

Report to: PLANNING COMMITTEE

Date of Meeting: 12 December 2023

Report from: Planning Services Manager

Application address: 25 Eversley Road, St Leonards-on-sea, TN37 6QD

Proposal: Conversion of house into two flats, and erection of side extension to create 5 flats. Creation of parking area at rear

Application No: HS/FA/22/00872

Recommendation: Grant Full Planning Permission

Ward: SILVERHILL 2018

Conservation Area: No

Listed Building: No

Applicant: EJN Enterprises Ltd. per Lewis and Co Planning 2 Port Hall Road Lewis and Co Planning Brighton BN1 5PD

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	17
Petitions of objection received:	0
People in support:	0
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 site is comprised of a two-storey semi-detached period dwelling. The property has been constructed in red brick with a pitched roof, a double-height canted bay feature, a front gable feature, soldier course detailing and a stepped arched entrance. The pair of properties of which the subject property forms part follows a symmetrical design. The property is sited on

a corner plot and its side elevation faces on to Eversley Crescent. The property benefits from garden space to the side and rear. Part of the land to the side of the existing property is hard landscaped and it contains a detached outbuilding and also provides parking for two vehicles.

The properties along Eversley Road are varied in architectural appearance, character and scale. The nearest neighbouring dwellings on the eastern side of the road have been designed in a similar style to the subject property and most have been constructed in red brick with pitched roofs, double height box bay or canted bay windows, front gable features, stucco frontages and either hung tile or neo-Tudor detailing. By contrast, the properties located on the western side of the road are smaller in scale and the properties have been designed with hipped roof forms and fairly simple exteriors featuring uniform window designs, and plain frontages in red brick or render. Though most of the existing properties on the western side of the road form part of a terrace, the line of properties also includes an individually designed detached chalet bungalow.

The site is in a residential area within the urban confines of St Leonards-on-Sea.

Constraints

SSSI Impact Risk Zone – below the threshold for consulting Natural England

Great Crested Newts – 250 metre pond buffer zone

Great Crested Newt Impact Risk Zone – Red Zone

2. Proposed development

The development proposal relates to the demolition of an existing detached outbuilding to facilitate the erection of a two-storey side extension. The proposed side extension will effectively double the width and size of the existing building and it will be constructed in the style of the existing building, creating the appearance of a terrace of properties. As part of the proposed works, the proposed side extension and the accommodation within the existing building are to be reconfigured in order to convert the property from a single family-sized dwelling into 7 self-contained flats. To the rear of the site, the garden area is to be partially hard-landscaped in order to facilitate the creation of 5 new parking spaces with associated vehicular access, a communal cycle storage area and a communal refuse storage area. The remainder of the site will be used to provide communal garden space for the future occupants of the building.

The application is supported by the following documents:

- Existing and proposed plans
- Topographical Survey Drawing
- Design and Access Statement
- Planning Statement
- Transport Report
- Ecology Overview Statement
- Preliminary Ecological Survey
- Site Waste Management Plan
- Completed SUDs toolkit form

Relevant planning history

Application No. HS/62/00201
Description Erection of block of 8 garages.
Decision Permission with conditions on 30/03/62

Application No. HS/69/00098
Description Siting of caravan in rear garden to dwelling
Decision Refused on 13/03/69

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
Policy SC7 - Flood Risk
Policy DS1 - New Housing Development
Policy H1 - Housing Density
Policy H2 - Housing Mix

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 HN8 – Biodiversity and Green Space

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP1 - Directing Growth
Policy SP2 - New and Affordable Housing
Policy SP5 - Conserving and Enhancing the Natural Environment
Policy SP7 - Managing Coastal Erosion and Flood Risk
Policy DP1 - Design - Key Principles
Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP5 - Biodiversity
Policy DP7 - Access, Servicing and Parking

Other policies/guidance

National Design Guide
Air quality and emissions mitigation guidance for Sussex (2021)

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 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 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 Highways Team – Initial objection raised to the proposal on the basis that the applicant had not submitted sufficient information in relation to the car parking and access arrangements. However, the applicant has since provided a parking beat survey, TRIPP analysis data and tracking drawings to demonstrate the suitability of the access and parking arrangements. The latest set of consultee comments from ESCC Highways team confirm that the objection is withdrawn and that the application is acceptable, subject to conditions.

Ecology Officer – No objection, subject to conditions relating to the mitigation and

biodiversity enhancement measures as recommended in the preliminary ecological appraisal.

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. A series of informatives have been provided in relation to drainage, and these will be added to any future consent.

ESCC Flood Risk Management Team - No comments, LLFA is unable to respond to minor applications unless the Planning Officer deems there to be a significant flood risk arising from this proposal.

Hastings Borough Council Tackling Climate Change Team – No comments. If successful, the applicant considers Low or Zero Carbon heat and electricity generation, LED lighting, significant insulation and the possibility for biodiversity net gain on the site.

Waste and Streetscene Services Team – Initial objection raised on the basis that insufficient refuse storage facilities had been provided. However, the plans have since been amended to provide a refuse storage area in the rear garden area providing sufficient storage for 14 bins. The refuse office has confirmed that the revisions to the drawings are considered to be acceptable.

Nature Space – No objection

4. Representations

In respect of this application, a site notice was displayed immediately adjacent to the application site on the junction between Eversley Road and Eversley Crescent, and a subsequent site notice was displayed in the same location following amendments to the scheme.

20 no letters of objection were received from 17 different properties.

The letters of objection which have been received have raised the following concerns:

- Overdevelopment of plot
- Out of keeping with character of wider area
- Loss of green space
- Negative impact on local wildlife
- Lack of parking/potential for parking congestion
- Negative impact of the development upon the character of the area
- Loss of privacy
- Noise/pollution concerns from the parking area
- Negative impact on semi-detached form of adjoining property
- Inadequacy of vehicular access
- Increased volume of traffic and associated road safety concerns
- Negative impact on house values in area
- Lack of firewall between 23 and 25 Eversley Road

5. Determining issues

The main considerations are the principle of development, the 5-year housing land supply, density, housing mix and site layout, design and impact on the character and appearance of the area, impact on general amenity, impact on highway safety and parking, impact on ecology and biodiversity, air pollution, lighting and drainage.

a) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site lies within a predominantly residential area in a relatively sustainable location with reasonable access to public transport, shops, services and other essential facilities. On this basis, the principle of allowing residential development in this area is considered acceptable, subject to the application meeting the requirements of the other local plan policies, as discussed further below.

b) 5 Year Housing Land Supply

At present, the Government has identified that the need for additional housing in Hastings is 481 dwellings per annum. From 1 April 2022 the 5-year requirement is 2,405 (481 x 5). As the annual Housing Delivery Test is not being met, a 20% buffer must also be added to this figure, which increases the 5-year requirement to 2,886.

The Housing Delivery Test figures published in January 2022 confirm that the Council has met only 42% of the delivery test requirement.

Housing supply figures have been updated for Local Plan Monitoring Report purposes and there is insufficient supply of deliverable housing sites to meet the 5-year housing land supply.

As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance as set out in paragraph 11d) of the National Planning Policy Framework is engaged.

As the development proposal will result in the creation of the seven residential units, it is considered that the development as proposed would make a positive contribution to the local housing land supply and that the proposal may temporarily boost local employment levels for the duration of the construction phase of the development. However, the positive benefits of the scheme need to be balanced against the requirements of other local plan policies, as discussed further below.

c) Density, housing mix, and site layout

The National Model Design Codes indicate that in town centre locations, the density is likely to be around 200 dwellings per hectare. In less dense urban neighbourhoods, typical density levels are likely to be between 60-120 dwellings per hectare and on average 30-50 dwellings per hectare in suburban locations.

Paragraph 66 of the National Design Guide states that built form is determined by good urban design principles that combine layout, form and scale in a way that responds positively to the context. The appropriate density will result from the context, accessibility, the proposed building types, form and character of the development.

Policy H1 of the Hastings Planning Strategy encourages the full and effective use of land. On sites located outside of inner town centre areas, a minimum density of approximately 30 dwellings per hectare is preferred, unless there are special local circumstances that require a lower density requirement.

Policy H2 of the Hastings Planning Strategy states that planning permission will be granted for residential development that delivers a balanced mix of housing within the site and across Hastings as a whole. It further states that the Council will seek to secure a mix of housing types and tenures in the borough in order to meet the current and projected local housing needs, taking into account existing local household characteristics.

Subsection (b) of policy DM1 of the Hastings Development Management Plan 2015 promotes development which is designed in accordance with local character and allows adequate space for storage of waste and the means for its removal. The policy states that space will also be required for necessary servicing areas, ancillary structures and

landscaping.

In respect of the density of the proposed development, the site measures approximately 684sqm (0.0684ha) in size and the development density equates approximately 102 units per hectare. When viewed in the context of a flat development, the density figure is considered to be appropriate and is in line with the average high-density figures for the borough, which are set out in the Strategic Housing and Economic Land Availability Assessment (SHELAA) (Regulation 18).

In respect of the housing mix, the proposed development will provide 3 x 1 bedroom units and 4 x 2 bedroom units. The proposed development will provide a mixture of housing types in accordance with policy requirements. Whilst the Council is seeking to encourage the creation of larger family-sized homes in the borough at the current time to balance the current shortfall, in view of the number of larger dwellings in the surrounding area, the provision of smaller units in this location will help to diversify the type of accommodation which is available in this location. On this basis, the type of housing proposed is acceptable.

With regards to the suitability of the site layout, the proposed extension to the building is suitably located. The proposed extension follows the common front building line along the street and will project away from the nearest neighbouring buildings to reduce the potential impact of the development upon neighbouring amenity. In respect of hard and soft landscaping works, the development has been designed with a secure cycle storage area, a refuse storage area, a communal parking area with associated access road and a communal rear garden area. A small private patio and lawn area have also been afforded to units 2 and 6 on the ground floor. The proposed parking, cycle and refuse facilities within the site are suitably located and the site layout is considered to strike an appropriate balance the hard and soft landscaped parts of the site. Whilst it is acknowledged that a proportion of the existing garden space is to be lost in order to create suitable levels of parking and refuse storage, the verdant character of the plot is still retained through the provision of a communal garden area and individual garden plots. The proposed parking spaces are also set back from the shared boundaries and green borders and acoustic fencing are to be provided along the northern boundary to mitigate the impact of the proposed parking area. Overall, the site layout is considered to be functional and in accordance with the character of the area, in line with the aims and objectives of policy DM1.

d) Design and impact on character and appearance of area

Policy DM1 of the Hastings Development Management Plan states that new proposed developments should enhance local character and show an appreciation of the surrounding neighbourhood characteristics. Any new proposed developments 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.

As mentioned above, the development proposal relates to the demolition of an existing outbuilding to facilitate the erection of a two-storey side extension and to the reconfiguration of the existing property in order to convert the existing and proposed accommodation from a single family-sized dwelling into 7 self-contained flats. Associated hard and soft landscaping works are also proposed in order to facilitate the creation of 5 new parking spaces with associated vehicular access, a communal cycle storage area a communal garden area, two private garden areas, and a communal refuse storage area.

With regards to the scale of the development, although the extension will double the width and size of the existing building, the proposed side extension is considered to be proportionate to the size of the plot and it will be set back from the site boundaries in order to maintain a suitable amount of defensible space between the proposed extension and the

existing pedestrian walkways. The height of the proposed extension will follow that of the existing row of properties, such that the extension should not appear unduly tall or overbearing in its context.

With regards to the design and appearance of the proposed side extension, the proposed addition will be constructed in the style of the existing building and follow the form and appearance of the existing pair of period properties. The proposed side extension will be built flush with the existing property and will be constructed with similar bay windows, an arched stepped entrance and soldier course detailing along the principal elevation, which will give the property the appearance of being part of an existing terrace of houses. Along the side elevation, which also faces on to the road, the appearance of the flank wall will be similar to the appearance of the existing building, albeit a greater amount of visual interest has been added to the property through the addition of banding details, soldier course detailing, a new entrance door, and a low-level wall with brick piers, which is to be constructed along the side boundary in accordance with the design of the wall facing Eversley Road. The appearance of the proposed extension is in keeping with the character and appearance of the existing building and in accordance with the character of the wider area.

With regards to the hard and soft landscaping works, the proposed hard landscaping works will facilitate the creation of five new parking spaces, a new vehicle access leading on to Eversley Crescent and a communal refuse storage area. Whilst the proposed works will diminish the size of the green space within the site, a proportion of the garden is being retained. As the facilities which are being provided within the site are necessary to support the development and it is considered that the hard landscaping works are proportionate and still allow for appropriate levels of soft landscaping.

In respect of construction materials, the drawings indicate that the proposed construction materials will be selected to match with those used in the construction of the existing house. A condition will be added to any future consent requiring the applicant to submit the further details of the external finishes and materials and associated material samples prior to the commencement of works.

Subject to the aforementioned condition, the development proposal is considered to meet the requirements of policy DM1 of the Hastings Development Management Plan 2015.

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

i) Impact on the residential amenity of future occupants

Subsections (f) and (g) of policy DM3 state that dwellings should be designed to allow residents to live comfortably and conveniently, with sufficient internal space, and that appropriate levels of private external space should be included, especially for larger homes designed for family use.

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.

In respect of the proposed residential units, the flats will be sized as follows:

Flat 1 - 39sqm (1 bedroom 1 person flat)

Flat 2 –61sqm (2-bedroom 3 person flat)

Flat 3 - 71.2sqm – (2-bedroom 3-person split level flat)

Flat 4 – 61sqm (2-bedroom 3 person flat)

Flat 5 – 37sqm (1 bedroom 1 person flat)

Flat 6 – 39sqm (1 bedroom 1 person flat)

Flat 7 – 72.5sqm (2 bedroom 3 person flat)

The proposed units are considered to meet minimum space standards and the habitable rooms to each of the proposed units will provide adequate levels of natural light, ventilation and outlook.

With regards to access to outside amenity space, units 2 and 6 will each benefit from a small enclosed patio and lawn area. The remaining units will have access to a communal garden area, to the rear of the proposed parking spaces. Whilst the extent of outside space is modest, in view of the size of the units and the nature of the development, the amount of outside space which is to be afforded to the properties is considered to be relatively common for flatted developments, which are typically constructed without private gardens. The application site is also in walking distance to Alexandra Park, which lies approximately 200 metres away. As a consequence, future occupants will have access to public green space within an 800 metre radius. The private amenity space is thus considered to be adequate.

Part H of Building Regulations sets out that waste containers should be sited so that residents do not have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance. A refuse storage area for 14 refuse bins is to be created adjacent to the southern boundary. The proposed refuse storage area is suitably located and it will provide reasonable access to the highway within the prescribed distances. I have consulted with the Refuse Officer, who has confirmed that the refuse storage arrangements as shown in the amended drawings are acceptable.

On the basis of the above, the standard of amenity for future occupants is considered to be adequate.

ii) Impact on neighbouring residential amenity

Subsection (a) of policy DM3 states that development is permissible where 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).

With regards to the potential impact of the proposal upon neighbouring access to daylight and sunlight, in view of the location of the proposed extension to the building, which is to be erected along the side of the existing property on a corner plot, it is considered that the development will not unreasonably impact neighbouring access to either daylight or sunlight. Similarly, in respect of neighbouring outlook, the proposed extension to the building will project away from the nearest adjoining buildings, such that neighbouring outlook will not be unreasonably affected.

With regards to the potential impact of the proposed development upon neighbouring privacy, the design of the new proposed extension to the building allows for new glazing along its front, side and rear elevations. The new proposed windows and doors along the front elevation will face directly on to Eversley Road and the direct and oblique views afforded from the new glazing will be no more harmful than the views from the existing windows serving the main house. In respect of the new glazing along the rear elevation, the new windows will face directly into the rear garden and parking area. Whilst it is acknowledged that the first-floor windows may afford some oblique views towards the adjoining neighbouring garden at 23 Eversley Road, and some direct and oblique views towards the adjoining garden plots to the side and rear, the direct views afforded are at a

distance of approximately 23 metres and the oblique views are at a distance of approximately 16 metres. In addition, they are considered to be no more harmful than the views afforded from the existing rear windows at first floor level. With regards to the proposed glazing along the side elevation of the extension, five new windows and a door are proposed at ground floor level and five new windows are proposed at first floor level. The new proposed glazing will face directly on to an area of open amenity land, an existing electricity substation and on to the boundaries of 1 Eversley Crescent and 29 Eversley Road. Owing to the mature vegetation along the boundary of 29 Eversley Road, the property is unlikely to be adversely affected by overlooking from the proposed development. Whilst it is acknowledged that the side wall of 1 Eversley Crescent contains ground and first floor windows and a door, the views afforded towards the flank elevation of 1 Eversley Crescent will be oblique and from a distance of approximately 15 metres across the existing road. As the separation distance between the existing property and the proposed extension will be similar to the relationship between the existing properties at 4 and 6 Eversley Crescent, where the separation distance between the front elevations is around 16 metres, the mutual overlooking relationship is considered to be similar to those of the surrounding properties. On this basis, an unreasonable loss of privacy should not occur.

A new window is also proposed along the side elevation of the existing dwelling. However, as the new window will be installed at ground floor level and views are afforded are similar to those afforded from existing windows, and restricted by the existing boundary wall and by the high-level acoustic fencing which is proposed along the boundary, the new window is unlikely to result in an unreasonable degree of overlooking.

In respect of the potential for noise pollution from the proposed parking area, the TRICS data provided by the applicant in their transport assessment indicates that the proposal will generate circa 19 vehicle movements per day. The number of anticipated vehicle movements is therefore limited. The proposal also makes provision for the addition of acoustic fencing above the existing boundary wall between 23 and 25 Eversley Road to reduce potential noise levels from vehicles using the car park. Furthermore, the parking area is set back from the nearest neighbouring gardens of 6 and 24-28 Eversley Crescent to mitigate against the potential impact.

On this basis, the nearest neighbouring dwellings should not be adversely impacted by excessive noise pollution.

f) Highway safety/parking

Policy DM4 of the Hastings Development Management Plan 2015 states that any new proposed developments should be subject to the parking standards set out in the adopted Parking Provision in New Developments Supplementary Planning Document (or any future replacements). The East Sussex County Council guidance in respect of new residential developments states that approximately 10 parking spaces should be provided for a development of this size in this location. The guidance further states that, within new developments, a minimum of 0.5 secure cycle storage spaces should be provided if the storage areas are communal and that one cycle storage space should be provided if the cycle stores are individually access.

The proposed development makes provision for 5 parking spaces with an associated access on to Eversley Crescent, for a communal cycle store with space for 5 bicycles and for 2 individual cycles stores for flats 2 and 6.

The proposed parking spaces are considered to meet minimum size requirements.

As the proposed amount of allocated parking falls below the recommended requirements, the applicant has provided a parking beat survey to determine whether the local area has sufficient capacity to accommodate any overspill demand which will likely be generated from the proposed development. The report, which has been produced by Reeves Transport

Planning, confirms that the parking stress figures, which record the number of spaces in use against the total capacity in the wider area, were between 55-58% of the total available parking spaces at night. It is estimated that the development is likely to increase the number of vehicles parking in the road to around 64% of the overall capacity. However, standard industry methodology prescribes a threshold of around 85% and 85% and above is taken as a suitable indication of undue parking stress. I have consulted with ESCC Highways team, who have accepted the results of the survey provided and have raised no objection to the parking arrangements proposed on the basis of the deemed parking overspill capacity in the surrounding area.

In respect of the proposed vehicle access, the applicant has provided tracking drawings to demonstrate that the access is suitable. ESCC Highways team have accepted the tracking data and confirmed that the proposed access is functional.

As ESCC Highways team have raised no objection to the development from a highways perspective and they have confirmed that the proposal would not have a severe impact on highway capacity or an unacceptable impact on highway safety, as required by paragraph 111 of the National Planning Policy Framework, the proposal is considered to meet planning policy requirements from a highways perspective.

g) Ecology

The site is comprised of an open area of garden land to the side and rear of an existing residential dwelling.

The application is supported by a preliminary ecological assessment and preliminary roost assessment prepared by CT Ecology Limited. The report confirms that the site has low potential for foraging mammals such as badgers, for reptiles and for breeding birds and that the site boundaries provide some suitable foraging and commuting opportunities for bats. The report also highlights that a single mammal hole is present in the north-eastern corner of the site and that some evidence of foxes was found in the vicinity.

As the site supports features with potential for use by small numbers of protected species, and the site contains a mammal hole, mitigation measures have been set out in the report, and these include:

- Taking a precautionary approach to vegetation clearance within the site
- Carrying out the clearance of scrub and trees outside of the main bird nesting season (between March and August inclusive)
- Storing materials safely at night
- Closing any trenches overnight or having ramps installed to enable badgers, and other mammals, to escape.
- Excavating any fox earth within the footprint of the proposed new parking area under an ecological watching brief to enable any mammals present within the feature to escape safely
- Removing Cherry Laurel from the working area
- Protecting any retained trees in accordance with British Standards (BS 2012) 5837:2012 Trees in Relation to Design, Demolition and Construction - Recommendations
- Installing biodiversity enhancement measures within the site.

Subject to the above mitigation measures being implemented, it is considered that there would be no harm to protected species or habitats.

In respect of bats, the report also confirms that no direct or secondary evidence of bats was recorded during the preliminary roost assessment and that both the main house and the outbuilding have limited potential to support roosting bats due to an absence of any suitable features. Accordingly, it was concluded that no further surveys are required.

The Ecology Officer has been consulted and has raised no objections to the application, subject to conditions relating to the implementation of the recommendations in the report,

and to the protection of badgers during the construction process. Informatives relating to breeding birds are also recommended. These will be added to any future consent.

Impact on Great Crested Newts

The development falls within the red impact risk zone for great crested newts and the nearest body of water to the site is approximately 185 metres away. However, the preliminary ecological survey has recorded no evidence of Great Crested Newts within the site and it is separated from the nearest suitable breeding ponds by hardstanding and other forms of urban development, such that sufficient connectivity is lacking to make the site suitable for Great Crested Newts. I have consulted with Nature Space, who have raised no objections to the development. An informative shall be added to any future consent reminding the applicant of their obligations should Great Crested Newts be discovered within the site at any time during the construction of the proposed development.

h) 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.

i) Lighting

No external lighting is proposed and residential amenities are not harmfully affected. A condition will be added to any future consent to ensure that any external lighting schemes are approved in advance by the Local Planning Authority. Subject to this condition, the development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

j) Drainage

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 application site is not located in flood zones 2 or 3 and it is not located in an area which is known to be susceptible to surface water or groundwater flooding.

With regards to foul drainage, the application form indicates that foul waste will be disposed of via the mains sewer. The existing house is already connected but the new connections will require the consent of Southern Water, who have been consulted on the application and raised no objections to the development. A series of informatives have been provided in relation to drainage within the site, and these will be added to any future consent.

In respect of surface water drainage, the applicant has submitted a completed SUDs toolkit form. The form indicates that excess surface water will be disposed of via a rainwater harvesting system but no additional information has been provided. The SUDs toolkit form identifies rainwater harvesting techniques as a potentially suitable drainage method for the development site. A pre-commencement condition will be added to any future consent to obtain the further details of the foul and surface water drainage strategy.

6. Conclusion

The development proposal is considered to be acceptable from a design, neighbouring amenity, a highways and ecological perspective, subject to conditions, and it will provide a

sufficiently high standard of amenity for future occupants. Whilst the parking provision within the site is below minimum standards, the survey provided by the applicant suggests that the proposed development is unlikely to result in an unacceptable level of parking stress. On this basis, the proposal is considered to be in accordance 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:

040-3-EX-TOPO, 060-3-001 REV A, 060-3-002 REV A, 060-3-003 REV A, 060-3-101 REV B, 060-3-102 REV B, 060-3-004 REV B, 062-3-S1
3. No development shall take place above ground until samples and details of the materials to be used in the construction of the external surfaces of the approved development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
4. The development shall not be occupied until refuse storage facilities has been provided within the site in accordance with the details shown on plan ref: 060-3-004 REV B. Once installed, the refuse storage facilities shall hereafter be retained within the site for that purpose.
5.
 - Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

and

(iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

6. 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.

7. Notwithstanding the details on the approved drawings, no development shall take place until a scheme of soft landscaping has been submitted to and approved by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

8. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

9. Notwithstanding the details on the approved drawings, no development shall take place above ground until full details of the hard landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished site levels; all new means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); and proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.). The hard landscaping works shall be carried out in accordance with the approved details.

10. The approved development shall not be occupied until the vehicular access serving the development has been constructed in accordance with the approved drawing.

11. The development shall not be occupied until a parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
12. The proposed parking spaces shall measure at least 2.5 metres by 5 metres in size and the length and width of each parking space shall be increased by 0.5 metres where the spaces abut fences or walls.
13. The development shall not be occupied until cycle parking area has been provided in accordance with details contained in plan ref:060-3-004 REV B. The cycle storage facilities shall hereafter be retained for that use and shall not be used other than for the parking of bicycles.
14. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved drawings. The vehicular turning areas shall thereafter be retained for that use and shall not be used for any other purpose.
15. No development including demolition work shall be commenced on site until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:
 - (a) Routing of construction and delivery vehicles to / from the site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Full details of all measures to be employed to reduce dust and noise during the demolition works and during the construction phase of the development
 - (e) Temporary traffic management / signage where required

The approved details shall be adhered to throughout the construction process.

16. Prior to the commencement of the development, the details of the proposed surface water drainage strategy to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for its prior written approval in consultation with the Highway Authority. The drainage strategy shall be implemented in accordance with the approved details.
17. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary ecology appraisal and roost assessment by CT Ecology Limited dated 24th February 2023.
18. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers and other mammals 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 and other mammals, 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.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the visual amenity of the area.
4. In order to secure a well planned development.
5. To prevent increased risk of flooding.
6. To safeguard the amenity of adjoining residents.
7. In the interests of the visual amenity.
8. In the interests of the visual amenity.
9. In the interests of the visual amenity.
10. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
14. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
15. In the interest of highway safety and to safeguard the amenity of neighbouring residents.
16. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
17. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.

18. To ensure badgers and other mammals are not trapped and harmed on site and to prevent delays to site operation.

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. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
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 Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
5. 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

Contact details: info@naturespaceuk.com

6. You are advised to consult the East Sussex Building Control Partnership e-Mail: building.control@wealden.gov.uk with regard to the provision of adequate means of escape in case of fire and necessary fire precaution works.
7. 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 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

8. 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/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx
9. 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.
10. 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.
11. 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 or by email at: SouthernWaterPlanning@southernwater.co.uk
12. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

Officer to Contact

Alexis Stanyer, Telephone 01424 783274

Background Papers

Application No: HS/FA/22/00872 including all letters and documents