

Report to: PLANNING COMMITTEE

Date: 20 October 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: **Mayfield J, Land south of Mayfield Lane, St Leonards-on-sea**

Proposal: **Erection of 35 two and three bedroom houses together with access, parking and open space.**

Application No: **HS/FA/15/00039**

Recommendation: **Grant Full Planning Permission**

Ward: HOLLINGTON
File No: CR80000X
Applicant: Park Lane Homes (South East) Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Owner
Existing Use: Vacant Agricultural Land

Policies

Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Local Plan -
The Hastings Planning Strategy: DS1, SC1, SC2, SC3, SC4, EN3, H1, H2, H3
Hastings Local Plan -
Development Management Plan: DM1, DM3, DM4, GH4

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 4
Petitions Received: 0

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

Summary

This is a full planning application for the erection of 35 houses on a site allocated within the Hastings Local Plan (Policy GH4) for a capacity of 36 dwellings. This application follows an outline approval for 20 houses and 16 apartments in February 2014. The outline approval is a material consideration to be balanced alongside other planning related issues. The highways, traffic and parking provision are considered acceptable as is the mitigation for protected species on the site. I do not consider that the residential amenity of neighbouring properties will be detrimentally affected given the distances between dwellings and boundary treatments proposed. The need for housing within the Borough is a priority for the Council and, as this is an allocated site, I therefore recommend approval subject to a Section 106 Agreement to secure provision of an affordable housing contribution.

The Site and its Location

The application site (approx 0.78ha) is an expanse of triangular shaped open land located between Mayfield Lane, Robsack Community Centre and Bodiam Drive to the north and the wide roadside margin adjacent Crowhurst Road/Queensway to the west. The rear of residential properties in Etchingam Drive, Mayfield Heights lie to the east.

Details of the Proposal and Other Background Information

This is an application for full planning permission. The proposal comprises the erection of 24 X 2 bed and 11 X 3 bed houses, car parking for 48 allocated spaces and 13 visitor spaces and a new access off Mayfield Lane. All properties will be semi detached apart from one which will be detached.

Outline permission was granted in February 2014 for 20 houses and 16 apartments to East Sussex County Council who were the owners of the site at the time. The permission is still extant, although the reserved matters have not been submitted. This proposal therefore represents an alternative scheme for the site.

The new development will form a cul de sac directly off Mayfield Lane. The dwellings will be two storey with a rear garden of at least 10 metres in length. Materials will vary from house to house and will include brick, weatherboarding and various colour roofing tiles.

Previous Site History

HS/OA/07/00895 Outline application for the erection of 20 houses and 16 apartments,
HS/OA/07/00895 with associated access road, parking and public open space
Granted Subject to Conditions 19 February 2014

Details of Consultations

There have been 4 letters of objection regarding traffic, parking, overlooking and noise.

ESCC Transport Development Control have no objections subject to conditions relating to highway works, parking, and construction traffic.. (Conditions 14,15, 19 - 22)

The Environment and Natural Resources Manager has no objection subject to a condition securing the ecological measures as detailed in the submitted report by The Ash Partnership. (Condition 13)

The Borough Arboriculturalist comments that trees within the site are of insignificant value. He raised concerns regarding lack of green space within the proposed development.

Southern Water has no objection subject to conditions regarding the provision of foul and surface water disposal. (Conditions 5 & 17)

Sussex Police are supportive of the proposed layout.

The County Archaeologist recommends a condition securing a programme of archaeological works. (Conditions 10 & 11)

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".

Use, dwelling size and Site Allocation

The application site is one of the last remaining areas for residential development which formed part of the Town Expansion Scheme in the 1970s. This development area was then divided into various parcels which were split into affordable/social housing and open market/private housing. This area was originally identified for private housing. Outline planning permission was granted for 36 residential units in February 2014 with no affordable housing requirement. The site is allocated in the recently adopted Development Management Plan for 36 residential units. The principle of residential development with a capacity of 36 is therefore considered to be established.

The space standards within Local Plan Development Management Plan have just been adopted on 23 September this year, and the proposed units fall short of those figures.

This application was submitted in January this year and at that time it was anticipated that the application would be decided significantly before the space standards policy in the Development Management Plan was adopted. At the time the application was submitted the space standards were one of the policies that had been challenged at the Local Plan Inquiry, so there was some doubt as to whether they would be adopted.

However, it has taken a long time to bring it to committee, a delay that has, in part, been due to limited staff resources in the planning team.

Given the history of this application, in particular the fact that it was submitted long before the adoption of the Development Management Plan, and the history of the site, with an extant permission for flats and houses that could still be implemented, I am of the opinion that it would be unreasonable to consider refusal on the grounds of the space standards at this stage. This is one of very few cases where the Development Management Plan was adopted during the consideration of the application so approval of this application would not set a precedent for future developments.

Highways

The new access to the proposed development will be off Mayfield Lane. Although close to the access with Mayfield Heights, the Highway Authority has not objected previously and an outline permission was given for 36 units last year.

Details of the new access will be provided as part of a condition and the new estate road through the site must be made up to an adoptable standard. Car parking is considered adequate given that it is additional to that which was approved at outline stage.

Affordable Housing

Local Plan policies H3 and GH4 require an affordable housing provision of 40% on site. A viability assessment was submitted by the developer and verified by the District Valuer Service (DVS). The assessment concluded that, although on site provision was not viable, a reduced contribution towards off site provision could be provided. A Section 106 Agreement will be drawn up to secure the contribution.

Ecology

A report by The Ash Partnership has been submitted in response to conditions 17-20 of the outline application. All information is considered acceptable by the Environment and Natural Resources Manager subject to all works being carried out in accordance with the said report.

This can be addressed by condition.

Trees

Trees within the site are of insignificant amenity value. Other trees around the perimeter will be protected during construction.

Residential Amenity

There is some concern from residents regarding potential overlooking from the proposed development to the rear of properties in Etchingam Drive. The nearest property within the new development is over 20 metres from the nearest habitable rooms in Etchingam Drive. This is the standard acceptable distance between habitable rooms and is therefore considered acceptable.

A close boarded fence will also provide adequate screening between the properties of Etchingam Drive and the new development.

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

Taking into account the above discussion and with the use of appropriate conditions and a legal agreement these proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

A) That the Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure an affordable housing contribution. In the event that the Agreement is not completed by 20 January 2016 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 A) above:

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 development hereby permitted shall be carried out in accordance with the following approved plans:

4307/14/LBP/A, 4307/14/1/B, 4307/14/2, 4307/14/3, 4307/14/4, 4307/14/5, 4307/14/6, 4307/14/7, 4307/14/8/A, 4307/14/9/A, 4307/14/10/A, 4307/14/11/A, 4307/14/12/A, 4307/14/13, 4307/14/14, 4307/14/15, 4307/14/16, 4307/14/17, 4307/14/18, 4307/14/19, 4307/14/20/A & 1405781/201
4. 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 or made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5.
 - (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 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.

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 refuse or other storage units, signs lighting etc.).
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. 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.
9. 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.
10. No development shall take place above ground until full details of all boundary fences, walls or enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary fences, walls or enclosures shall be erected before the building to which it relates is occupied.
11. No development to be commenced on site until a Construction Management Plan setting out mitigation measures to protect against disruption caused during construction has been submitted to and approved in writing. All development shall thereafter be carried out in accordance with the approved plans.
12. No development shall take place within the application site until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological

Investigation which has been submitted to and approved in writing by the Local Planning Authority.

13. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under Condition 10 to the satisfaction of the Local Planning Authority.
14. 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 BSI 5837 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.
15. All ecological measures and/or works shall be carried out in accordance with details contained within the submitted report Mayfield J, South of Mayfield Lane Report seeking discharge of Conditions 17 to 20 Planning Consent HS/OA/07/00895 by the Ash Partnership January 2015.
16. The new access shall be in the position shown on the submitted plan and laid out in accordance with details to be submitted to and approved by the Local Planning Authority prior to commencement of development. All work shall be completed in accordance with the approved plans.
17. The new estate road shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with ESCC standards with a view to its subsequent adoption.
18.
 - i) A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority.
 - ii) The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed details.

19. No development shall be commenced until a scheme for the provision of a Sustainable Urban Drainage System (SUDS) has been submitted to and approved in writing by the Local Planning Authority. Details shall include proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and discharge of surface water from the highway onto the site. These surface water works shall be completed in accordance with the approved plans.
20. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.
21. The development shall not be occupied until parking areas have been provided in accordance with the approved plans or details which have been submitted to and approved in writing by the 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.
22. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

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 and future residents.
3. For the avoidance of doubt and in the interests of proper planning.
4. In the interests of the visual amenity of the area.
5. To prevent increased risk of flooding.
6. To safeguard the amenity of adjoining residents.
7. To safeguard the amenity of adjoining residents.
8. In the interests of the visual amenity.
9. To ensure a satisfactory form of development in the interests of the visual amenity.
10. In the interests of the visual amenity of the area.

11. To protect the amenities of local residents
12. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
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14. In the interests of the health of the trees and to protect the visual amenity.
15. To protect features of recognised nature conservation importance.
16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
17. In the interest of public safety.
18. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
19. To prevent increased risk of flooding.
20. In the interests of highway safety.
21. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
22. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

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 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. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards

5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
 6. Highway works associated with this development proposal will need to be secured through a Legal Agreement between the applicant and East Sussex County Council
 7. Consideration should be given to the provision of a domestic sprinkler system.
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Officer to Contact

Ms K Phillips, Telephone 01424 783250

Background Papers

Application No: HS/FA/15/00039 including all letters and documents