned that the trees adjacent to plot 3 at the northeast corner of the site will cast shade and as such pressure will be put on these trees for their removal. He also recommends that a landscaping condition is used to mitigate tree loss and provide screening to existing houses.

The **Local Highway Authority** initially raised objections to the development based on a lack of off-street parking. Now that more parking has been provided and the development has been reduced in size they are raising no objection subject to conditions.

The **Waste & Streetscene Services Officer** has raised no objection.

Southern Water has raised no objection but requires the applicant to make a formal connection to the public sewer. They ask that the Council's technical staff comment on the adequacy of the surface water drainage proposals.

The **Building Control Manager** has raised no objection but mentioned emergency vehicle access and soakaways as possible issues.

The **Flood Risk Management Team** has raised no objection but notes that the applicant has provided no evidence to support the use of soakaways. Soakaways may not be the most appropriate surface water drainage solution given the underlying geology of the area.

10 objections have been received against the proposed development. Concerns include:

- Proposal is an overdevelopment of the site due to density and overlooking.
- Proposal should be reduced to 2 or 3 houses to allow for better separation from existing houses, adequate parking and better relationship with local character.
- Safety of the access both during construction and post development.
- Increased traffic and impact on highway safety.
- Inadequate parking.
- Problems with surface water and foul drainage.
- Overlooking.
- Noise and disturbance.
- Access for emergency services.
- Impact on trees.

The following are also raised as concerns but are not considered material to the decision making process:

- Damage to neighbouring fencing and hedging.
- Impact on existing retaining wall along boundary with neighbour.

These concerns are considered party wall matters that will need to be resolved between the developer and the adjoining land owners should development go ahead.

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 policies SC1, SC3, SC4, SC7, EN3, H1, H2 and T3 of the Hastings Local Plan: The Hastings Planning Strategy (HPS) and policies DM1, DM3 and DM4 of the emerging Hastings Local Plan: Development Management Plan (DMP). Other policies apply and are listed above.

The main issues to consider are the principle of the development, the impact upon the character and appearance of the area, the impact on neighbouring residential amenities, the standard of the accommodation proposed, the impact on highways and parking and the impact upon existing trees.

Impact upon the character and appearance of the area

The proposed development consists of 4 two-storey detached houses in two different styles. Plots 1 and 2 are proposed to be house type no.2 and plots 3 and 4 are proposed to be house type no.1.

In principle, the development of four houses is considered to have an acceptable relationship with the character of the area. As part of the pre-application discussions, the applicant was advised that 'backland' development would not usually be acceptable, especially in this area, where local character is generally defined by detached properties fronting the road with substantial gardens. However, the existing bungalow is to the 'rear' of houses along Collinswood Drive, therefore, the principle of developing to the rear of properties has already been established. The consideration here is whether redeveloping the site more efficiently is considered acceptable and I believe it is. It must be stressed, however, that this redevelopment is based on the specific circumstances of this site and the fact that there is already development to the rear of existing properties. If granted, it is not considered to set a precedent for further development to the rear of properties along Collinswood Drive or Filsham Road.

As mentioned previously the site currently consists of one bungalow and is to the rear of existing bungalows. Objections to the development have mentioned that two-storey properties would be incompatible with the bungalows in the immediate area but I do not agree. The closest properties on Collinswood Drive may be bungalows but there are two-storey houses close by and the properties on Filsham Road are two-storey. In this context, two storey houses would be compatible. Incompatibility would arise if the properties were very prominent and set an odd backdrop to the existing bungalows especially as development to the rear of properties along Collinswood Drive is not what one would expect to see. However, in this instance, the houses are being set into the ground slightly and would have slightly lower overall ridge heights than typical two-storey houses as the first floor is being set slightly within the roof. I believe that views of the properties would be limited to glimpses between the houses immediately adjacent to the site but that as you moved further along Collinswood Drive the views would lessen. Although more development would be seen this is not too different to the existing situation.

The houses are otherwise proposed to be constructed with facing brick, have weatherboarding detail on the first floor and use concrete roof tiles. Although the weatherboarding is not prevalent in the area brick built houses are typical of the local neighbourhood and I consider that the proposed houses would have an attractive appearance that would complement this existing offer.

The proposed development is not considered to harm the character of the area and is compliant with policies SC1 of the HPS and DM1 of the DMP.

Impact on neighbouring residential amenities

As the development is to the rear of existing properties the main concerns relate to overlooking and whether the development would be overbearing to existing properties. Similar concerns have been raised by local residents.

In terms of overlooking:

- 49 to 61 (odds) Collinswood Drive would bound the side elevations of proposed plots 1 and 4. The side (southeastern) elevation in plot 1 includes no windows so there will be no overlooking. The side elevation of plot 4 would include a bathroom window and stair landing window. Although only the bathroom window is shown as obscure glazed, both of the windows can be obscured which would ensure no overlooking. This can be secured by condition.
- The rear section of the rear garden of 63 Collinswood Drive bounds the northeast boundary of the site. There are rear windows in plots 3 and 4 at first floor that would face towards this section of 63 Collinswood Drive. These windows serve bedrooms and would not be allowed to be obscured. That being said plots 3 and 4 would be built into the sloping site and as such these windows would not appear at first floor level from no.63. Furthermore, because of the level of screening along this boundary (which can be further secured by condition), the distance to the boundary (which is in excess of 10m), and the fact only the rear of the garden would be potentially affected, it is not considered that there will a degree of overlooking that would harm the amenities of no.63.
- The rear section of the rear garden of 47 Collinswood Drive bounds the southwest boundary of the site. There are rear windows in plot 1 and side (southwestern) elevation windows in plot 2 that face towards this section of 47 Collinswood Drive. The bathroom window in plot 1 is the only window proposed to be obscure glazed. The other windows serve bedrooms. Apart from one, these bedrooms are served by second windows so the windows orientated towards the garden of 47 Collinswood Drive could also be obscure glazed. Having been on site, however, I do not consider that these windows need to be obscured. Given the distance of these windows from the boundary (most are in excess of 10m) and because they are orientated to the rear half of the exceptionally long garden of no.47 I do not consider that there will be any adverse harm to amenities from overlooking. One window in plot 1 would be particularly close to the boundary with no.47 - between 4 and 5m. Although close, I do not consider it appropriate to refuse the whole application on this one window. Further protection can be secured with planting along this boundary which would provide some screening to the garden of no.47 but still allow views to the sea from the proposed properties.
- The windows in the northwest elevations of plots 2 and 3 would face towards properties on Filsham Road. The window in plot 3 would be obscure glazed so causes no overlooking. The windows in plot 2 serve bedrooms but given the distances involved, the level of screening along the boundary and the fact that a pathway is in between the application site and the properties on Filsham Road I do not consider that there would harm to neighbouring amenities from overlooking.

During pre-application discussions and the site visit as part of the application it was noted that plot 1 would be particularly close to 51 and 53 Collinswood Drive and plot 4 would be close to 59 and 61 Collinswood Drive. The applicant was advised that these properties would have an adverse impact on existing neighbours because they would likely be overbearing. As a result the applicant has slightly lowered these properties into the site, moved them further away from the boundary and changed the roof shape from gable to hip ends. All of these changes lessen the bulk of the building and as such the proposed development is not considered to cause harm to neighbouring amenities by being overbearing. None of the other neighbouring properties are considered to be affected by the proposed development by it

being overbearing.

Objections have also raised concerns about noise and disturbance. The driveway will certainly be in use more as a result of the proposed development and, to reduce the impact of car movements the applicant proposes to use sound proof fencing along the boundary. The development is otherwise not considered to cause harm as it is residential in nature.

The proposed development is not considered to harm neighbouring residential amenities and is compliant with policies SC1 of the HPS and DM3 of the DMP.

Standard of accommodation

Policy DM3 of the DMP requires 4 bedroom/6 person properties to have a minimum floor area of 106m². House type 1 falls short of this by just under 10m² but house type 2 exceeds the requirement by over 20m². House type 2 is clearly acceptable but I also find house type 1 acceptable. Although there is a shortfall, the layout of house type 1 shows one double bedroom. The reality is that this would be a 5 person property at most which allows for some flexibility in the minimum floorspace requirement - the policy refers to a 4 bedroom, 6 person house. House type 1 otherwise includes a decent layout with sufficient bathroom and toilet provision and separate kitchen and dining facilities. It is clear that the layout is not being 'squeezed' to accommodate more and as such is considered acceptable.

Each house otherwise provides for a decent rear garden, each being a minimum of 10m long and in the case of plots 1 and 2, also includes a decent sized side garden area. Properties would provide for decent levels of natural daylight and sunlight and would provide adequate parking. It is noted that 2 additional parking spaces are required by the Local Highway Authority for visitors but there is sufficient space within the development for these and they can be secured by condition.

The supporting information submitted with the application makes no reference to policy SC3 and SC4 of the HPS. These policies require the development to demonstrate green and sustainable design in order to mitigate against climate change. These design measures should be incorporated into the fabric of the building first before renewable energy generation, such as solar panels, is considered. These improvements can be secured by condition.

The proposed development is considered to provide a decent standard of accommodation and is compliant with policies SC1 of the HPS and DM3 of the DMP.

Parking and highway safety matters

Concerns have been raised by local residents about the amount of parking, safety of the access and movement of traffic along Collinswood Drive. I understand these concerns but, following revisions to the scheme, mostly resulting in additional off-street parking being provided, the Local Highway Authority have raised no objection to the proposed development subject to conditions. Sufficient parking has been provided which should ensure that additional parking on-street is kept to a minimum, the access is being constructed to ESCC standards and the vehicular movements created by the development will not increase substantially and as such will not result in detriment to highway safety.

The proposed development is considered to provide sufficient parking and will not be a detriment to highway safety. It is compliant with policies SC1 and T3 of the HPS and DM4 of the DMP.

Trees

The Borough Arboriculturalist has recommended that the development is reduced to 3 dwellings. Whilst he has confirmed that no consequential damage will be caused to trees as part of the development, he is concerned that the trees adjacent to plot 3 at the northeast corner of the site will cast shade and as such pressure will be put on these trees for their removal.

The important matter here is that the development is not considered to cause physical harm to mature trees. The comments regarding shade casting are interesting but I do not consider that the concerns the Arboriculturalist identifies are so harmful that the development should be further reduced. The layout of the development, which is south of the trees mentioned, will mean that for the majority of the day, for the majority of the year, plot 3 will receive adequate levels of daylight and sunlight. I do not agree with the Arboriculturalist's comments and have not asked the developer to reduce the development further.

The proposed development is not considered to harm trees and adequate landscaping can be secured by condition. It is compliant with policies EN3 of the HPS and HN8 of the DMP.

Other

Planning permission was refused in 1988 for a new dwelling in the garden of no.55 as it was 'backland' development and the site was of inadequate size to accommodate a dwelling. In comparison this proposal is for more development than that applied for in 1988. To many this would automatically mean that the proposed development is unacceptable but, as I have explained above the applicant has considered the impact of the development on neighbours and the character of the area and I am satisfied that the development works.

The surface water drainage proposals have been flagged up as being unacceptable. To ensure that adequate provision is made for drainage a condition for further details is recommended.

The development will not result in any harm to protected species. The submitted ecology report makes recommendations for protecting species during construction and enhancing biodiversity post construction. These elements can be secured by condition.

Conclusion

Considering the above discussion these proposals are considered to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and I recommend that planning permission be granted subject to conditions.

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. The development hereby permitted shall be carried out in accordance with

the following approved plans:

15.639/01B

3. 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.
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. 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 above ground 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; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
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. (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.

9. No development shall take place until the measures outlined in the submitted Preliminary Ecological Appraisal by The Mayhew Consultancy Ltd, dated March 2015 (ref EA/35615) 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.

10. No development shall take place until the measures outlined in the submitted Arboricultural Report by The Mayhew Consultancy Ltd, dated March 2015 (ref AR/35615) 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.

11. The reconstructed access shall be in the position shown on the submitted plan (drawing no. 15.639/01B) and all works undertaken shall be executed and completed to the satisfaction of the Local Planning Authority prior to any occupation of the development.

12. The development shall not be occupied until parking area have been provided in accordance with the approved plans and details to submitted to and approved in writing by the Local Planning Authority 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 a turning space for vehicles has been provided and constructed in accordance with the submitted plan (drawing no. 15.639/01B) and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

14. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of

vehicles, routing of vehicles and hours of operation.

15. 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.
16. Before the development hereby approved is occupied provision shall be made in each property for connection to fibre-based broadband infrastructure.
17. 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.
18. The following windows shall be glazed in obscure glass and non-opening at all times:
 - Plot 1 - Rear (southwest) elevation first floor bathroom window.
 - Plot 2 - Rear (northwest) elevation first floor bathroom window.
 - Plot 3 - Side (northwest) elevation first floor bathroom window.
 - Plot 4 - Side (southeast) elevation first floor en-suite and stair landing windows.
19. Any new window installed on an upper floor of any elevation of the dwellings hereby approved shall be:
 - i) obscure-glazed; and
 - ii) non-opening unless parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
4. In the interests of the visual amenity and to protect neighbouring residential amenities.
5. In the interests of the visual amenity and to protect neighbouring residential amenities.

6. In the interests of the visual amenity and to protect neighbouring residential amenities.
7. In the interests of the visual amenity and to protect neighbouring residential amenities.
8. To prevent increased risk of flooding.
9. To protect features of recognised nature conservation importance.
10. In the interests of the health of the trees and the visual amenity of the area.
11. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. In the interests of highway safety and for the benefit and convenience of the public at large.
15. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
16. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
17. To safeguard the amenity of adjoining residents.
18. In the interests of the amenity of the neighbouring residential occupiers.
19. In the interests of the amenity of the neighbouring residential occupiers.

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/FA/15/00215 including all letters and documents