

# Planning Agenda

**Wednesday, 8 November 2023 at 6.00 pm**

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.  
Please enter the building through the Contact Centre entrance via the seafront.

For further information, please contact Democratic Services on 01424 451484 or email:  
democraticservices@hastings.gov.uk

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	<a href="#">HS/DS/22/00912   Approval of Reserved Matters relating to conditions 1 &amp; 2 (layout, scale, external appearance, and landscaping); 11 (travel plan); 14 (drainage calculations); 25 (sustainable construction); and, 27 (bin storage) of Outline Planning Permission HS/OA/19/00153 (Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 units and proposed flood risk mitigation measures). (Includes renewable energy).   Land to the Rear of 419 to 447 Bexhill Road, St Leonards-on-sea, TN38 8AR</a>	
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(c) Flat 5, 16 Chapel Park Road (HS/FA/23/00638) | 59 - 66  
*W Larkin (Planning Officer)*  
[HS/FA/23/00638 | Replacement of three timber single-glazed double hung sashes \(front elevation\) to UPVC double-glazed, double hung sashes \(retrospective\) \(amended description\) | Flat 5, 16 Chapel Park Road, St Leonards-on-sea, TN37 6HU](#)

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## PLANNING

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Present: Councillors O'Callaghan (Chair), Roberts (Vice-Chair), Collins, Bacon, Beaney, Beaver, Cannan, Edwards, Sinden and Williams

Officers: Suki Montague (Planning Lawyer), Paul Howson (Principal Planning Officer), Tom Bagshaw (Principal Planning Officer)

### 1. APOLOGIES FOR ABSENCE

None.

### 2. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Beaver	4(a,b)	Personal – East Sussex County Councillor
Cllr Cannan	4(b)	Prejudicial – Chair of the Charity Committee

### 3. MINUTES OF PREVIOUS MEETING 26/07/23

**RESOLVED** – that the minutes of the meetings held on 26<sup>th</sup> July 2023 be approved as a true record.

### 4. PLANNING APPLICATIONS

### 5. SITE OF FORMER DANE COURT NURSING HOME, 32-36 CHAPEL PARK ROAD, (HS/FA/22/00409)

Proposal	Erection of 80 Bedroom Care Home with associated access, parking, open space and landscaping (includes renewable energy)
Application No	HS/FA/23/00409
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 13 objections

-  
The Principal Planning Officer presented the report. Slides were shown of the location plan, block plan and an aerial photograph. Slides were shown of the current street

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frontage and the proposed streetscene. Slides were shown of the site layout, and the site plan. These slides showed the proposed traffic calming measures and the undercroft to the parking at the rear of the site. A slide of the side elevation showed how the rear is 4 storeys but the same height as the front elevation due to the falling land levels. Planning considerations listed were the impact on neighbours, ecology, landscaping and trees, and highways. The scale of the building is less intensive than the scheme approved in 2017.

Councillors asked the Principal Planning Officer if there is cycle parking or EV chargers. The Principal Planning Officer explained these are covered by conditions.

Councillors asked regarding swift bricks. The Principal Planning Officer explained this can be added as an additional condition.

Councillors debated.

Councillor Beaver proposed approval of the recommendation including the swift brick condition, seconded by Councillor Roberts.

### **RESOLVED (Unanimously)**

**A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under s106 of the Town and Country Planning Act to secure**

#### **Section 278 Agreement to provide:**

- 1) Off-site highway works associated with this development for the relocation of the traffic calming feature, relocation of road markings, and new access**

#### **Section 106 Agreement to provide:**

- Long-term maintenance and conservation of the protected species on the site**
- Travel Plan and audit fee**

**In the event that the Agreement is not completed by 31 December 2023 that the application be refused on the grounds that it does not comply with the provisions of the National Planning Policy Framework, the relevant policies of the Hastings Local Plan, The Hastings Planning Strategy, or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager.**

**B) Subject to the above**

**Grant Full Planning Permission subject to the following conditions:**

**Grant Full Planning Permission subject to the following conditions:**

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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:  
AP21028-L00; 1386-100; 1386-110; 1386-200; 0500 P02; 0501 P01; 0502 P01; 0503 P01; 0504 P02; 0505 P01; 0700 P02; and MEL-522-001 P2
3. Work which is audible at the site boundary and deliveries too and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
4. All ecological measures and/or works shall be carried out in accordance with the details contained in Badger Mitigation Strategy, February 2022 (revised September 2022) and Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
5. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
  - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
6. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competence person such as an ecological clerk of works or on-site ecologist have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
7. When creating semi-natural habitats, all species used in the planting proposals as detailed in Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch shall be locally native species of local provenance.
8. No development, demolition, earth moving shall take place or material or

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machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Badger Mitigation Strategy, February 2022 (revised September 2022) and Biodiversity Enhancement Strategy dated March 2022, for 32-36 Chapel Park Rd Hastings by Middlemarch. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

9. The new access shall be in the position shown on the submitted plan [1386-100] and laid out and constructed in accordance with details to be secured within a s278 agreement with the Highway Authority.
10. No development shall commence until such time as a technically accepted highway scheme [layout of the new access, relocation of carriageway narrowing feature, access protection lines, reposition of designated parking bays, street lighting and signage] and details incorporating the recommendations given in a Stage 2 Road Safety Audit and accepted in the Designers Response have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The approved highway scheme shall be carried out in accordance with the approved details and completed prior to first occupation of the development hereby permitted.
11. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters;
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and egress and routeing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.

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12. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details shown on drawing (1386-100) and the turning space shall thereafter be retained for that use and shall not be obstructed.
13. No deliveries by vehicles of 7.5 tonnes and over shall be taken at or despatched from the site at any time.
14. Prior to occupation of development a Servicing Management Plan shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority which will indicate how deliveries are to be undertaken. The Servicing Management Plan shall be implemented as approved and adhered to on site thereafter.
15. The development shall not be occupied until car and cycle parking areas have been provided in accordance with approved plans. The proposed car parking spaces shall measure at least 2.5m by 5m and where located adjacent to a wall an additional 50cm shall be provided to the relevant dimension. The areas shall thereafter be retained for those uses.
16. Prior to the commencement of development, a detailed surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage system shall incorporate the following:

- a) Detailed drawings, control measures and constructions details for all the features of drainage system.
- b) Written evidence from Southern Water confirming agreement to proposed surface water discharge rates.
- c) Hydraulic calculations which demonstrate that the drainage system has enough capacity to accommodate runoff generated by rainfall events with a 1 in 100 (plus 40% for climate change) annual probability of occurrence while discharging at a rate agreed by Southern Water.
- d) Evidence that opportunities to use a gravity connection to the public sewer have been considered.

The development shall be carried out in accordance with the approved details, which shall remain in place for the lifetime of the development.

17. A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance.

The management plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.

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b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

These details shall be submitted to and approved in writing by Local Planning Authority. Once approved, the development shall be carried out in accordance with the approved details, which shall thereafter remain in place for the lifetime of the development.

18. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces (and associated hard landscaped areas and all retaining and boundary walls) of the care home 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, which should remain in place for the lifetime of the development, unless otherwise agreed in writing.
19. No development shall take place above ground until full details of all boundary enclosures (including walls, fences and railings) have been submitted to and approved in writing by the Local Planning Authority. All such boundary enclosures shall be erected in accordance with the approved details before the building to which it relates is occupied and shall remain in place for the lifetime of the development, unless otherwise agreed in writing.
20. No flood lighting or other means of external illumination of the building or site shall be provided, installed or operated except in accordance with a detailed scheme which shall have been submitted to and approved in writing by the Local Planning Authority. Any such report should detail the provisions for the avoidance of 'spill light' - light that obtrudes beyond the area it was intended to light into surrounding areas or properties. Measures to avoid spill light must be installed on any approved external lighting prior to its erection and thereafter be retained and maintained.
21. In the event that contamination is found at any time when carrying out proposed development, that was not previously identified (such as asbestos containing material), it must be reported in writing immediately to the Local Planning Authority with proposed remediation measures. In the event that contamination is found to be present, upon completion of the works the developer shall provide written confirmation (verification report) that all works were completed in accordance with the agreed remediation details, this to be approved by the Local Planning Authority.
22. Prior to commencement of development above slab level, details, including acoustic specifications, of all fixed plant machinery and equipment associated with air moving equipment (including fans, ducting and external openings) installed within the site, which has the potential to cause noise disturbance to any noise sensitive receptors, shall be submitted to and approved by the Local Planning Authority. If there is the potential for noise disturbance, then we would expect a Noise Assessment to be completed using BS 4142 in order



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to ensure any adverse noise impacts are appropriately mitigated. A noise impact assessment is required which characterises the prevailing noise environment and identifies any potentially significant sources of noise. The survey methodology should include times, duration and a justification of the location chosen for monitoring.

23. Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Extraction Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.
24. Prior to the commencement of construction, details of the climate change mitigation and adaptation measures to be used in the development hereby approved 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, which shall thereafter be retained and maintained for the lifetime of the development.
25. 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.
26. 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. All arboricultural measures and/or works shall be carried out in accordance with the details contained in the arboricultural document submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination. All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were

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needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

### 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. To safeguard the amenity of adjoining residents.
4. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
5. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
6. To ensure adequate professional ecological expertise is available on site during construction to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.
7. To conserve and enhance biodiversity by protecting the local floristic gene pool that has evolved within the local landscape, and to prevent the spread of non-native species and those of no local provenance.
8. Irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, eg by earth moving machinery.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interests of road safety.
11. In the interests of highway safety and the amenities of the area.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. To ensure the safety of persons and vehicles entering and leaving the access

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and proceeding along the highway.

15. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
16. To prevent increased risk of flooding.
17. To prevent increased risk of flooding.
18. In the interests of the visual amenity of the area.
19. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
20. To safeguard the amenity of adjoining and future residents.
21. To safeguard the amenity of adjoining residents.
22. To ensure a satisfactory form of development in the interests of residential amenity.
23. To ensure a satisfactory form of development in the interests of residential amenity.
24. In accordance with Policies SC3 and SC4 of the Development Management Plan 2015.
25. To ensure a satisfactory form of development in the interests of visual amenity.
26. In the interest of protecting trees and as biosecurity is important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.

### 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. Formal applications for connection to the public foul sewerage system, and the water supply required in order to service this development, please contact Southern Water: Development Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO2 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

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4. The applicant is strongly advised to contact the Environmental Health Division before services fixtures and fittings etc. are installed to the kitchen and other food rooms/areas, for advice satisfying the requirements of food safety law.
5. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at [http://www.hastings.gov.uk/environmentalhealth/food\\_safety/businesses/foodpacks/caterers](http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers)
6. Installation of a sprinkler system is required in the finished building.
7. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence (amongst other things): deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstruct access to a resting or sheltering place. Planning approval for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works then all works should cease, and Natural England should be contacted for advice.
8. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

6. **STADE HALL, THE STADE, HASTINGS, TN34 3FJ (HS/FA/23/00511)**

Proposal	Installation of two air source heat pump units on the roof
Application No	HS/FA/23/00511
Conservation Area	Yes – Old Town
Listed Building	No
Public Consultation	Yes

**Councillor Cannan left the chamber for this item.**

The Principal Planning Officer presented the report. Slides were shown of a location plan, block plan, aerial photograph and photographs of the Stade Hall from ground level. Slides were shown of the elevations from the north and south. The proposal is to locate two Air Source Heat Pump units on the roof of Stade Hall. These are being installed to improve the energy rating of the building. The units must be located on the roof but their location has been chosen to minimise the impact on views from the ground. The Conservation Officer and Marketing and Major Projects Manager raise no objection.

Councillors debated.

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Councillor Roberts proposed approval of the recommendation, seconded by Councillor Beaver.

### **RESOLVED (Unanimously)**

**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:

Site Location plan; BF/S8/3/2 - Block plan; BF/S8/3/3 - Proposed roof plan; BF/S8/3/4 - East and west elevations; BF/S8/3/5 - North & south elevations; Heat pump details from Daikin - model RZASG100MV1

3. 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.

### **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. To safeguard the amenity of adjoining residents.

### **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 paragraph 38 of the National Planning Policy Framework.

### **7. PLANNING APPEALS AND DELEGATED DECISIONS**

## **PLANNING**

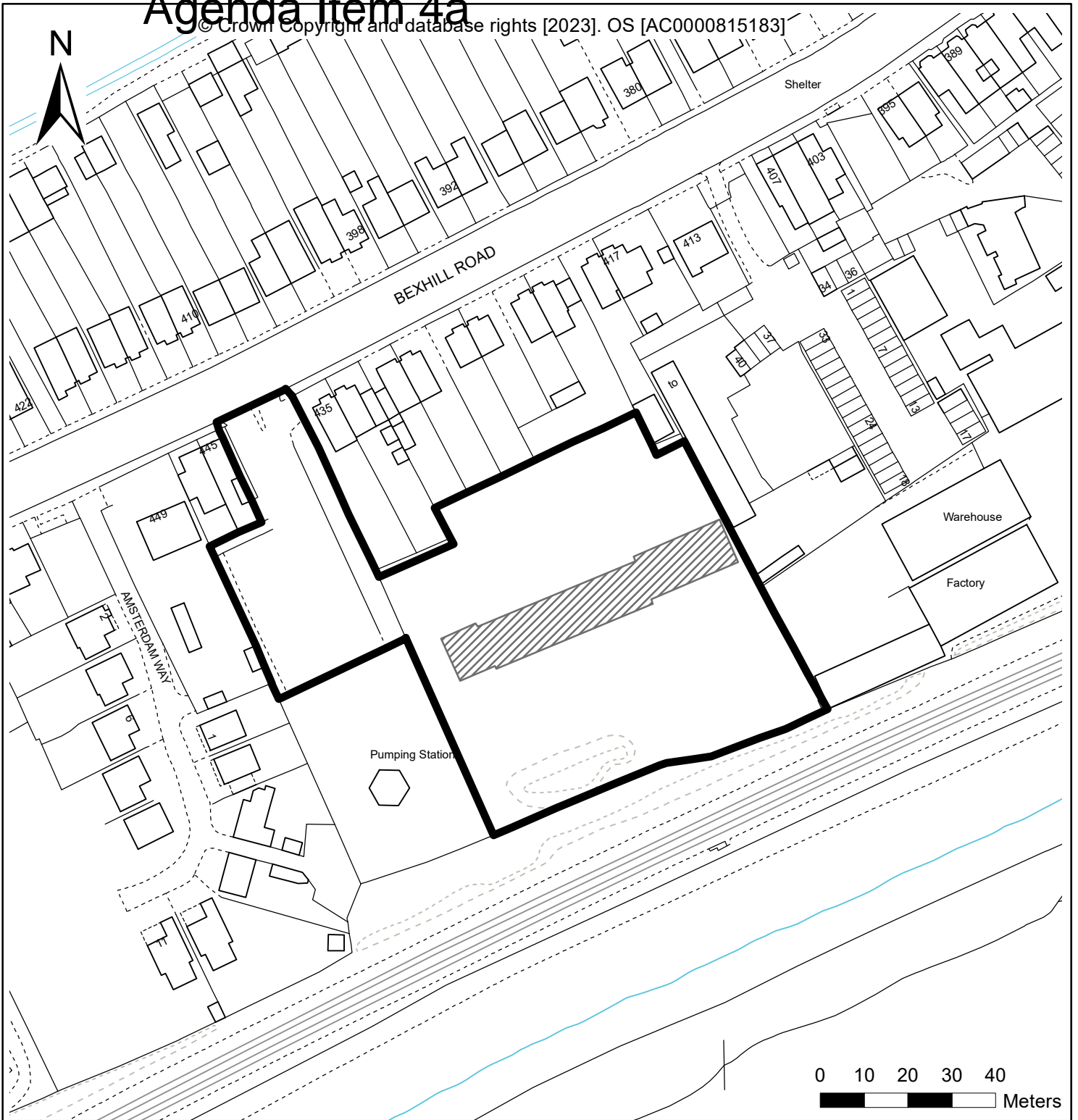
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The Committee noted the report and the continued hard work of the Planning department.

(The Chair declared the meeting closed at. 6.29 pm)

# Agenda Item 4a

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**Land to the Rear of  
419 to 447 Bexhill Road  
St Leonards-on-sea  
TN38 8AR**

Approval of Reserved Matters relating to conditions 1 & 2 (layout, scale, external appearance, and landscaping); 11 (travel plan); 14 (drainage calculations); 25 (sustainable construction); and, 27 (bin storage) of Outline Planning Permission HS/OA/19/00153 (Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 units and proposed flood risk mitigation measures).



Planning Services Manager  
Hastings Borough Council,  
Muriel Matters House, Breeds Place,  
Hastings TN34 3UY  
Tel: 01424 451090  
email: [planning@hastings.gov.uk](mailto:planning@hastings.gov.uk)

Date: Oct 2023

Scale: 1:1,250

Application No. HS/DS/22/00912

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 08 November 2023

**Report from:** Planning Services Manager

**Application address:** Land to the Rear of 419 to 447 Bexhill Road, St Leonards-on-sea, TN38 8AR

**Proposal:** Approval of Reserved Matters relating to conditions 1 & 2 (layout, scale, external appearance, and landscaping); 11 (travel plan); 14 (drainage calculations); 25 (sustainable construction); and, 27 (bin storage) of Outline Planning Permission HS/OA/19/00153 (Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 units and proposed flood risk mitigation measures). (Includes renewable energy).

**Application No:** HS/DS/22/00912

**Recommendation:** Approve Reserved Matters

Ward: WEST ST LEONARDS 2018  
Conservation Area: No  
Listed Building: No

Applicant: Hastings Borough Council per Kember Loudon Williams Ltd Ridgers Barn Bunny Lane Eridge, Nr. Tunbridge Wells, Kent. TN3 9HA

**Public Consultation**

Site notice: Yes  
Press advertisement: Yes - General Interest  
Neighbour Letters: No  
People objecting: 0  
Petitions of objection received: 0  
People in support: 0  
Petitions of support received: 0  
Neutral comments received: 0

Application status: Not delegated - Council application on Council owned land

## 1. Site and surrounding area

The 0.73ha site is situated to the south of the A259 (Bexhill Road), in the West St Leonards Ward.

The site is made up of two distinct areas; one adjacent to Bexhill Road which comprises of a gravel surfaced car park; the other, which is the main body of the site is fenced off and undeveloped and contains low level vegetation, and, is situated between the rear boundaries of the residential properties on Bexhill Road to the north and the railway embankment to the south.

The surrounding area is primarily residential, with residential properties to the north (Bexhill Road) and to the west (Amsterdam Way). To the south of the site is the railway line, beyond which is Bulverhythe Coastal Path and the beach / seafront, and to the east of the site is an industrial area.

Southern Water have a pumping station to the south west which is adjacent to but not within the site, and associated rising main sewers cross the application site and there is a rising main between the pumping station and Bexhill Road. There is a no-build zone around Southern Water's infrastructure, amounting to approximately 35% of the site and access is required at all times for maintenance.

The current access to the car parking area is from Bexhill Road, between 445 and 435 Bexhill Road.

The site gently rises to the rear of the houses on Bexhill Road; existing ground levels are 2.4m to 4.2m AOD (above ordnance datum). The site is level where the car park is located.

### Constraints

- Archaeological notification area (south part of site)
- Flooding surface water 1 in 100
- Groundwater Flooding Area Susceptible
- Within the 2km buffer of High Pressure Pipeline
- Pevensy / Cuckmere Water Level Management Board Area
- Railway Land Ownership Buffer 10m
- Southern Water Infrastructure
- Historic Landfill Buffer 250m
- Flood Zone 3a Environment Agency
- HBC Owned Land

## 2. Proposed development

The application seeks approval of the reserved matters relating to layout, scale, appearance, and landscaping, of Outline Planning Permission HS/OA/19/00153. The outline approval established the principle of the provision of 16 dwellings, the access onto Bexhill Road (A259), the reconfiguration of the car park, and flood risk mitigation measures.

As a departure from the indicative layout provided at the outline stage, the proposal is for a single terrace of 16 modular houses across the site from east to west. The houses would be of a modular design, constructed in a local factory (Boutique Modern) and transported for assembly on site. The scheme would provide 100% affordable units, with a mix of 8x two bedroom houses and 8x one bedroom houses to be allocated to households on the Council's housing register.

Vehicular and pedestrian access would utilise the existing access on Bexhill Road, with access to the dwellings gained through the car park.

The houses would have a private terrace to the rear, with a private communal open space between the rear of the houses and the railway. To the north of the houses would be a new internal road and footways, communal garden areas, bin & cycle storage areas, and 20 car parking spaces.

Works to the existing public car park would result in 30 formal vehicle spaces.

The application also seeks approval of details reserved by conditions 11 (Travel Plan); 14 (Drainage Calculations); 25 (Sustainable Construction); and, 27 (Bin Storage) (which were required to be submitted with the reserved matters).

The application is supported by the following documents:

- Planning & Affordable Housing Statement
- Design & Access Statement
- Statement of Community Involvement
- Energy & Sustainability Statement
- Transport Statement
- Travel Plan Statement
- Surface Water Drainage Scheme Management & Maintenance Plan (+ Addendum Letter)
- Landscape Strategy Report
- Preliminary Ecological Appraisal
- Reptile Survey Report

## Relevant planning history

<b>Application No.</b>	HS/OA/19/00153
<b>Description</b>	Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 residential units and proposed flood risk mitigation measures.
<b>Decision</b>	Outline Application with Conditions on 05/12/19

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## National and local policies

### Hastings Local Plan – Planning Strategy 2014

Policy DS1 - New Housing Development  
Policy FA1 - Strategic Policy for Western Area  
Policy FA6 - Strategic Policy for The Seafront  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC3 - Promoting Sustainable and Green Design  
Policy SC4 - Working Towards Zero Carbon Development  
Policy SC7 - Flood Risk  
Policy EN1 - Built and Historic Environment  
Policy EN3 - Nature Conservation and Improvement of Biodiversity  
Policy H1 - Housing Density  
Policy H2 - Housing Mix  
Policy H3 - Provision of Affordable Housing  
Policy T3 - Sustainable Transport

### Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy DM4 - General Access  
Policy DM5 - Ground Conditions  
Policy DM6 - Pollution and Hazards  
Policy HN8 - Biodiversity and Green Space

#### Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change  
Policy SP2 - New and Affordable Housing  
Policy SP5 - Conserving and Enhancing the Natural Environment  
Policy SP7 - Managing Coastal Erosion and Flood Risk  
Policy SP8 - Transport Infrastructure  
Policy DP1 - Design - Key Principles  
Policy DP2 - Design - Space and Accessibility Standards  
Policy DP3 - Sustainable Design  
Policy DP4 - Flood Risk and Water Quality  
Policy DP5 - Biodiversity  
Policy DP7 - Access, Servicing and Parking

#### Other policies/guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013  
Technical housing standards - nationally described space standard, March 2015, Department for Communities and Local Government

#### National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular

- importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
  - Layout
  - Architecture
  - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
  - Building types
  - Materials
  - Arrangement of streets

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil

areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

### 3. Consultation comments

HBC (Ecology Officer) – **No objection subject to conditions** - see g) in the assessment below for full details

HBC (Environmental Health) - **No objection** - see i) in the assessment below for full details

HBC (Estates) - **Have no comments to make**

HBC (Housing Officer) – **Support** - see l) in the assessment below for full details

HBC (Tackling Climate Change) – **No objection**

HBC (Waste Services) - **No objection** - see o) in the assessment below for full details

ESCC (Archaeology) - **Have no comments to make**

ESCC (County Contributions) – **Have not provided comments** - see l) in the assessment below for full details

ESCC (Highways) - **No objection subject to conditions** - see h) in the assessment below for full details

ESCC (Lead Local Flood Authority / Pevensey & Cuckmere Water Level Management Board) - **No objection subject to conditions following initial objection being overcome** - see n) in the assessment below for full details

Air Quality Management Area - **Have not provided comments**

Environment Agency - **No objection** - see n) in the assessment below for full details

Natural England – **Have no comments to make** - see g) in the assessment below for full details

Network Rail – **Have provided advice** - see p) in the assessment below for full details

Southern Water – **Have provided advice recommending conditions and informatives** - see n) in the assessment below for full details

### 4. Representations

In respect of this application site notices were displayed on Bexhill Road opposite the site entrance and within the site close to the public car park entrance, and an advert placed in the local paper.

No responses were received.

### 5. Determining issues

This application is to consider the reserved matters relating to layout, scale, appearance, and landscaping pursuant to Outline Planning Permission HS/OA/19/00153. The provision of 16 residential units; access from the A259; reconfiguration of the car park; and, flood mitigation measures were approved as part of the outline consent, as such this application is to consider the detailed design of the proposed development, which when considering the siting, scale, appearance and landscaping include assessment of:

- Layout and Design
- Character and Appearance
- Residential amenity

- Ecology
- Highways and parking
- Affordable housing
- Flooding and drainage

#### a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015); paragraph 4.3 of the Hastings Local Plan - Planning Strategy (2014); and, paragraph 8 of the NPPF set out a presumption in favour of sustainable development.

Whilst not allocated in the Local Plan for housing, the site is within a sustainable location with reasonable access to public transport (the nearest bus stop is less than 25m from the site entrance and West St Leonards Railway Station is nearby), shops, services and facilities and as such the site has outline planning permission on the basis the development is considered acceptable in principle.

This application is to seek approval of reserved matters pursuant to the outline consent and as stated above, the principle of a development of 16 houses on the site and the access has been accepted by the granting of outline planning permission. As such, it is not relevant to consider the principle of development in the determination of this application.

#### b) 5 Year Housing Land Supply

Housing supply figures provided for Local Plan Monitoring Report purposes have identified there is insufficient supply of deliverable housing sites to meet the 5-year housing land supply at the current time within the Borough. This site is within the urban area and the development of this windfall site would provide much needed affordable housing, to assist in meeting the Council's housing land supply.

#### c) Layout and design

It was acknowledged at the outline stage that the site layout is dictated by Southern Water easements and sewers, therefore, the layout of the scheme has evolved to respond to these site constraints, as the southern third of the site cannot be developed due to the Southern Water infrastructure restrictions. At the outline stage, the application included an indicative layout of semi-detached dwellings in two rows. This has had to be reconsidered, as it would have resulted in domestic back gardens being over Southern Water infrastructure, which is subject to an easement allowing Southern Water access for maintenance purposes. As such, the proposed layout is now a single terrace of 16 units across the northern section of the site, which would result in the houses and their rear gardens being completely outside the easement area. The 'no build' zone is proposed to be a private communal space for the residents accessed from the rear of their properties, acting as an undeveloped buffer between the proposed dwellings and the railway.

To the north of the dwellings will be a new internal road and footpaths, formal communal garden areas, communal bin and cycle storage, and vehicle parking, all of which create a legible layout when working within the scope of the existing layout and site constraints, and would enclose these service areas from views from both Bexhill Road and the seafront to the south.

The predominant building typology in the immediate area is semi-detached and to a lesser extent detached dwellings, particularly along Bexhill Road. However, the proposed terrace of 16 houses would not form part of any existing building line, and as such the introduction of terraced houses which are smaller in footprint and plot size than is the norm in the area, would not be discernibly incompatible, especially as there is less uniformity of built form to the south of the regular rhythm of houses along Bexhill Road itself. The site has a loose arrangement of industrial buildings to the east and a modern residential close (Amsterdam Way) to the west, so a terrace running parallel with Bexhill Road would not be incongruous

with the irregular form of development between this section of Bexhill Road and the seafront. The scale of the houses is appropriate, being two storey in keeping with the outline consent and the surrounding built form, however, the flat roof design would be a juxtaposition to the more traditional houses along Bexhill Road. Also, the units proposed would be smaller than that envisaged at the outline stage, being one and two bed dwellings, rather than a mix of one to four bed dwellings. Nonetheless, in design terms this would make them visually subservient to the houses to the north, which would mean they would sit comfortably against the backdrop of the houses on Bexhill Road in views from the railway and seafront, without appearing overly dominant. The modular units have been designed to be well insulated and energy efficient, delivering sustainable affordable living for the occupants. In light of the above, it is considered the site is capable of accommodating a terrace of 16 dwellings, making efficient use of the site when allowing for the specific constraints the site presents, whilst still respecting local character and complimenting the local built environment, in accordance with Policy DM1 of the Development Management Plan 2015.

#### d) Impact on character and appearance of area

The character of the locality is primarily residential, but also with nearby commercial uses. The proposed dwellings would be behind the existing dwellings on Bexhill Road and separated by rear gardens, so would in the main not be visible in views from Bexhill Road, other than in limited views through the site access and between the houses. The development would however, be visible from the public domain along the coastal path and railway to the south. Nevertheless, the proposed flat roof form would mean the proposed terrace would sit subserviently against the backdrop of the houses on Bexhill Road, without dominating the skyline nor appearing overly prominent. Mixing up the one and two bed units within the terrace and the staggered plan arrangement, would break up the building massing and would add visual interest, both from the internal streetscene within the site, and in wider views from public areas to the south of the site.

It is considered the modern design would make a visual statement through the utilisation of a contemporary external appearance, accentuated by the modular form, the use of light coloured horizontal charred timber cladding, and dark framed windows. The use of timber cladding is characteristic of buildings in coastal settings and is therefore considered suitable for this location and overall, it is considered the appearance of the proposed dwellings would be appropriate for the site setting.

The rear gardens would be surfaced with paving slabs and enclosed with timber fencing. Residents would be able to access the communal green space from their back gardens, which would feature a mix of grasses and wildflowers that suit the coastal location. This aesthetically pleasing communal space would be routinely maintained, secured by condition 4. To the north of the site, separated from the parking areas would be further landscaping including raised planters, a rain garden, and opportunities for communal growing areas for residents, including a community orchard. Further to this, planting would be introduced to the car park and site boundaries to soften the overall appearance of the development. In general terms, the existing car park and scrubland across the site is unkempt and contributes little to the visual amenity of the area. It is considered that the car park upgrade, the introduction of contemporary dwellings, and a well-maintained open landscaped area to the south, would represent a visual improvement.

In the context of its surroundings, namely the rear elevations of dwellings to the north, modern residential development to the west and industrial structures to the east, it is considered the development will introduce a visually pleasing modern development that would not dominate the existing built form, whilst complimenting the character and appearance of the area, which would be consistent with the aims of Policy DM1 of the Development Management Plan 2015.

#### e) Impact on neighbouring residential amenities



The front elevation of the proposed terrace would be between 15-22m (approximately) from the rear garden boundaries of the closest properties on Bexhill Road and over 40m from the houses. The closest proposed vehicle parking spaces would be between 20-25m (approximately) from the rear elevations of the houses on Bexhill Road. As such, due to this degree of space separation from existing dwellings, it is not considered there would be any significant detrimental impact by way of overshadowing, loss of privacy, loss of light, or noise disturbance from vehicles to the residential amenity of the occupiers of these properties. As such, the development would be provided without any significant detrimental impact on residential amenity in accordance with Policy DM3 of the Development Management Plan 2015.

f) Future residential amenities

DCLG guidance, 'Technical housing standards - nationally described space standards' provides a minimum standard for internal floorspace that must be applied to new residential development. The plans show all the dwellings meet or exceed these standards. The one bed dwellings would be 59.84sqm (the minimum standard is 58sqm). The two bed dwellings would be 80sqm (the minimum standard is 79sqm). As such, there are no issues regarding internal living space or providing an adequate standard of living accommodation for future residents. This is considered to be in accordance with the requirements of Policy DM3 of the Development Management Plan 2015 to secure an acceptable living environment for future residents.

Policy DM3 of the Development Management Plan 2015 also requires 2+ bed homes to have rear gardens of at least 10m in depth. Due to the easement restrictions discussed in this report, this cannot be achieved, and the gardens are between 1.5m and 3m short of this policy requirement. However, given the extent of the accessible open communal recreational space exclusively available to residents, this is deemed acceptable. It should also be noted that the one bed units also have private rear gardens, despite there being no policy requirement to provide this. The east to west axis of the terrace has the further benefit of maximising the southern aspect of the back gardens of the dwellings, to maximise sunlight for the amenity spaces and sea views. Overall, the development is considered to provide adequate private and communal outdoor amenity space, enhanced by an attractive landscaping layout, which would meet the overarching objectives of Policy DM3 to provide a good standard living environment for future residents.

All of the two bed dwellings would be M4(2) compliant in terms of accessibility for end users.

g) Ecology

The outline application was supported by an Ecological Assessment Report which outlined how wildlife would be protected during and after the development. The report was accepted, and a condition was attached to the outline permission (condition 24) to ensure the ecological measures identified in the report were implemented. This appraisal is now considered out of date, as the site ecological baseline conditions have changed since the previous assessment was undertaken in 2017. As such, a Preliminary Ecological Appraisal (PEA) has been provided with the current application, which supersedes the previous Ecological Assessment. The new PEA recommended that a reptile survey should be carried out, and as such, a Reptile Survey Report was submitted subsequent to the initial submission of the application, when the reptile season allowed for this to be undertaken. The reptile survey identified that the site held a good population of slow worms and recommended that a reptile translocation would be required before any works are commenced on site. This recommendation is based upon an assessment that long term management of the reptiles on-site is unrealistic. The Council's Ecology manager has reviewed the submitted reports and given the previous Ecological Assessment has been superseded (as acknowledged in the submitted Planning Statement), has recommended two additional conditions to be attached to the reserved matters decision. It is considered there are good planning reasons to justify this, given the changed on-site ecological circumstances and that the reserved matters include landscaping.

The proposed conditions would secure a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) to protect biodiversity during construction; and, a Biodiversity Method Statement for the translocation of protected species. It is considered that these conditions (numbers 5 & 6) will provide mitigation measures to minimise any adverse ecological impacts from the development in accordance with Policy HN8 of the Development Management Plan 2015 and therefore, the proposal is acceptable in terms of impact on biodiversity and ecology.

In general terms, additional conditions at the reserved matters stage, should be limited to the reserved matters, i.e. appearance, siting, landscaping etc. as the Outline Permission is the planning permission. As such, the outline permission was granted in 2019 before Biodiversity Net Gain was a planning consideration, and it would not be reasonable now to require this retrospectively. Notwithstanding this, the scheme now proposed has significantly increased the open landscaped area on the southern section of the site, from that envisaged at the outline stage. The open grassland to be created on the southern part of the site, could to a limited extent provide foraging habitat for a wide variety of invertebrates, reptiles, amphibians, birds and bats. Although, this would be somewhat constrained by the regular maintenance of the area. The proposed rain garden and 'living roofs' of the bin and cycle stores would also offer opportunities for wildlife. Overall, the increased communal garden areas across the site would be considered to encourage biodiversity and represent ecological gain. It is noted that the 10% Biodiversity Net Gain uplift, required by the Environment Act 2021, will not come into force as a mandatory requirement for major applications until January 2024 and will only be applicable to those applications submitted from January 2024 onwards.

#### h) Highway safety, parking and access

This application is accompanied by a Transport Statement and a Travel Plan Statement as supporting documents. At the outline stage it was concluded that the expected increase in trips to the site as a result of the proposed development would not have a severe impact on the local highway network. This reserved matters proposal is for smaller units, and as such the quantum of vehicle movements associated with the development would be less. As such, the case remains that the proposal would not adversely impact on the local highway network.

The access was approved at the outline stage, which includes narrowing the existing vehicle access in order to provide a pedestrian footway. The proposals included a swept path for an 11.2m length refuse vehicle turning in and out of the site access, which demonstrates that the proposed access arrangement for service vehicles is suitable. The design of the proposed access was considered to be in line with East Sussex County Council's standards. The bus cage immediately west of the access is shown on the plans to be relocated to reduce the impact this would have on the visibility for vehicles exiting the site and to tie in with corridor improvement works. These works would be secured by a s278 agreement for highway works as part of the s106 Agreement which accompanies the outline consent, which includes alterations to the current access, a right turn lane, bus cage relocation and Traffic Regulation Order (TRO) costs of £5,000.

The proposal would provide 20 vehicle parking spaces (1 space per unit and 4 visitor parking spaces). This would be secured by condition 7 & 10 of the outline consent. East Sussex County Council's guidance suggests the development may require 22 spaces. However, County Highway's officers consider this to be acceptable, as the slight shortfall is unlikely to impact on the local highway network.

Pedestrian accessibility to the dwellings will be provided by steps, and ramps in the form of gently inclined paths (required due to the raised levels of the houses to mitigate flood risk). A continuous footway of 1.8m width connects the site access to the dwellings, which

Highway's officers confirm is acceptable.

The Travel Plan Statement submitted with the application focuses on maximising sustainable access to the development by encouraging reduced dependency on the private car. A Travel Plan was required at the detailed design stage, secured by condition 11 of the outline consent. The applicant has submitted a Travel Plan Statement prepared by Inspire Transport with the application. Highways officers, having reviewed the submitted details, confirm the condition can be discharged. As such, the details reserved by condition 11 can be approved. A further condition (7) will be added to the reserved matters to ensure the Travel Plan is implemented in full.

Two cycle parking spaces are provided per dwelling, within two covered, secure cycle stores, which County Highway's officers confirm meets the County Council's cycle space standards. This would be secured by condition 10 of the outline consent.

The proposal also formalises the parking arrangements in the public car park area of the site, to include pedestrian routes, curbs and 30 formal parking spaces.

East Sussex County Council the local highways authority having reviewed the submitted details, raise no objection to the proposals, and as such, matters relating to the layout of the internal roads, parking provision, pedestrian routes and the public car park are considered acceptable and in accordance with Policy DM4 of the Development Management Plan 2015.

#### i) Air quality, emissions and land contamination

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers raise no objection. A Construction Environmental Management Plan (CEMP) is secured by condition 23 of the outline consent to control this during construction, as well as amongst other things, external lighting and noise during construction to protect residential amenity.

The site is located within a 250m buffer zone of a historic landfill site which means it has potential to include contaminated land. As such, at the request of the Council's Environmental Health Team conditions 19-22 were attached to the outline consent to cover land investigation, risk assessment and any remediation needed. As such the development would comply with Policy DM5 b) of the Development Management Plan 2015 with regards to contaminated land.

The development is not considered to give rise to ground or surface water pollution and condition 12 is attached to the outline consent which requires details of surface and foul water drainage along with the above conditions regarding contaminated land. The development is therefore in accordance with Policy DM6 of the Development Management Plan 2015.

Overall, HBC Environmental Health have no objection to the reserved matters application, and all matters relating to potential risks associated with pollutants and contamination are adequately covered by the outline consent.

#### j) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

#### k) Screening and Habitat Regulations

The Council undertook an Air Quality Impact Assessment in 2018. The purpose of the assessment was to identify likely significant effects of planned housing and employment growth in Hastings Borough on the conservation objectives of Ashdown Forest Special Area of Conservation (SAC) from 2017 to 2033. The assessment took account of the traffic growth expected on roads within the vicinity of the Ashdown Forest SAC/Special Protection Area (SPA), not just arising from development within Hastings, but also, compliant with the requirement of the Conservation of Habitats and Species Regulations 2017, in combination with the anticipated growth arising from the development plans of other neighbouring authorities. The focus of the Assessment was on Ashdown Forest SAC and SPA.

It was not considered necessary to consider air quality implications of growth in Hastings Borough on the Pevensey Levels SAC and Ramsar site or the Lewes Downs SAC. In respect of Pevensey Levels SAC/Ramsar site the interest feature of this SAC (*Anisus vorticulus* - aka. a snail) is not affected by nitrogen from vehicle emissions. Lewes Downs SAC is too far removed to be affected. Nitrogen deposition from additional traffic beyond that modelled would have to be four times that currently expected from all traffic to exceed critical load at this location.

The Council has modelled the expected growth in Hastings to 2033 including the Local Plan, existing planning permissions and demonstrated that development will not result in an adverse effect on the integrity of Ashdown Forest either alone or in combination with other plans or projects. As such the proposed development is considered to be within the allowances made within the strategic modelling and is not considered to harm the special conservation objectives of Ashdown Forest, Pevensey Levels or Lewes Downs Special Areas of Conservation.

#### l) Affordable housing and other contributions

As set out at the outline stage Policy H3 of the Hastings Planning Strategy 2014 establishes the criteria for the provision of affordable housing. On Greenfield sites such as this, a 40% provision of affordable housing is required. This equates to 6.4 units. Consequently, at the outline stage the scheme proposed 7 affordable units. The Council has already committed to providing that level of affordable housing through a s106 Agreement that accompanied the outline planning permission.

However, the proposal has taken a divergence since then, and the proposal now presented, is for a development of 100% of the houses being available for affordable rent, all 16 units, an even split of two and one bedroom units, to meet a specific local housing need for the Council. Affordable housing is not a reserved matter and therefore is not a consideration here. It is also important to note that changing the tenure of the properties does not constitute development and therefore is outside of the remit of this application process. Nevertheless, the proposal is considered to make an important contribution towards housing need in the Borough, and as such, would meet the overarching objectives of Policies H2 and H3 of the Planning Strategy 2014.

East Sussex Country Council had requested a financial contribution of £4208 towards library services at the outline stage, which was also secured through the s106 Agreement attached to the outline permission.

All financial contributions and other planning obligations have been agreed as part of the s106 Agreement signed pursuant to the outline consent, including the provision of affordable housing. Of the 16 housing units, the s106 Agreement requires at least 7 to be affordable. The proposed development will fully comply with this requirement. The s106 Agreement does not impose any negative obligation preventing more than a certain number of affordable homes being provided, nor is there a condition attached to the outline consent limiting the

amount of affordable homes. Details of the affordable housing mix will be dealt with directly in consultation with the Housing Options Manager as required by the s106 Agreement.

#### m) Sustainable construction

The application is accompanied by an Energy & Sustainability Statement pursuant to condition 25 of the outline permission, which required details of sustainable construction to be submitted at the reserved matters stage. This document sets out that the proposal would exceed the carbon reduction and energy efficiency requirements of Part L 2021 of the Building Regulations. This would be achieved through a combination of passive design measures, a highly insulated building fabric, natural ventilation, low energy lighting, Air Source Heat Pumps (to heat water), PV arrays on the dwellings, and 100% Electric (no fossil fuels). The proposal will also include Electric Vehicle charging points.

A further element to the sustainability credentials of the proposal, is that the modular units will be produced in a local factory in Newhaven.

The Tackling Climate Team have reviewed the submitted details, and confirm that they are acceptable and as such, the details reserved by condition 25 can be approved. A further condition (8) will be added to the reserved matters to ensure the development is constructed in accordance with the approved sustainability measures. In the light of this, the proposal is considered to be in accordance with Policies SC3 and SC4 of the Planning Strategy 2014.

#### n) Flood risk and drainage

The site is located within Flood Zone 3a and is at high risk of flooding from coastal sources. Planning policy at both the national and local level states that inappropriate development in areas at risk of flooding should be avoided where possible, but if it is necessary, it should be appropriately flood resistant and resilient, and incorporate sustainable drainage systems, and ensure that any residual risk can be safely managed. A sequential and exception test should also be undertaken for the development of such sites.

At the outline stage, the application was supported by technical reports, which included a Flood Risk Assessment and Drainage Strategy. To address the flood risk, strategically raising the land levels was approved at the outline stage, to allow the finished ground floor levels of the houses to remain safely above the predicted flood water levels and provide a natural flood defence. Ground floor levels will be set no lower than 4.1m AOD, and all sleeping accommodation is at first floor level only. The external levels outside of the buildings will be between 0.15 - 0.3m below this level. The approved mitigation was developed in consultation with the Environment Agency to ensure that it is robust for the 1 in 200 year + climate change allowance.

Consequently, when applying the sequential and exception test the development was deemed by the LPA to pass, and, met the necessary exceptions when taking into account flood risk mitigation measures, subject to condition 13 of the outline planning permission.

In terms of surface water drainage, the Drainage Strategy submitted at the outline stage demonstrated to the satisfaction of the statutory consultees (County Lead Local Flood Authority, Pevensy and Cuckmere Water Level Management Board and Southern Water) that surface water can be safely managed on site, subject to conditions 14-18 of the outline planning permission.

Furthermore, condition 12 of the outline permission required details of the foul and surface water sewerage disposal to be submitted for approval prior to commencement of development.

As part of this reserved matters application, a Drainage Layout Drawing and a Surface Water Drainage Scheme Management & Maintenance Plan prepared by Monsons have been submitted as supporting documents to demonstrate the approved drainage recommendations

and flood mitigation measures have been incorporated into the reserved matters proposal. Southern Water in their consultation responses stated they had undertaken a study which shows that the additional surface water flows from the proposed development may lead to an increased risk of flooding from the public sewer system. Southern Water would provide any network reinforcement required, which will take time to design and deliver. Furthermore, they will carry out further network modelling to establish the extent of the work required, and they will endeavour to provide reinforcements within 24 months of planning consent being granted. In the meantime, no surface water from the site shall be discharged into the public network until offsite drainage works to provide sufficient capacity to cope with the additional flows are undertaken, and it is likely most or all of the units will not be able to be occupied until this reinforcement programme to the sewer network is completed. Consequently, whilst acknowledging that drainage is an in principal matter that as set out above has been agreed at the outline stage subject to conditions 14-18 of the outline permission, condition 9 would be attached to any reserved matters approval to ensure there is sufficient network capacity to adequately drain the development, prior to occupation. Southern Water have also requested informatives 6 & 7 are added to any decision notice.

Environment Agency have no objection to the reserved matters application, and the condition (13) they recommended, which is attached to the outline planning permission, has been fully adhered to in the reserved matters design details.

#### Lead Local Flood Authority

East Sussex County Council Lead Local Flood Authority / Pevensey & Cuckmere Water Level Management Board initially raised an objection to the application, as the submitted details failed to properly assess the schemes acceptability in flood risk terms. In particular, by not evidencing that the development would not displace predicted flood levels and increase flood risk elsewhere. As the application is proposing to discharge surface water run-off to the sewer under Bexhill Road, the applicant needed to provide evidence there would be sufficient capacity in the Southern Water network to receive the run-off from the development.

East Sussex County Council Lead Local Flood Authority / Pevensey & Cuckmere Water Level Management Board maintained their objection following receipt of a surface water drainage and flood risk addendum to address the initial objection, as the evidence submitted from Southern Water related to the foul water system and indicated there is no capacity for surface water run-off.

Following receipt of further information (Southern Water Capacity Check Response dated 11 May 2023) East Sussex County Council Lead Local Flood Authority / Pevensey & Cuckmere Water Level Management Board withdrew their holding objection as initial concerns were considered to be overcome, subject to pre-commencement conditions to ensure surface water runoff from the development is managed safely (conditions 14-18 of the outline consent). As such, the information submitted with the application is now adequate to show that the development could be made capable of managing flood risk effectively. Overall, it is considered that subject to the above conditions, the development would be safe for its lifetime, protecting people and property from flooding without increasing flood risk elsewhere, in accordance with Policy SC7 of the Planning Strategy 2014.

The application also seeks approval of condition 14 of the outline planning permission (Surface Water Run-off Calculations). The submitted Surface Water Drainage Scheme Management & Maintenance Plan prepared by Monsons demonstrates the scheme would achieve the run-off rates required by condition 14. The development would mimic greenfield run-off rates, with run-off being directed to an underground attenuation tank, where water will be stored before being released into the public sewer beneath Bexhill Road, at the required rate of 3.2 l/s. As the LLFA have raised no objection, the details reserved by condition 14 can be approved. The condition would be fully discharged when the approved details are

incorporated into the final detailed drainage design and implemented and evidenced in accordance with the aforementioned drainage conditions (14-18) of the outline consent.

#### o) Waste

The proposal is to provide communal bin stores to serve the dwellings. Two lockable enclosures would be provided to facilitate this, one at each end of the terrace to make them readily accessible for residents, as well as designated bin collection areas for collection day. Each compound would serve eight dwellings and include two 1100ltr bins for recycling and two for general waste (eight bins in total to serve the development). Green waste would not be necessary, as the dwellings rear gardens are laid out as patio. Both secure bin enclosures would be timber clad with a living green roof, so as not to detract from the aesthetics of the overall design concept. Vehicle swept path drawings demonstrate that refuse vehicles would be able to access the site, and turn within it, utilising a turning head in the south west corner of the car park and reversing to the bin collection points from there, and then exit the site in a forward gear.

HBC Waste Services team were consulted on the application. Ideally, the preference would be for each dwelling having its own bins at the front of the dwellings. However, in this instance this is not feasible, due to the ramped access as a result of the raised levels of the housing, the modular design of the dwellings which does not lend itself to bin storage, and the negative impact 32 bins would have on the appearance of the front of the terrace. As such, the Council's waste team accept the twin bin area communal arrangement and raise no objection. This will need to be managed and maintained, and as such condition 10 would be attached to any approval of the reserved matters to secure a management plan for the waste facilities, which will be overseen by a management company.

Overall, it is considered the site can adequately provide waste storage facilities and waste collection, in accordance with Policy DM3 of the Development Management Plan 2015.

The application also seeks approval of condition 27 (Waste Collection) of the outline permission. The submitted details as outlined above are considered to fulfil the requirements of this condition. Highways officers, having reviewed the submitted details, confirm the condition can be discharged. As such, the details reserved by condition 27 can be approved. Condition 10 of any reserved matters approval would ensure the waste collection strategy is implemented in full for the lifetime of the development.

#### p) Railway Land

As the site is within the 10m buffer of railway land and an operational railway track, Network Rail are a statutory consultee. The developer will need to liaise with Network Rail's Asset Protection and Optimisation team to ensure the development is completed without any risk to the operations of the railway. Informative 8 will advise the applicant the course of action needed in this regard.

## 6. Local finance considerations

East Sussex County Council would receive a payment towards library facilities, which was secured at the outline stage through the signing of a s106 agreement.

## 7. Evidence of community involvement

A Statement of Community Involvement has been submitted to support the application. This sets out pre-application discussions with officers at Hastings Borough Council, and discussions with Hastings Borough Council's Elected Members and Ward Councillors. Further to this, as part of consultation with local residents, a leaflet was posted to 91

properties in the surrounding area, inviting them to complete a survey. Wider community consultation was carried out through a survey on the Council's website which was widely publicised on social media. Pre-application consultation was also carried out with statutory consultees, including Southern Water, and the County Highways authority.

The statement sets out the responses received from the consultations and the applicant's responses to them.

## **8. Conclusion**

The proposed development is considered to be sustainable development in accordance with the NPPF and in compliance with the relevant policies of the Hastings Development Management Plan (2015) and Hastings Planning Strategy (2014). Approval of the reserved matters will secure the delivery of much needed affordable housing within the Borough. Safe access onto the public highway and protection from flood risk has already been established at the outline stage.

Furthermore, it has been verified that the layout of the 16 dwellings as a terrace, as demonstrated in the submitted plans at this reserved matters stage, can successfully be accommodated on the site without conflict with the relevant local plan policies and national planning guidance, as set out in this report.

Therefore, it is recommended that the submitted reserved matters details pursuant to outline planning permission HS/OA/19/00153 are approved, subject to any additional conditions required to supplement the existing conditions attached to the outline permission (as itemised in the above assessment).

The recommendation for approval also includes approval of the details reserved by conditions 11 (Travel Plan); 14 (Drainage Calculations); 25 (Sustainable Construction); and, 27 (Bin Storage) of the outline consent (which were required to be submitted with the reserved matters). Where required, additional conditions would be attached to the reserved matters approval, to ensure the approved details are adhered to during construction and thereafter.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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 Human Rights considerations have been taken into account fully in balancing the planning issues.

## **9. Recommendation**

**Approve reserved matters relating to conditions 1 & 2 (layout, scale, appearance, and landscaping); 11 (Travel Plan); 14 (Drainage Calculations); 25 (Sustainable Construction); and, 27 (Bin Storage) of Outline Planning Permission HS/OA/19/00153, subject to the following conditions:**



## **Approve Reserved Matters subject to the following conditions:**

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

Proposed Block Plan 0004 Rev P; Proposed Site Plan 0005 Rev J; Proposed Site Wide Sections 0006 Rev H; Proposed Floor Plans 0007 Rev G; Proposed Floor Plans - 1B2P House 0008 Rev H; Proposed Floor Plans - 2B4P House 0009 Rev G; Proposed Elevations 0010 Rev H; CCommunal Bin Storage 0011 Rev I; Communal Cycle Storage 0012 Rev G; Ramp Access 0013 Rev G; Proposed Site Access 0014 Rev C; Landscape Masterplan RCo453 Fig01 Rev 02; and, Drainage Layout 22309/10 Rev D

2. 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 hereby permitted have been made available on site for inspection and approval in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.
3. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted, no extensions or external alterations to the dwellings hereby permitted shall take place without the grant of an additional planning permission.
4. A maintenance and management plan, for the private communal spaces provided for the use of the residents of the dwellings hereby permitted, including details of the management company responsible, should be submitted to the Local Planning Authority for written approval prior to the occupation of any dwelling. This maintenance and management plan should evidence that these arrangements will remain in place throughout the lifetime of the development. The private communal spaces shall be maintained and managed in accordance with the approved details at all times thereafter.
5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones";
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;

- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

6. No development shall take place (including any demolition, ground works, site clearance) until a method statement for translocation of protected species has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
  - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used including preparation of suitable receptor sites);
  - c) extent and location of proposed works shown on appropriate scale maps and plans;
  - d) timetable for implementation, demonstrating that translocation works are aligned with the proposed phasing of construction;
  - e) persons responsible for implementing the works;
  - f) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out in accordance with the approved details to ensure the conservation status of protected species.

7. The approved development shall operate in accordance with the Travel Plan Statement hereby approved, which shall be adhered to in full.
8. The approved development shall be constructed in accordance with the Energy & Sustainability Statement hereby approved, and maintained as such at all times thereafter.
9. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate surface water network capacity is available to adequately drain the development. No occupation of any dwelling hereby approved shall occur until the Local Planning Authority in consultation with Southern Water has confirmed in writing the necessary drainage infrastructure capacity is available to serve the development. Thereafter, the phased occupation shall be in accordance with the approved implementation details.
10. A maintenance and management plan for the waste facilities should be submitted to and approved in writing by the Local Planning Authority before occupation of any dwelling hereby permitted. This plan should clearly state who will be responsible for managing all aspects of the household waste storage and collection. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided within the maintenance and management plan. The approved details shall be adhered to in full at all times thereafter.

## **Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity of the area.
3. In the interests of the visual amenity of the area.
4. In the interests of visual and residential amenity.
5. To ensure that any adverse environmental impacts of development activities are mitigated.
6. To protect habitats and species identified in the ecological surveys from adverse impacts during construction.
7. To secure a sustainable development that functions well and provides opportunities for sustainable modes of transport.
8. To secure a sustainable development.
9. To prevent increased risk of flooding.
10. In the interests of residential amenity.

## **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 paragraph 38 of the National Planning Policy Framework.
3. This approval is linked to a S106 legal agreement attached to outline planning permission HS/OA/19/00153 and the obligations within that legal agreement must be complied with.
4. This approval of reserved matters is subject to conditions attached to outline planning permission HS/OA/19/00153 being fully complied with.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

6. Under current legislation, Southern Water can consider the adoption of SuDS if they are to be designed and constructed in line with the Design and Construction Guidance ([water.org.uk/sewerage-sector-guidance-approved-documents/](http://water.org.uk/sewerage-sector-guidance-approved-documents/)). No new soakaways, swales, ponds, watercourses, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
7. If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

Please note: There is a decommissioned 800 mm public foul rising main within the development site.

8. Due to the proximity of the site to an operational railway line, the applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/assetprotection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.

Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

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## **Officer to Contact**

Mr Paul Howson, Telephone 01424 783279

## **Background Papers**

Application No: HS/DS/22/00912 including all letters and documents



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# Agenda Item 4b

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**High Beech Chalet Park  
(Adjacent to Chalet no 98)  
Washington Avenue  
St Leonards-on-sea TN37 7BS**

New one bedroom chalet



Planning Services Manager  
Hastings Borough Council,  
Muriel Matters House, Breeds Place,  
Hastings TN34 3UY  
Tel: 01424 451090  
email: [planning@hastings.gov.uk](mailto:planning@hastings.gov.uk)

Date: Oct 2023

Scale: 1:1,250

Application No. HS/FA/22/00993

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 08 November 2023

**Report from:** Planning Services Manager

**Application address:** **High Beech Chalet Park, (Adjacent to Chalet no 98), Washington Avenue, St Leonards-on-sea, TN37 7BS**

**Proposal:** **New one bedroom chalet**

**Application No:** **HS/FA/22/00993**

**Recommendation:** **Grant Full Planning Permission**

Ward: ASHDOWN 2018  
Conservation Area: No  
Listed Building: No

Applicant: High Beech Chalet Park Ltd per D R & J M Bailey  
Crossways, The Roundel Old Roar Road St  
Leonards on Sea, East Sussex. TN37 7HD

**Public Consultation**

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	13
Petitions of objection received:	0
People in support:	1
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - 5 or more letters of objection received

## 1. Site and surrounding area

The application site is comprised of a parcel of green space within an existing chalet park. The site is located immediately adjacent to chalet No. 98, a semi-detached single-storey unit, and it is sited directly in front of chalet No. 109, a single-storey semi-detached unit which appears to have been extended. A communal concrete pathway runs along the northern site

boundary. A larger parcel of open green space is located south-east of the application site.

High Beech Chalet Park is located in the vicinity of Baldslow, to the east of the Sussex Wildlife Trust Nature Reserve (Marline Valley Woods SSSI), on the northern side of the borough.

### Constraints

SSSI Impact Risk Zone - Natural England have been consulted

Great Crested Newt Impact Risk Zone – Red

Great Crested Newt Licensing Scheme – 250 metre pond buffer zone

Badger Foraging Area

Tree Preservation Order - No. 4

Adjacent to Nature Reserve and SSSI (Marline Valley Woods)

Surface water drainage risk - 1 in 1000 years

## **2. Proposed development**

The development proposal constitutes an amendment and resubmission of a previously refused scheme for the creation of a new one-bedroom chalet with associated decking and a single allocated parking space. The proposed chalet will provide short-term holiday accommodation for up to two people. Similar applications for one-bedroom chalets were considered on the same site under application ref: HS/FA/20/00767 and ref: HS/FA/22/00554. Both applications were refused on drainage grounds but were considered to be acceptable in all other respects.

The current application seeks to address the previous reason for refusal through the submission of documents setting out further details of the drainage strategy.

The application is supported by the following documents:

- Existing and proposed plans and elevation drawings
- SUDs toolkit form
- Flood risk assessment and drainage strategy
- Ecology report
- Conceptual drainage plan
- Topographical survey
- Impermeable area plans

### **Relevant planning history**

HS/FA/94/00179 Variation of occupancy period of 101 chalets to allow opening season from 1st March -15th January – Approved on 09/06/1994

HS/FA/99/00484 Variation of occupancy period to allow permanent occupation – Refused/Dismissed on appeal on 22/09/1999

HS/FA/20/00767 New One Bedroom Chalet and parking space - Refused on 16/02/2022

HS/FA/22/00554 New one bedroom chalet with decking – Refused on 22/09/2022

### **National and local policies**

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy SC7 - Flood Risk  
Policy E4 - Tourism and Visitors  
Policy EN3 - Nature Conservation and Improvement of Biodiversity  
Policy EN5 - Local Nature Reserves (LNR)

#### Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy DM4 - General Access  
Policy DM5 - Ground Conditions  
Policy DM6 – Pollution and Hazards  
Policy HN8 – Biodiversity and Green Space  
Policy CC1 - Caravan, Camping and Chalet sites

#### Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change  
Policy SP1 - Directing Growth  
Policy SP5 - Conserving and Enhancing the Natural Environment  
Policy SP6 - Enhancing the Historic Environment  
Policy DP1 - Design - Key Principles  
Policy DP2 - Design - Space and Accessibility Standards  
Policy DP3 - Sustainable Design  
Policy DP4 - Flood Risk and Water Quality  
Policy DP5 - Biodiversity  
Policy DP7 - Access, Servicing and Parking

#### Other policies/guidance

National Design Guide  
Department for Levelling Up, Housing and Communities – Technical housing standards  
–nationally  
described space standards (March 2015)  
East Sussex County Council Minor Application Guidance for non-residential development

#### National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 108 b) of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
  - Layout
  - Architecture
  - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;

- Maintain a strong sense of place having regard to
  - Building types
  - Materials
  - Arrangement of streets

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 180 states that when determining planning applications, local planning authorities should apply the following principles.

a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or

landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

### 3. Consultation comments

**ESCC Flood Risk Management Team** – Initial objection raised to the proposal on the grounds of insufficient information. However, the drainage consultant acting for the applicant has since consulted with the SUDs team, who have withdrawn their initial objection and provided revised consultee comments as follows:

*'The LLFA and PCWLMB have reviewed the application and the drainage strategy ref: 22-0576. We are satisfied that flood risk is managed appropriately for the size of the site. Two of our previous decision notices regarding the site conflicted each other, this was due to an interpretation of the information provided by Southern Water but has now been resolved.'*

**Ecology Officer** - No objection

**Environmental Health** - No objection, subject to condition 8 to restrict the hours of work during the construction phase and subject to an informative relating to drainage.

**Arboricultural Officer** - No objection - The information and proposals provided are not considered to have a significant adverse impact on existing trees on site.

**Licensing Team** – No objection. The park does not have a site licence under the Caravan Legislation so the licensing team have no adverse comments.

**Climate Change Officer** – Comments received, neither supporting nor objecting to the application. The applicant is encouraged to consider Low or Zero Carbon heat and electricity generation, LED lighting, significant insulation and the possibility for biodiversity net gain on the site.

**Southern Water** - No objection: *'Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity so a long-term maintenance and management plan will be required. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.'*

**Waste and Street Scene Services** - No objection

**Nature Space** – No objection, subject to informative 2 relating to actions required if Great

Crested Newts are found at any point during the construction phase of the development.

**Natural England** – No objection

#### **4. Representations**

In respect of this application, site notices were displayed on the application site and at the entrance to the chalet park.

2 letters of support have been received from one property on the grounds that the development will provide low-cost affordable housing in the area.

22 letters of objection have been received from 13 different properties raising the following concerns:

- Surface water drainage issues
- Impact on wildlife
- Loss of light
- Loss of communal recreational land/breach of existing restrictive covenant
- Foul drainage issues
- Impact on nature reserve and SSSI due to drainage strategy
- Loss of privacy
- Overdevelopment
- Concerns as to the impact on access for emergency services

The Sussex Wildlife Trust have also provided informal comments concerning the fact that any new development should avoid any hydrological/pollution impacts to the SSSI and if no new information has been submitted by the applicant which would address this concern and ensure there is not this hydrological link with the SSSI, SWT retain the position that the application should be refused.

#### **5. Determining issues**

The main considerations are the principle of development, the 5-year housing land supply, the potential impact on the existing chalet and caravan park, permanent residential use, the design, site density, layout, and impact on character and appearance of the area, the potential impact on neighbouring amenity, the potential impact on trees, ecology matters and impact on Marline Valley Woods SSSI and nature reserve, highway safety and parking, refuse and cycle storage, flooding and drainage matters, air quality and emissions, and lighting.

##### a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan 2015, paragraph 4.3 of the Hastings Local Plan – Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The application site lies within an existing chalet park. As such, it is considered to be in a sustainable location with reasonable access to public transport, shops, services and facilities. As a consequence, the development is considered to be acceptable in principle subject to the proposal meeting the requirements of the other Local Plan policies, as set out below.

##### b) 5 Year Housing Land Supply

The existing chalets within the chalet park are subject to a 10-month occupancy restriction and none of the existing chalets have planning permission for permanent residential

occupancy.

Although the application form indicates that the proposed development will result in the creation of a single residential unit for key workers and there is no mention of a seasonal occupancy restriction on the form, it has since been clarified by the applicant that the information on the application form was submitted in error and that the proposed chalet is intended to be used for seasonal holiday lets. As a consequence, the potential impact of the development on the 5-year housing land supply will not be relevant to this application.

c) Impact on the existing chalet and caravan park

Policy E4 of the Hastings Planning Strategy 2014 states that the Council will work to promote and secure sustainable tourism development in the town. As such, a more diverse and high-quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities and sustain the tourism economy. The policy states that an extension to existing visitor accommodation will also be supported, subject to compliance with the existing design and location policy requirements.

Policy CC1 of the Hastings Development Management Plan 2015 relates to the management of caravan, camping and chalet sites in the borough. The policy states that proposals for the intensification (increase in pitch number within the existing permitted area), the reorganisation of uses/layout (within the existing site) and the enhancement of site facilities/provision of new facilities in connection with existing sites for tents, touring caravans, static caravans and chalets will be permitted provided the proposal: a) would not, either on its own or cumulatively with the remainder of the site or in combination with other established or proposed sites in the vicinity, harm the landscape character or rural amenity of the countryside and resident population; b) is conveniently and well-located in relation to an adequate road system which can accommodate the traffic generated; c) where possible, has convenient access to frequent public transport services; d) includes landscape improvements relevant to the development and a scheme for their maintenance; e) would not significantly reduce the range and choice of available accommodation as a result of a loss of tent and/or touring caravan pitches.

As stated above, in this case, it is proposed that an irregular shaped parcel of recreational land within the confines of the existing High Beech Chalet Park should be changed to a new pitch to accommodate a new one-bedroom chalet. The proposed new chalet will be sited immediately adjacent to chalet No. 98, and it will be sited directly in front of chalet No. 109. In line with the surrounding chalets, the new proposed unit will be single-storey and have a shallow pitched roof and a section of decking which will extend along part of the front and side elevation of the new chalet.

With regards to the use of the site to provide a new chalet, although it is acknowledged that the existing site is comprised of open green space, owing to the scale of the development and the location of the site in relation to existing green space, the impact of the proposed development is such that it is unlikely to have a significant adverse impact upon the landscape character or rural amenity of the countryside and resident population. Although the development proposal will result in a degree of harm to the recreational space within the site through the loss of a section of open land, the existing chalet site already benefits from larger sections of open green space, including a larger parcel of land immediately in front of the application site and the new proposed chalet follows the general pattern of development in the park by aligning with the existing chalet units. The loss of the green space will therefore not significantly impact the verdant quality of the park or the access of nearby residents to open land. With regards to the site accessibility, the application site is to be served by an allocated parking space. The parking and the chalet site are considered to be the same distance to the existing roadways within the park and to public transport services as the other nearby chalets so the access for future users to public transportation is likely to be adequate. The landscaping improvements associated with the development will include



the introduction of new decking and the further details of any proposed hard and soft landscaping works are requested via conditions 5 and 6 to ensure that the appearance of the site is not adversely impacted. The introduction of a new chalet on the site will also not impact the number of tent and/or touring caravan pitches.

At point 5.36 of the Development Management Plan, it states that although the Local Plan does not include a specific policy criterion requiring the use of caravan, camping and chalets sites on a seasonal basis only, assurance that the premises shall not be occupied as a person's sole or main place of residence will be dealt with by condition of the planning permission.

Although the application form states that the chalet is proposed to be used by key workers and that the development will create a new unit of residential accommodation, the applicant has confirmed that the chalet is proposed on the basis of seasonal occupancy and that it will be used for holiday lets, in line with the rest of the chalets within the park. Seasonal occupancy will be secured via condition, in line with the information received.

In light of the above, the introduction of a new chalet on the site is considered to meet the requirements of policy CC1 of the Hastings Development Management Plan 2015.

#### d) Design, Site Density, Layout and impact on character and appearance of area

Policy DM1 of the Hastings Development Management Plan promotes the application of common principles to achieve high quality design within the borough. The policy states that new proposed schemes should enhance local character and show an appreciation of the surrounding neighbourhood characteristics such as its street patterns, topography, plot layouts and boundaries, plot sizes and the predominant scale, height, massing and materials of nearby properties. Any new proposed developments should be designed in accordance with best practice guidance, make efficient use of land and the properties should be orientated to achieve attractive streetscapes and take into account the effects of solar gain.

The application site will provide a similar sized plot to those afforded to the surrounding chalets. The proposed chalet will respect the common front building line of the surrounding units and follow the common spacing pattern between each of the units. Although the proposed new chalet will measure 13.5 metres x 5.9 metres in size, which exceeds the size of some of those on surrounding plots including No. 98, the chalet will not be dissimilar in scale to the extended chalet to the rear of the application site (No.109). Although the siting of the proposed chalet could be improved to be sited less close to the communal pathways, on balance the site layout is acceptable and will not appear visually obtrusive in its context.

With regards to the design and appearance of the proposed chalet, the appearance and form of the chalet is broadly in keeping with the surrounding units. The height of the unit is limited by the shallow roof pitch and the windows and doors are proportionate and evenly aligned. The application form confirms that the proposed chalet is to be constructed using materials such as Marley cedar weatherboard cladding to the walls, bitumen felt to the roof and uPVC fenestration. The materials are in keeping with those used to construct the surrounding units. The proposed front decking area should not appear excessive and it will provide future occupants with a modest outdoor recreational area. The allocated parking space, which is accessed via the communal pedestrian pathways, is within a communal parking area and is suitably located.

The scale, form and appearance of the proposed chalet are such that the character and appearance of the chalet park should not be adversely impacted. On this basis the proposal is in accordance with the aims and objectives of policy DM1.

#### e) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan 2015 states that in order to

achieve a good standard of living for future users of a proposed development and its neighbours, it should be demonstrated that amenity has been considered and that appropriate solutions have been incorporated into schemes.

The policy states that planning permission will be granted for a development where:

- a) the scale, form, height, mass and density of any buildings avoids any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight);
- b) there is adequate space for the storage of waste and the means for its removal;
- c) there is a means of landscaping that contributes to crime prevention;
- d) considerate design solutions for the spaces between and around buildings are shown;
- e) arrangements are in place for the future maintenance of any public area;
- f) dwellings are designed to allow residents to live comfortably and conveniently, with sufficient internal space;
- g) appropriate levels of private external space are included, especially for larger homes designed for family use. In respect of proposed family dwellings, the Council would expect to see the provision of private garden space of at least 10 metres in length;
- h) it can be adequately demonstrated that there is no safety risk to the public and that the development is adequately protected from any existing facilities that may affect amenity
- i) outdoor advertisements and signs do not detrimentally affect the appearance of any buildings and/or the surrounding area and do not result in a danger to the public highway.

The potential impact of the scheme on general amenity is assessed in two parts below:

#### i) Impact on the residential amenity of future occupants

In 2015, the government introduced minimum space requirements relating to the gross internal floor area of new dwellings. The minimum space requirements are set according to the level of occupancy. Minimum floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height are set out in the nationally described space requirements.

As the application proposal relates to a seasonal holiday chalet, the development is not considered to be a dwelling and the minimum space standards are not strictly applicable to this type of development. However, they provide a useful guide as to the quality of amenity which will be provided to future occupants.

The nationally described space standards dictate that a single-storey one bedroom dwelling must measure at least 50sqm in size. The proposed floorplans indicate that the new chalet will exceed minimum space standards. In addition, the double bedroom will meet minimum size requirements.

On this basis, the size of the chalet should provide an adequate standard of amenity for future occupants internally. Although the chalet itself benefits from no private amenity space and is located within 2 metres of chalet No 109 and within 5 metres of chalet No 98, the spacing arrangement is common within the chalet park, and it is considered to be acceptable in the context of temporary holiday accommodation facilities.

#### ii) Impact on neighbouring residential amenity

Subsection (a) of Policy DM3 of the Hastings Development Management Plan 2015 states that planning permission shall be granted where the scale, form, height, mass and density of any new proposed development avoids any adverse impact on neighbouring amenity (in terms of privacy, outlook and a loss of daylight or sunlight).

The proposed new chalet is to be located within approximately 2 metres of chalet No. 109. It is also to be located within approximately 5 metres of chalet No. 98 and to be located

approximately 8.1 and 8.4 metres from chalets No. 36 and 44 respectively.

#### Chalet No.109:

With regards to the potential impact upon the privacy of chalet No. 109, the rear windows to the new chalet will directly overlook the veranda and the front elevation windows of chalet No. 109. However, the standard of amenity for holiday and seasonal letting accommodation is typically lower than that which would be expected for permanent residential accommodation. The windows along the front elevation of chalet No.109 are high level and the extent of mutual overlooking it is considered to be in accordance with that of other chalets in the vicinity due to the common spacing pattern between neighbouring chalets. With regards to the potential for overshadowing, in view of the gap between the two chalets and the single-storey nature of the units, an unreasonable degree of overshadowing is unlikely to occur. With regards to the potential impact of the new chalet upon neighbouring outlook, it is acknowledged that the new chalet will negatively impact the views from the veranda and front windows of chalet No. 109. However, given that the spacing relationship between the two chalets will be similar to the relationship between the surrounding units, the relationship is considered to be no more harmful than that which exists throughout the chalet park and on this basis, it is acceptable.

#### Chalet No. 98

Chalet No. 98 is located to the side of the proposed new chalet. With regards to overlooking concerns, I note that some concerns have been raised in the representations received relating to the new door to the proposed kitchen/living room, which will overlook the side window to the neighbouring chalet. However, due to the nature of the use, the extent of overlooking is not considered to be overly harmful as it is in keeping with the existing relationship between the surrounding chalet units. I consider that due to the spacing pattern between the existing chalet and the proposed chalet, significant overshadowing is unlikely to occur. With regards to the potential impact upon neighbouring outlook, although the new proposed chalet will be visible from the side window of the existing chalet, neighbouring outlook will not be harmfully obstructed.

#### Chalets No. 36 and 44

Chalets 36 and 44 are sited between 8.1-8.4 metres away from the site of the proposed new chalet and they are separated from the application site by an existing pedestrian pathway. With regards to the privacy concerns as expressed in the representations, although it is acknowledged that the front windows of the existing chalets face directly on to the application site, any views towards the existing chalet from the front windows of the new chalet will be at a sufficient spacing distance for holiday accommodation to avoid blocking all outlook. Although there is a degree of overlooking, the relationship between the three chalets is not dissimilar to the relationship which already exists on the site between existing chalet units. Owing to the distance between the existing and proposed chalets, it is considered unlikely that chalets No. 36 and 44 will be adversely impacted from a light, outlook or privacy perspective.

In light of the above, the proposal is considered to be acceptable from a neighbouring amenity perspective.

#### f) Trees

The application site is comprised of open green space and it does not contain any trees. There are, however, several trees located on the triangular area of open green space,

adjacent to the proposed parking area. I have consulted with the tree officer, who has confirmed that the application is acceptable and that it will not adversely impact the health of any of the trees within the chalet park.

g) Ecology

i) Impact on protected species

Policy EN3 of the Hastings Planning Strategy 2014 advises that development should seek to minimise damage to wildlife and habitats and that where the loss of existing wildlife habitats or geological features is unavoidable, the loss should be kept to a minimum and compensation should be provided through the creation of replacement habitats or other appropriate measures. Such measures should be achieved through the use of planning conditions or Section 106 agreements where appropriate.

Policy HN8 of the Hastings Development Management Plan 2015 and the National Planning Policy Framework (NPPF) requires ecological assessments to accompany a planning application where it is necessary to assess the impact of proposed developments on habitats, wildlife, landscape and the Green Network. The assessment is required to provide sufficient information to meet the Council's requirements and detailing the nature conservation resource of the area affected by the application, the potential impact of the development proposed, and any suggested measures to protect existing habitats or species and/or measures to mitigate and/or compensate for any harmful impacts on them.

The site is comprised of a grassed area which appears to be regularly maintained.

The application is supported by a preliminary ecological appraisal prepared by The Mayhew Consultancy. The report concludes that, subject to mitigation measures set out in the report, there would be no harm to protected species or habitats.

I have consulted with the Ecology Officer, who has raised no objections to the application. Whilst the report dates from January 2021, in view of the nature of the site and the fact that it is regularly maintained, the ecological impacts of the application are unlikely to have significantly changed.

On this basis, the potential impact of the proposal on ecology is acceptable.

ii) Impact on Marline Valley Nature Reserve and SSSI

Paragraph 108 b) of the NPPF states that when determining planning applications, local planning authorities should apply the following principles: b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

Policy EN5 of the Hastings Development Management Plan 2015 relates to the protection of areas designated or proposed as Local Nature Reserves (LNR). The policy states that proposals for development within Local Nature Reserves, or likely to have an adverse effect on them directly or indirectly, will only be permitted if:

(a) the need for development outweighs the importance of the site for nature conservation; and

(b) any harm to the nature conservation interest of the site is clearly and demonstrably kept to a minimum.

Where development is permitted, the Council may attach planning conditions and/or may

seek to enter into legal agreement(s) to ensure the continuing protection and enhancement of the nature conservation interest and to provide compensatory measures and/or site management.

The application site is located adjacent to the Marline Valley Nature Reserve and Marline Valley Woods SSSI. The development proposal is unlikely to result in adverse harm to the nature reserve or SSSI in a direct sense, owing to the scale of the development and the extent to which it is contained within the existing chalet park.

However, concerns have been raised by the Sussex Wildlife Trust in relation to the drainage proposals and their potential to drain contaminated surface water into the SSSI. These concerns were also raised when a previous application for a similar form of development on the site was considered under application ref: HS/FA/22/00554.

The current drainage proposal results in surface water discharging into a ditch via an existing french drain in a similar manner to the previously refused applications, though the discharge rate has been reduced to acceptable levels via the installation of a geocellular attenuation tank. The recent consultation response from the ESCC Flood Risk Management team indicates that the drainage strategy is acceptable. The drainage strategy report which has been provided by the applicant refers to the low risk of contaminants and proposes that any sediment from the water could be trapped when the water is discharged. Condition 7 requires the development be carried out in accordance with this Drainage Strategy.

As the Sussex Wildlife Trust is not a statutory consultee, I have consulted with Natural England regarding the acceptability of the drainage strategy and its potential impact upon the SSSI. Natural England have raised no objection to the proposal and confirmed that the proposed development will not have significant adverse impacts on the SSSI.

Whilst the concerns of the Sussex Wildlife Trust are noted, in view of the response received from Natural England, it is considered that the potential impact of the proposal upon the SSSI is unlikely to be significance and the proposal is unlikely to have an adverse effect on its ecological value. The proposal is therefore in line with the requirements of paragraph 108 b) of the NPPF.

### iii) Impact on Great Crested Newts

The development falls within the red impact risk zone for great crested newts. The ESCC Newts Officer has raised no objections to the development, subject to an informative reminding the applicant of their obligations should they discover any Great Crested Newts during the construction of the chalet. An informative of this nature will be attached to any future consent.

### h) Highway safety/parking

The East Sussex County Council guidance in respect of non-residential development indicates that within holiday camps one parking space should be provided per bedroom, plus one parking space should be created per resident staff member or one parking space should be provided for every two non-resident staff members. In this case, the application proposal makes provision for one allocated parking space within a communal parking area. Due to the scale of the development, parking for associated staff will not be required. In view of the scale of the development, the availability of parking in the surrounding roads around the park and in view of the fact that the chalet has one bedroom and will be subject to a seasonal occupancy restriction, the parking provision is considered to be acceptable and it is unlikely to have a 'severe' impact upon the highway, as required by paragraph 111 of the NPPF. On this basis, the proposal is acceptable from a parking perspective. Condition no.10 requires the retention of the parking space shown on the approved site plan (Sheet B) dated 22nd July 2023 in connection with the chalet hereby proposed.

In respect of the comments received in relation to access for emergency vehicles, the roadways within the park are already established and provide adequate access for emergency service vehicles. Whilst several representations raise concerns in relation to access for emergency vehicles, one of the comments confirms that the lawn areas are too soft to accommodate vehicle access. From a planning assessment perspective, the lawned recreational area cannot be regarded and assessed as a formal access for emergency services as no vehicular access road crosses this part of the site. The communal pedestrian access will be maintained to the surrounding chalets and this will not be obstructed by the addition of a new chalet. On this basis, it is considered that the established accesses to other chalets, which are designed to be accessed on foot, are not obstructed by the proposal.

#### i) Refuse storage

No specific details have been provided in relation to refuse storage. However, the refuse storage and disposal arrangements will be secured via condition no 4. I have consulted with the refuse officer, who has raised no objection to the development proposal from a refuse perspective.

#### j) Flooding and drainage matters

Policy SC7 of the Hastings Planning Strategy 2014 relates to flood risk. The policy states that all development proposals will need to be of flood resistant or resilient design, ensure the most vulnerable land uses are directed away from the areas at highest flood risk on a site where there is more than one flood zone, and manage surface water run-off appropriately. The policy also states that the adaptation of all developments to reduce the risk of flooding will be sought through a variety of suitable measures, including the use of Sustainable Drainage Systems and that proposals for the long-term management of these should be submitted to the Council at or before the planning application stage.

Policy DM6 of the Hastings Development Management Plan 2015 states that in order to protect human health and water quality planning permission will only be granted for development providing d) appropriate pollution control measures are incorporated where necessary to protect the quality of both ground and surface waters;

The application site is located within flood zone one. However, the site may be subject to surface water flood risk.

#### Foul Drainage

The drainage plan which has been provided indicates that foul waste will be discharged to an existing foul sewer. A new connection to the sewer will require an application to Southern Water. I have consulted with Southern Water, who have provided some information regarding making an application in this respect. This has been added as an informative (informative no. 5).

#### Surface Water Drainage

When application ref: HS/FA/20/00767 for a similarly designed chalet scheme was considered on the site, the application was refused on the following grounds:

*'Insufficient information has been submitted to demonstrate that the proposed method to manage surface water runoff is feasible at the site, and as a result, formal assessment of the proposal by the Lead Flood Authority has not been possible. The proposal fails to comply with Policy DM6 of the Hastings Development Management Plan 2015 and Policy SC7 of the Hastings Planning Strategy 2014.'*

A later application for similar scheme was also refused under application ref:

HS/FA/22/00554 on the basis that a lack of technical evidence had been provided by the applicant to demonstrate that their surface water drainage strategy was feasible or workable, and that it would not result in localised surface water flooding, in the exacerbation of possible ground instability issues, in undue harm to the living conditions of existing and future residents and in undue harm to the SSSI.

On the basis of the previous refusals, the applicant has provided a detailed drainage report and flood risk assessment produced by BdR Civil and Structural Engineering Consultants.

The current drainage proposal seeks to discharge surface water into a geocellular storage tank below ground in order to ensure appropriate greenfield runoff rates. The water will then discharge at an appropriate rate (0.1 l/s) into an existing french drain. The applicant's flood risk assessment and drainage strategy contains details of pre and post development surface water runoff rates and details of the infiltration and attenuation methods which have been considered.

I have consulted with the ESCC flood risk management team, who initially objected to the proposal on the basis that insufficient information has been provided. However, they have since liaised with the drainage consultant acting for the applicant and the applicant has carried out a camera survey of the French drain. Southern Water have raised no concerns in relation to the findings of the survey. ESCC flood risk management team have also since withdrawn their initial objection. Their most recent comments confirm that there is no objection to the drainage strategy proposed on the basis that they are satisfied that it will be possible to manage additional surface water runoff volumes arising from the increase in impermeable areas and that the proposed development will not result in an increase in flood risk elsewhere. Their comments confirm that the applicant's proposed drainage strategy (to discharge surface water runoff from the chalet to an existing private surface water sewer that ultimately discharges to an open drainage ditch) will be adequate due to the proposed limit of the runoff rates to match the existing greenfield runoff rates.

The two previous applications for similar application proposals were refused on the basis of a lack of information relating to surface water drainage. However, the previous issues raised by ESCC flood risk management team are considered to have been addressed in the current submission. The proposed recommendation is also subject to a condition which requires the development to be carried out in accordance with details set out in the Drainage Plan (condition 7).

In light of the above, the proposal is considered to meet the requirements of policy SC7 of the Hastings Planning Strategy 2014 and policy DM6 of the Hastings Development Management Plan 2015.

#### k) Air quality and emissions

The proposed development does not fall within the screening checklist of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore, no further information is required in respect of air quality.

#### l) Lighting -

No external lighting is proposed and neighbouring amenities are not harmfully affected.

## 6. Conclusion

The application proposal for the creation of a new one-bedroom chalet on the site meets the requirements of the local plan in respect of its design, impact on neighbouring amenity and its potential impact upon the character of the landscape and wider area. Although two very similar applications were previously refused on drainage grounds, the surface water drainage strategy as proposed in the current submission has addressed the previous concerns raised

by the SUDs team. Natural England have also confirmed that the drainage proposal is unlikely to adversely impact the SSSI on the basis of the information provided. The proposal is therefore in accordance with the development plan for the borough.

The proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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 Human Rights considerations have been taken into account fully in balancing the planning issues.

## **7. 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:  
  
Topographical Survey, 1837 [23] -2, 1837 [23] -1A, 1847 [25] - Site Plan Rev A, Site Plan @scale of 1:500 (Sheet B) dated 22nd July 2023, 22-0576 C10111 Rev A, 22-0601 C10521 Rev A, 22-0601 C10522 Rev A
3. The materials to be used in the construction of the external surfaces of the chalet shall match those detailed on the approved drawings unless otherwise agreed in writing by the Local Planning Authority.
4. The development shall not be occupied until a bin store has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority and it shall thereafter be retained on the site for that purpose.
5. The development shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping, which shall include indications of all areas of hardstanding or decking, and all planting on the land including details of those plants 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.



6. 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.
7. The foul and surface water drainage systems shall be fully installed and fully operational prior to occupation and the systems shall be installed in accordance with details contained in drainage drawing ref: 22-0576 C10111 Rev A and in accordance with the recommendations set out in the flood risk assessment and drainage strategy report prepared by BdR Civil and Structural Engineering Consultants (1847(25)), as already submitted to and approved by the Local Planning Authority in consultation with the ESCC Lead Local Flood Authority and Southern Water as part of the current application submission. The approved drainage system shall be maintained in good condition throughout the lifetime of the development.
8. 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.
9. The chalet shall not be occupied between 16th January and 29th February in any given year and it shall not be used to provide permanent residential accommodation at any time unless otherwise agreed in writing by the Local Planning Authority.
10. The car parking space shown on the approved plan shall be made available for use prior to the occupation of the development hereby permitted and shall thereafter be retained for that use and shall not be used for any purpose other than for the parking of vehicles unless otherwise agreed in writing by the Local Planning Authority.

**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. To ensure a satisfactory visual appearance in the interest of the amenities of the area.
4. In order to secure a well planned development.

5. In the interests of the visual amenity.
6. In the interests of the visual amenity.
7. To prevent increased risk of flooding.
8. To safeguard the amenity of adjoining residents.
9. In the interest of ensuring a satisfactory standard of accommodation for future occupants due to the inadequate facilities and amenities available on site for permanent residents.
10. To ensure a satisfactory form of development and to reduce the potential for parking congestion within the site.

### Notes to the Applicant

1. 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 paragraph 38 of the National Planning Policy Framework.
2. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. Hastings Borough Council is working in partnership with Southern Water to identify foul water drains discharging into the surface water sewer system, often referred to as a misconnection that can pollute local watercourses and impact on bathing water quality.

The Local Authority has powers to rectify misconnected drains under section

59 of the Building Act 1984. If your development includes new or changes to existing drainage connections, you must ensure that it discharges to the correct sewer system. For more advice on misconnections please visit:

<http://www.connectright.org.uk/water-pollution>

5. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: [developerservices.southernwater.co.uk](http://developerservices.southernwater.co.uk) and please read their New Connections Charging Arrangements documents which are available on their website via the following link: [southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)

6. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents/](http://water.org.uk/sewerage-sector-guidance-approved-documents/)

[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](http://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

7. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

8. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).  
Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [SouthernWaterPlanning@southernwater.co.uk](mailto:SouthernWaterPlanning@southernwater.co.uk)

9. The applicant is advised to contact East Sussex Fire and Rescue Service in respect of any improvements required to support the access and egress of fire engines.
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**Officer to Contact**

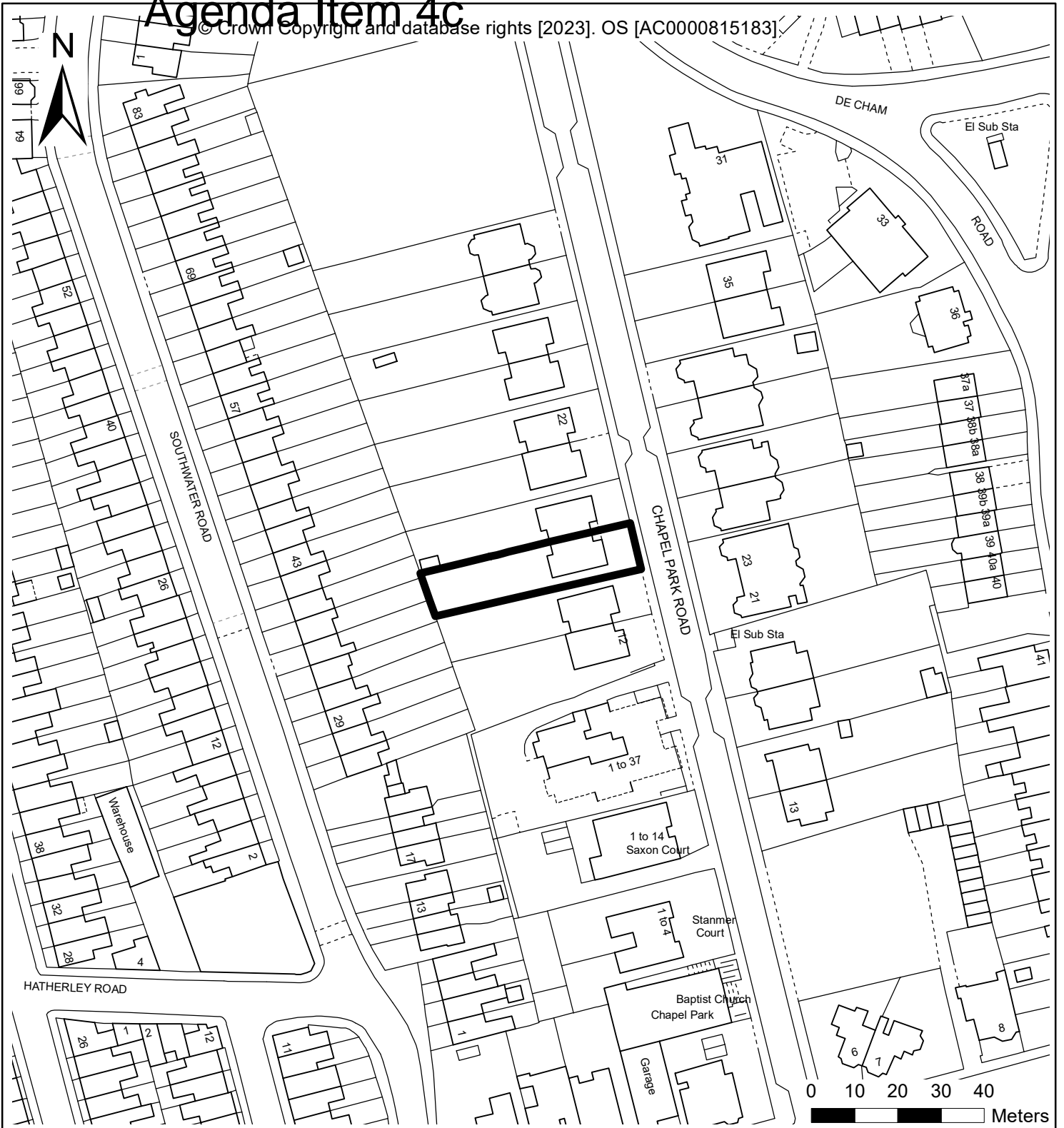
Alexis Stanyer, Telephone 01424 783274

**Background Papers**

Application No: HS/FA/22/00993 including all letters and documents

# Agenda Item 4c

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**Flat 5, 16 Chapel Park Road  
St Leonards-on-sea  
TN37 6HU**

Replacement of three timber single-glazed double hung sashes (front elevation) to UPVC double-glazed, double hung sashes (retrospective) (amended description)



Planning Services Manager  
Hastings Borough Council,  
Muriel Matters House, Breeds Place,  
Hastings TN34 3UY  
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Date: Oct 2023

Scale: 1:1,250

Application No. HS/FA/23/00638

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 08 November 2023

**Report from:** Planning Services Manager

**Application address:** Flat 5, 16 Chapel Park Road, St Leonards-on-sea, TN37 6HU

**Proposal:** Replacement of three timber single-glazed double hung sashes (front elevation) to UPVC double-glazed, double hung sashes (retrospective) (amended description)

**Application No:** HS/FA/23/00638

**Recommendation:** Grant Full Planning Permission

**Ward:** GENSING 2018

**Conservation Area:** No

**Listed Building:** No

**Applicant:** Hastings Borough Council per Phi Capital Investments Ltd First Floor Chertsey House 61 Chertsey Road Woking, Surrey. GU21 5BN

**Public Consultation**

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

**Application status:** Not delegated - Council application on Council owned land.

## 1. Site and surrounding area

The application site relates to Flat 5, 16 Chapel Park Road, a first floor flat conversion which sits within a semi-detached Victorian dwellinghouse on the western side of the road. Construction of Chapel Park Road started in the early 1860s and continued through to the 20th Century. Many of the dwellings along the road have retained the original timber sliding sash windows, however, there are multiple examples of uPVC casement replacements which

has resulted in an incongruent appearance to the fenestration in the area.

### Constraints

- Flooding Surface Water: 1 in 100
- Flooding Groundwater
- GCN District Licensing Scheme IRZ - Green

## **2. Proposed development**

Replace 3 no. timber sliding sash front elevation windows to the first floor with uPVC sliding sash windows. This is a retrospective application.

No other development is being proposed.

### **Relevant planning history**

<b>Application No.</b>	HS/FA/85/00082
<b>Description</b>	Change of use of ground floor flat to 1 self-contained flat and 1 self-contained bed-sitting room.
<b>Decision</b>	Permission with conditions on 19/03/85

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<b>Application No.</b>	HS/FA/87/00417
<b>Description</b>	CONVERSION OF EXISTING FLATS ON 1ST AND 2ND FLOORS TO 4 SELF-CONTAINED UNITS
<b>Decision</b>	Permission with conditions on 03/08/87

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### **National and local policies**

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

### National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.



Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
  - Layout
  - Architecture
  - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
  - Building types
  - Materials
  - Arrangement of streets

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

### **3. Consultation comments**

In respect of this application no consultation responses were required.

### **4. Representations**

In respect of this application a site notice was displayed on a lamp post to the front of the property. No responses were received.

## **5. Determining issues**

The main issues which need to be determined are the impacts of the replacement windows on the character and appearance of the area and on the neighbouring residential amenities.

### a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

### b) Impact on character and appearance of area

Policy DM1 of the Development Management Plan (2015) seeks to ensure a good standard of design which protects and enhances the local character. SPD - Householder Development provides further guidance on what will be taken into consideration when assessing the impact of any proposed extension or alteration, and what any application should address in terms of the design of the proposal. National Design Guide, I1, requires new developments to respond to the existing local character and identity of the area.

Chapel Park Road is not located within a conservation area and this planning application was required due to permitted development rights in relation to changes to fenestration not being applicable to flats. Whilst many properties have retained their timber sliding sash windows, there are multiple examples of uPVC casement windows within the road which disrupt the fenestration pattern of the streetscene. The proposed replacement uPVC sliding sash windows replicate the opening arrangement and appearance of the original timber windows and would be deemed to have a neutral impact on the character and appearance of the area within this context.

The proposal is therefore considered to be in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

### c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) states, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:

- the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

No changes to the size of window openings are proposed and therefore there will be no impact on neighbourhood amenity. The proposal is therefore considered to be in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

### d) Impact on Great Crested Newts

The development falls within the green risk zone for Great Crested Newts and as the application is a Household one and is located further than 250 metres from a pond, there is no requirement to consult NatureSpace in respect of Great Crested Newts.

#### e) Flood Risk

The application site is located in area with a 1 in 100 year risk of surface water flooding and within an area at risk of groundwater flooding. There are no groundworks proposed and therefore no mitigation measures for flood risk are required.

### **6. Conclusion**

In light of the above assessment, it is considered that the proposed development is in line with the aims of Policies DM1 and DM3 of the Hastings Local Plan - Development Management Plan (2015), Supplementary Planning Document - Householder Development: Sustainable Design and the relevant sections of the National Planning Policy Framework. Therefore, it is recommended that permission is granted subject to the attached conditions.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which 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 Human Rights considerations have been taken into account fully in balancing the planning issues.

### **7. Recommendation**

#### **Grant Full Planning Permission subject to the following condition:**

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

ES2125/23/01A, TQRQM23068170306159

#### **Reason:**

1. 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. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place.

Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

3. 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 paragraph 38 of the National Planning Policy Framework.

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### **Officer to Contact**

William Larkin, Telephone 01424 783250

### **Background Papers**

Application No: HS/FA/23/00638 including all letters and documents

# Agenda Item 5

Agenda Item: 6

<b>Report to:</b>	Planning Committee
<b>Date:</b>	08 November 2023
<b>Report from:</b>	Planning Services Manager
<b>Title of report:</b>	<b>PLANNING APPEALS &amp; DELEGATED DECISIONS</b>
<b>Purpose of report:</b>	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 17/09/2023 to 20/10/2023
<b>Recommendations:</b>	That the report be noted

**The following appeals have been received:**

N/A

**The following appeals have been allowed:**

N/A

**The following appeals have been dismissed:**

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
Land south west of Newts Way, St Leonards-on-sea HS/FA/20/00715	Construction of a single dwellinghouse which will include 3 bedrooms, work from home space, gardens, parking and access to Newts Way	Refuse Planning Permission	PLANNING COMMITTEE	Planning
Land south west of Newts Way, St Leonards-on-sea HS/FA/20/00959	Construction of four family dwellinghouses which will include work from home space, gardens, parking and access to Newts Way	Refuse Planning Permission	PLANNING COMMITTEE	Planning

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
Granted Permission	44
Part Granted	2
Part Granted – Part Refused	1
Prior Approval Approved	3
Refused Permission	9
Withdrawn by Applicant	2
<b>Total</b>	<b>61</b>

**Report written by**

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