

Report to: PLANNING COMMITTEE

Date: 26 August 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: 145 St Helens Park Road, Hastings, TN34 2JW

Proposal: Proposed residential development comprising of 4no detached dwellings with detached garages, new private shared access drive and associated landscaping works.

Application No: HS/FA/15/00557

Recommendation: Grant Full Planning Permission

Ward: ST HELENS

File No: XH85005V

Applicant: Mr Le Lacheur per Michael D Hall Building Design Studio A 339 London Road Bexhill on Sea, East Sussex. TN39 4AJ

Interest: Freeholder

Existing Use: Residential dwelling and curtilage

Policies

Hastings Local Plan 2004: TR6, NC10, DG1, DG2, DG3, DG11,
Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: FA2, SC1, EN2, EN4, H2, H3
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, HN7,

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 10
Petitions Received: 2

Application Status: Not Delegated

Notes

Neighbours Expire:	20 July 2015	Members Expire: 20 July 2015 or same as advert expiry if later.
Advert Expires:	24 July 2015	
Neighbours Checked on site:	Y	
Objection letters read:	Y	
Site Visited:	27.07.2015	

Summary

This proposal is for the erection of 4 detached dwellings and garages within the curtilage of Valehurst (145 St Helens Park Road). The main issues are the impacts of the proposal on the character and appearance of the area, the amenity of the neighbouring properties, ancient woodland, trees and biodiversity. After considering all these matters, I recommend the proposal for approval subject to conditions.

The Site and its Location

The site consists of a large late Victorian detached property within an extensive garden. The site is located on the junction of St Helens Park Road and St Helens Wood Road. The site is not within a Conservation Area or a Listed Building. To the rear of the site there is a preserved ancient woodland however within the site boundary there are no individual or group tree preservation orders.

The area is predominantly residential and consists of a variety of detached houses and semi-detached dwellings. Relatively large amounts of trees and other vegetation can also be found in the area which gives it a semi-rural character and appearance.

Details of the Proposal and other Background Information

This is a fully detailed application. The proposal involves the erection of 4 detached dwellings within the curtilage of 145 St Helens Park Road. The proposed new dwellings are shown to have a detached garage, as well as an area of parking within each curtilage. As part of this application no works are proposed to No. 145 St Helens Park Road itself.

Relevant Site History

HS/50/00588 Proposed new garage and alterations
- Granted - 10.10.1950

Details of Consultations

As part of this application, 23 neighbouring properties were consulted, a site notice was displayed and an advert was placed in the local paper. In response to this 11 letters of objection were submitted. The concerns within these letters include the impact of the development on the highway, the impact on the trees, the access to the woods, impact on wildlife, over development,

Two petitions were submitted, one with 16 signatures and the other with 42.

Southern Water have stated that the proposal requires an application for connection to the public sewer. They have also requested that a condition be imposed requiring the submission of the means of dealing with the water disposal prior to works commencing on site.

The Waste and Street Scene Team have stated that each property should have adequate space for the storage of 2x240ltr wheelie bins and that the road layout be suitable for a freighter to drive in, turn around and exit safely.

The Council's Arboriculturalist has the following comments: *The site's western boundary adjoins designated ancient woodland, it is also protected by virtue of HBC tpo120.*

The site itself has in the past been planted with trees of various species some of which act as screening between adjoining gardens. Whilst the garden trees have some landscape value I do not consider them to be of such amenity value as to merit being made subject of a tree preservation order.

Impact of proposal upon existing trees

Many of the existing trees growing in the garden of 145 St Helens Park Rd would be lost as a result of the development proposals implementation. Whilst tree loss is regrettable, the loss in this instance would not impact significantly upon the amenity of the wider landscape. Of greater concern is the impact of the proposal upon the adjoining ancient woodland. It would appear that the applicant has considered the ancient woodland and that Natural England standing advice has been followed.

Recommendations

I do not raise an objection to the development proposal. Please attach the following conditions.

- The tree protection on site must be in accordance with British Standard Trees in relation to design, demolition and construction – Recommendations.

- A planting scheme must form a part of the conditions that relate to the planning permission.

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

Having reviewed the proposed plans, I am of the opinion that the dwellings are of an acceptable scale and size in this location. Due to the varying land levels and the dog-leg shape of the site, the majority of the dwellings would be screened from St Helens Park Road. All four proposed dwellings are also shown to be set at a lower level than the existing house, to ensure they do not appear overbearing or overly dominant within the street scene.

The dwellings are shown to be finished with clay tile pitch roofs, clay vertical tile-hanging with decorative banding, face brickwork and glazing bars within the windows. These elements have all taken reference from the existing property at Valehurst. Taking this in to account, I am of the opinion that the scheme is in keeping with the character and appearance of the surrounding area.

Living Environment

Policy DM3 of the Hastings Development Management Plan Revised Proposed Submission Version (DM Plan) sets out minimum internal floor areas for new dwellings. These standards state that a residential property with 4 bedrooms shall have a minimum floor area of 106m². The proposed dwellings exceed this requirement.

The Department for Communities and Local Government also recently produced technical guidance for space standards. Having assessed the proposed plans against these additional criteria, I am satisfied that the proposed new dwellings also meet these requirements and the resultant living accommodation is acceptable.

In terms of the potential impact on the existing dwelling on site, it is apparent that the new dwellings have been located in a position to ensure there would not be an adverse impact in terms of light, outlook, overbearing or privacy. It is therefore considered that future occupants will experience a good quality living environment.

Having reviewed the proposed plans, it is apparent that care has been taken in relation to the proposed floor layouts of the dwellinghouse to ensure that there is minimal potential of overlooking the properties at No. 141 and 147 St Helens Park Road. I would however still suggest that a condition be imposed requiring that any bathroom or en-suite windows be obscure glazed and remain as such at all times.

Highways and Transport

I take into account the concerns raised by the local residents of St Helens Park Road and Shining Cliff in relation to the potential increase in vehicles and vehicle parking. However, having reviewed the proposed plans it is apparent that each of the new dwellings is provided with a garage and ample parking for at least two vehicles. Taking this into account I am of the opinion that, due to the spacious nature of the development, the resultant increase in vehicles can be contained within the site.

Ecology

This application has been supported by a Primary Ecology Appraisal. This appraisal concludes that no additional ecological surveys are considered necessary. However, the author of the report has recommended various mitigation measures to protect existing biodiversity on site during any construction and increasing the level of biodiversity post development.

Trees

As part of this application, 13 individual trees, 6 groups and part of one other group of trees would be lost. Although this is a large number of trees, the Council's Arboriculturalist has stated that the loss of these trees would not impact significantly upon the amenity of the wider landscape. As stated above, the site is not within a Conservation Area and the trees are not protected by a TPO. As a result, the freeholders of the site are within their right to remove the trees without seeking formal consent. The Tree Officer did raise concerns about the potential impact of the development on the adjoining ancient woodland. However from the documentation submitted, it appears that the necessary Natural England standing advice has been followed.

Taking this into account I am of the opinion that a condition should be imposed requiring that adequate tree protection measures are installed and retained during the development process.

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.

The agent has also submitted a SuDS report in line with the East Sussex County Council requirements. This statement underlines that, to comply with the requirements, 2 inter linking methods of water filtration and retention are required. The agent has suggested that a Geocellular system could be incorporated within the site along with a drainage swale. The agent has also confirmed that a soils investigation report is to be undertaken in respect of the ground conditions relative to the foundation design and drainage. In light of this, I would suggest that a condition be imposed requiring the investigation report and detailed plans demonstrating the proposed drainage methods on site, be submitted prior to commencement of works on site.

Affordable Housing

Policy H3 in the adopted Hastings Plkanning Strategy 2011-2028 requires a financial payment towards the off site provision of affordable housing on sites such as this where there is a net increase in the number of dwellings. Table 7 states:

- b) Housing developments on Greenfield land will be expected to make the following provision for affordable housing:

Site size range (number of net dwellings)	Percentage requirement	On-site provision required? Yes/No	Or, financial contribution in lieu of on-site provision? Yes/No
1-4	20% financial contribution	No	Yes
5-9	20%	Yes	Yes
10-14	40%	Yes	Yes
15+	40%	Yes	No

In November 2014 the Government announced that affordable housing should no longer be sought for developments of 10 or fewer houses. For 11 or more local planning authorities would still be able to apply their affordable housing policies, so we stopped applying this policy to smaller developments. However, more recently a High Court Challenge determined that the Governments decision was unlawful so we are again able to apply Policy H3 in full. This change has come very late in the process for this application, but nevertheless it is considered reasonable to require an affordable housing payment.

Conclusion

The proposal has been designed to ensure that a good quality living environment is created for future occupants without impacting on the amenity of neighbouring residents. The scheme is considered to be in keeping with the character and appearance of the area and

helps provide additional family size accommodation in this part of the Borough. It is therefore considered that the scheme represents sustainable development and is acceptable. I therefore recommend the proposal for approval subject to conditions.

Other considerations

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

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

Recommendation

A) That the Development Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure a financial contribution towards the provision of off-site affordable housing, unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed, or the viability issue not resolved by 26 November that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2018.

B) Subject to the above

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. Before the development hereby approved is commenced a construction and traffic management plan, together with a plan for the reinstatement of any damage to neighbouring roads used by construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.
3. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings, garages and boundary treatments hereby permitted have been made available on site 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 (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 temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, 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.
7. 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.) where relevant.
8. 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.
9.
 - (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.

10. No development shall take place until a full and adequate site investigation and soils report has been submitted to the Local Planning Authority and work shall not proceed until and unless the SuDS measures deemed to be necessary by the Local Authority and East Sussex County Council as a result of such report, have been incorporated in the development proposals.
11. Before the development hereby approved is commenced a maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority. The plan should clearly state who will be responsible for managing all aspects of the surface water drainage system. The development shall be carried out in accordance with the approved plan.
12. The detached garages hereby approved shall only be used for ancillary purposes incidental to the four new dwellings and for no other purposes.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no extension or external alteration to the properties hereby approved shall take place without the grant of an additional planning permission.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no building works within the rear garden areas (for example outbuildings) shall take place without the grant of an additional planning permission.
15. The windows shown serving bathrooms and en-suites shall be obscure glazed and remain as such at all times.
16. No development shall take place until the measures outlined in the submitted ecological statement 'Preliminary Ecological Appraisal - EA/36315' carried out by The Mayhew Consultant Ltd, dated April 2015 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.
17. Before the development hereby approved is occupied provision shall be made in each property for connection to fibre-based broadband infrastructure.

18. 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.

19. The development hereby permitted shall be carried out in accordance with the following approved plans and supporting documents: 4352.2A, 4352.3A, 4352.4A, Preliminary Ecology Appraisal EA/363115 & Arboricultural Report AR/36315

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory form of development in the interests of the character and amenity of the area, and the safety of road users.
3. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area. (Hastings Local Plan 2004 - Policy DG1).
4. In the interests of the visual amenity.
5. In the interests of the visual amenity.
6. In the interests of the health of the trees and to protect the visual amenity.
7. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
8. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).
9. To prevent increased risk of flooding.
10. To prevent increased risk of flooding.
11. To prevent increased risk of flooding.
12. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).
13. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
14. In the interests of the visual amenity and to protect neighbouring residential amenities.

15. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 Policies DG1 and DG3).
16. To protect features of recognised nature conservation importance. (Hastings Local Plan 2004 policies NC8 and NC9.)
17. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
18. To safeguard the amenity of adjoining residents.
19. 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 maximum gradient of the private drive should not exceed 1 in 9.
4. 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.
5. Separate foul and surface water drains must be provided. You are advised to consult Southern Water Services Ltd. with regard to an application for connection to the public foul and surface water sewers.
6. 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.
7. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/15/00557 including all letters and documents