

Report to: PLANNING COMMITTEE

Date of Meeting: 27 March 2024

Report from: Planning Services Manager

Application address: 66 Filsham Road, St Leonards-on-sea, TN38 0PA

Proposal: Outline Planning Permission seeking approval for Access, Appearance and Scale for a proposed new 2 bed dwelling in the rear garden of No. 66 Filsham Road. Amended description.

Application No: HS/OA/23/00697

Recommendation: Grant Outline Planning Permission

Ward: MAZE HILL 2018

Conservation Area: No

Listed Building: No

Applicant: Mr Green 66 Filsham Road St Leonards-on-Sea East Sussex TN38 0PA

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	17
Petitions of objection received:	0
People in support:	2
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 comprises the rear section of the residential garden of 66 Filsham Road, a large, detached residential property with a large rear garden. There is a single storey attached garage located to the side of the house which is to be demolished to provide access to the rear of the site. To the rear of the site is 'The Cuts', a tree lined pedestrian walkway which

runs along the rear boundary of the properties fronting onto Filsham Road and beyond this, the properties in Collinswood Drive.

The surrounding area is predominantly residential with an eclectic mix of mainly detached properties of various designs and sizes.

Constraints

Flooding Surface Water 1 in 1000
GCN District Licensing Scheme IRZ - Green
GCN District Licensing Scheme IRZ - Amber - rear boundary
Intermediate Pressure Pipeline 50m Buffer SGN
SSSI Impact Risk Zone

2. Proposed development

The application seeks Outline approval with some matter reserved for the erection of a single storey, 2 bed dwelling in the rear garden of No. 66 Filsham Road. Matters in relation to access, appearance and scale are included as part of this application with layout and landscaping being reserved.

The application is supported by the following documents:

- Arboricultural Report
- Design and Access Statement
- Preliminary Ecology Appraisal
- Site Waste and Management Plan
- SUDs Report

Relevant planning history

None

Background Information

This application has been submitted following pre-application advice. The scheme proposed at pre-application stage was a larger, detached two storey dwelling with the first floor incorporated into the roof space. The scheme at pre-application also had a larger footprint, with additional hardstanding and parking and was positioned much closer to No.66 Filsham Road. The scheme currently submitted is a much reduced development that has been designed in response to the officer advice given at pre-application stage.

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 DS1 - New Housing Development
Policy SC7 - Flood Risk

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 H1 - Housing Density
Policy H2 - Housing Mix
Policy T3 - Sustainable Transport

Revised Draft Local Plan (Regulation 18)

Policy SP2 - New and Affordable Housing

Policy SP6 - Protecting and Enhancing the Historic Environment

Policy SC1 - Key Design Principals

Policy SC2 - Design - Housing Mix, Accessibility and Adaptability

Policy SC3 - Sustainable Design

Policy SC8 - Biodiversity, Habitat Protection and Net Gain

Policy SC16 - Flood Risk

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 124 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 127 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 128 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 135 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 136 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 139 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 140 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 189 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 190 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 191 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.

Other policies/guidance

- Homes and Community Agency (HCA) Urban design lessons: Housing layout and neighbourhood quality- January 2014
- East Sussex County Council - Minor Planning Application Guidance (2017)
- The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)
- Designing Out Crime - Design and Technology Alliance against Crime.

3. Consultation comments

Borough Arboriculturalist - **No objection, subject to conditions**

Borough Refuse and Waste - **No objections**

Borough Environment and Natural Resources Manager (Ecology) - **No comment received**

NatureSpace - **No likely impact on great crested newts or their habitats**

4. Representations

In respect of this application site notices were displayed at the front of the site and to the rear in Collinswood Drive. In response to these, 23 letters of objection from 19 persons were received. 2 letters of support were also received.

Objection points

- Over development
- Out of character
- Noise pollution
- Air pollution
- Contrary to deeds
- Impact on privacy
- Overlooking
- Overbearing development
- Noise during development
- Impact on access during development
- Impact on bus stop during development
- Loss of trees
- Trees should be re-inspected
- Impact on mental health
- Loss of habitat
- Timing of statements
- Land instability
- Access for Emergency vehicles
- Highway safety
- Pedestrian safety
- Impact on property value
- Environmental impact of development

- Impact on ecology
- Location of services
- Size of garden
- Sustainable design
- Public notification
- Drainage/flooding
- Setting a precedent

Support points

- Sustainable location
- Trees are not protected
- Housing crisis
- Well thought out design
- Good landscaping scheme
- Not imposing
- No overlooking

5. Determining issues

a) Principle

As detailed above this is an application for outline planning permission with some matters, excluding access, appearance and scale, being reserved. The main consideration is, therefore, the principle of the development. In determining the principle of the development, it will be necessary to consider the impact on the character of the area, the impact upon neighbouring residential amenities, parking and highway matters, impact on protected species and ecological designations, impact on trees, flood risk and local ground conditions.

The plans show the dwelling as a single storey, detached unit with 2 bedrooms. The unit is shown to have a single parking spaces to the front with a turning area and vehicle waiting area within the wider site. The dwelling is boarded on all sides by soft landscaping and has a good sized garden.

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) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

c) Layout

The applicant has indicated that the layout and landscaping of the development are reserved matters for consideration as part of a future application. The plans submitted are therefore indicative in these respects, however, they do show detailing in relation to access, appearance and Scale.

The site is approximately 563m² with the proposed new dwelling occupying 76.5m² of the total site. The main portion of the site is roughly square in shape with the access drive running between No.66 and No.64 Filsham Road. The site is bordered by residential properties with a footpath to the rear know as 'The Cuts'.

Areas of soft landscaping have been shown on the indicative layout plan which will aid in softening the hard landscaping and built form of the development. It is however, suggested that conditions (No.7, 8 & 9) be imposed, requiring a full, detailed and sufficiently robust planting scheme to be submitted.

d) Impact on character and appearance of the area

Policy DM1 of the Hastings Development Management Plan requires that all proposals must reach a good standard of design, which include efficient use of resources, and takes into account, amongst other things, protecting and enhancing local character and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials

The indicative layout plan shows the proposed dwelling would be located behind the detached property at 56 Filsham Road at a lower ground level than the frontage property. As a result of this, the new dwelling would not be readily discernible within the streetscape of Filsham Road. In addition, the scale and design of the proposal would be subordinate to the frontage dwelling which is considered appropriate and constitutes good design for this type of back land development. Overall, it is considered that the proposal would not have an unacceptable impact on the Filsham Road street scape.

The proposal would be visible from the pedestrian walkway running along the rear boundary of the application site. However, the dwelling would be set away from rear boundary of the site and, being single storey would ensure the building would not appear overly prominent or dominant from the pedestrian walkway.

The proposed form, appearance, scale and materials would be sensitive to this residential back land location and would respond to the context of the site and surrounding residential area. The proposed house is considered to be acceptable from a design perspective and takes cues from the nearby residential development at 56 Filsham Road also a back land development. The development would not appear out of keeping with the character of the surrounding area as a result.

66 Filsham Road has a large rear garden and it is considered that there is ample space within the site to accommodate the proposed development. The indicative layout plans show that the dwelling would be located a sufficient distance from the site boundaries and would fit comfortably within the plot without appearing as a cramped form of development.

Overall, it is therefore considered that the proposed development would be in keeping with other examples of back land development in the immediate area and would respond to the local character and the context of application site in accordance with the aims and objectives of the NPPF and policy DM1 of the Development Management Plan.

e) Future residential amenities

Internal Floorspace:

The Department for Communities and Local Government (DCLG) has produced Technical Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. This document requires the that for a single storey, two bedroom unit, a minimum of 61-70m² is required.

The proposed plans indicate that the unit would have an internal floor area of 75.6m² and as such would be considered acceptable and meets the minimum for occupation by a maximum of 4 persons.

The TGSS also stipulates the minimum size for individual bedrooms, being 11.5m² for a

double and 7.5m² for a single. The bedrooms within the unit have been assessed and meet the minimum requirements for doubles. As a result of this, it is considered that the proposed units offer an acceptable level of internal living accommodation for future residents.

External Amenity Space:

Point (g) of Policy DM3 of the Hastings DM Plan states that appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. The indicative plan submitted shows the garden to the rear of the unit ranging in depth from 7.4-8.4 metres. While this does not meet the full 10 metres in depth, the garden is over 19 metres in width and as such, is considered acceptable and sufficiently sized for the scale of dwelling proposed.

f) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that 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. This includes the use of the scale, form, height, mass, and density of any building or buildings, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The site is boarded by residential dwellings and gardens on three sides. No 64 Filsham Road is the closest property to the proposed dwelling. The indicative layout plan demonstrates that there would be a separation distance of 11 metres from the front elevation of the proposed dwelling to the side elevation of No.64. This level of separation increases to 14.6 meters to No.68 Filsham Road (proposed rear elevation to existing rear elevation). To the rear of the site are the properties in Collinswood Drive, there is a separation distance of 16.6 metres to 75 Collinswood Drive, 20 metres to No.77 Collinswood Drive and 24 metres to No.79 Collinswood Drive. The properties in Collinswood Drive are also on a much lower ground level to those on Filsham Road with only the roofs of these properties visible from within the application site.

Due to the levels of separation, difference in land levels and scale, massing, height and design of the proposed dwelling, noting that no accommodation is proposed in the roof, it is considered that there would not be a detrimental impact in terms of loss of light, or overshadowing to the neighbouring properties. Similarly, due to the design of the dwelling and the level of separation, there would not be a detrimental impact in terms of loss of privacy or an unacceptable level of overlooking. Condition 12 is attached which prevents the introduction of an additional floor or windows including dormer window under permitted development.

It must be acknowledged that the outlook from the upper floor, rear windows of No.68 and No.62 Filsham Road would change as a result of the development, however, this is not considered to be sufficiently detrimental to warrant refusal on this ground alone. No.64 Filsham Road is itself single storey with no first floor windows that overlook the site. As such there would not be a detrimental impact on the outlook from this property as the development would be screened by a boundary fence and soft landscaping.

Concerns have been raised about noise and the impact from vehicles using the new driveway that runs parallel to the side of No.64 Filsham Road. To address this, the applicant intends to erect a new 1.8m close bordered acoustic fence along this boundary. A condition (No.10) is to be imposed to secure the provision of this fence prior to occupation. A further condition (No.16) is also to be imposed to restrict alterations and extensions to the roof of the

dwelling in the future.

Overall impact on residential amenities:

Taking the above in to account, while it is acknowledged that the layout plans submitted are indicative and the final site layout will be formally assessed as part of the reserved matters, it is considered that this site can be developed for residential purposes without detriment to the amenities of the neighbouring properties. As such the proposal complies with Policy DM3 of the Hastings Development Management Plan 2015.

g) Ecology

In respect of this application a preliminary Ecological appraisal, prepared by The Mayhew Consultancy (Feb 2023), has been submitted. This report identifies that no additional ecological surveys are required and that the proposal is unlikely to have any significant adverse ecological impact on site or beyond the site boundaries. Mitigation measures have been suggested in respect of breeding birds and Badgers, these are to be secured by way of condition (No.6).

Biodiversity Net Gain

Biodiversity net gain (BNG) is a way of creating and improving natural habitats. BNG makes sure development has a measurably positive impact ('net gain') on biodiversity, compared to what was there before development. Every grant of planning permission is deemed to have been granted subject to a general biodiversity gain condition to secure the biodiversity gain objective. This objective is to deliver at least a 10% increase in relation to the pre-development biodiversity value of the development granted permission. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits. The 10% in biodiversity value is secured through a pre-commencement condition, which requires the submission of a Biodiversity Net Gain Plan before development can commence.

The Biodiversity Gain Requirements (Exemptions) Regulations 2023 sets out a list of application types that are exempt or temporarily exempt from needing to create a biodiversity net gain.

These exemptions are as follows:

- a) De Minimis Exemptions -
" the development does not impact a priority habitat and
" site has less than 25 square metres of habitat that has biodiversity value greater than zero; and less than 5 metres in length of linear habitat
- b) Householder applications
- c) Biodiversity Net Gain Sites - development solely for the purpose of fulfilling, in whole or in part, the biodiversity gain planning condition which applies in relation to another development
- d) Self-Build and Custom Build applications (not more than 9 dwellings on sites no larger than 0.5ha and exclusively Self-Build and Custom Build housing.
- e) Small Developments where the application is made or granted before 1st April 2024. (Temporary exemption)
- f) S73 applications where the original planning permission to which the section 73 planning permission was submitted before 1st January 2024
- g) Retrospective planning permissions made under section 73A

* "small development" means development which is not major development within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015(a).

The development is classed as a 'small development' and as such the relevant legislation regarding biodiversity net gain is not applicable in this instance. However, the Ecology report

submitted identifies that the development can provide an opportunity to enhance or increase biodiversity by way of a landscaping scheme which includes replacement trees. These enhancements are considered acceptable and are secured by way of conditions (No. 6 & 9).

Impact on Great Crested Newts:

The majority of the site is within the Green IRZ, with a narrow strip along the rear boundary of the site being in the Amber IRZ. The site is also more than 250m from a pond.

NatureSpace have been consulted in respect of Great Crested Newts and have advised that there would be no likely impact on great crested newts or their habitats as a result of the development. An informative (No.4) is however added should Great Crested Newts be found on site at any stage of the development works.

h) Trees

An Arboricultural report (AR/126723), prepared by the Mayhew Consultancy has been submitted. This report identifies that, when the site was surveyed in February 2023 there were nine individual trees and one group of trees on site.

Of the trees identified at the time of the survey, all grade C with the exception of T6 (Hornbeam) which is grade B. To facilitate the development 7 trees and 1 group of trees would be lost. Root protection measures are suggested to ensure no damage to the retained trees during development phase.

It must be acknowledged that a large number of objections have been submitted in respect of the loss of the existing trees along the boundary of the site and No.64 Filsham Road. While these concerns are acknowledged, these trees are not protected by way of a Tree Preservation Order and the site is not within a Conservation Area. As such, the applicant's could remove these trees without requiring consent from the Council. It should also be noted that, to address concerns raised by local residents regarding the loss of these trees, the indicative landscaping plan shows new hedging and trees being planted in and around the site. The Borough Arboricultural Officer has been consulted on the proposal and has raised no objection, subject to the necessary mitigation measures and a landscaping scheme being submitted. This is secured by way of conditions (No.6 & 9).

With regards to the concerns raised that the Arboricultural Report is invalid, due to the recent high winds, clarification has been sought from the Tree Officer. He has advised that, had any of the trees become obviously dangerous as a result of storm events, then a further inspection of the trees that have become dangerous should be carried out and the report amended where necessary. In this instance, the case officer visited the site on the 13th November subsequent to the storm on the 1-2nd November. Trees on site did not appear to have become dangerous as a result of the high winds, with no limbs hanging or trees being uprooted etc. As such, it is considered that the trees remain in the condition as stated within the tree report. Therefore, no further report is required.

Taking these factors in to account, it is considered that the development as shown on the layout would not have a detrimental impact on the trees on site. The proposal therefore complies with Policies HN8 of the Hastings Development Management Plan and EN3 of the Hastings Planning Strategy.

i) Highway safety/parking

Vehicle Access and visibility :

The site will be accessed from Filsham Road which is subject to a 30mph speed limit at the point of access. The development makes use of the existing access which provides good visibility along Filsham Road in both directions.

Trip Generation:

The applicant has not submitted a trip generation assessment as part of this application, however, the proposed development is not considered to generate a significant level of trips, and is unlikely to result in a significant impact on the local highway network.

Parking and turning:

The East Sussex County Council parking demand calculator demonstrates that the proposed development requires 1 parking space. The indicative layout plan shows 1 parking spaces on site for the new dwelling. The space meets the minimum of 2.5m x 5.0m and turning area has also been shown, allowing vehicles to turn on-site so as to enter and egress in a forward gear. This is secured by condition No. 8.

Cycle Parking:

In accordance with the County Council's adopted parking standards, 2 cycle parking spaces should be provided. These parking facilities need to be covered, secure and located conveniently for users. A cycle store is shown on the indicative site plans, demonstrating that this can be accommodated on site. As such the proposed cycle parking provision is acceptable. This is secured by condition No. 14.

Accessibility:

The site is located on a well served bus route with regular services to Hastings, St Leonards and the wider area making it sustainable in terms of non-car methods of transport.

Access for Emergency Vehicles:

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle (FSV) should not have to reverse more than 20m.

According to Manual for Streets a 3.7m carriage way is needed, however, this can be reduced to 2.75 over short distances. The proposed dwelling is positioned approximately 34 metres from the highway and as such, is within the acceptable distance for emergency service vehicles. The access to the dwelling is also of acceptable width to provide access directly to the property. In light of this, it is considered that there is acceptable access for emergency service vehicles. It is however suggested that an informative be included in respect of domestic sprinkler systems.

j) Drainage**Foul:**

No formal details have been provided in relation to foul drainage, however, this is a matter that can be secured by way of condition (No.12).

Surface Water:

In respect of surface water, permeable materials such as block pavers and paving are to be used in the driveway, paths and patio areas of the site, reducing the surface water run-off on site. It is also suggested that rainwater harvesting in the form of a water butt be included to allow for use in the garden. These installations along with a comprehensive drainage scheme are to be secured by way of condition (No.12).

k) Waste and Recycling

Policy DM3 of the Hastings Development Management Plan requires that there is adequate space for storage of waste and the means for its removal. This includes provision for the general management of recyclable materials.

The indicative site layout plan submitted shows an area for the storage of bins approximately 14 metres from the highway. This storage area is in an accessible location and meets the requirements of Part H of the Building Regulations. The Waste and Refuse Team have reviewed the proposal and have raised no objections. A condition (No.14) is to be imposed to secure the provision of the bin store prior to occupation of the dwelling.

l) Air quality and emissions

The proposed development does not fall within the screening checklist of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2021 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

Lighting

No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

m) 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.

n) Sustainable construction

Policy SC3 of the Hastings Planning Strategy requires that all new developments must be designed to incorporate appropriate climate change mitigation and adaptation measures. These can include features such as green roofs and walls, sustainable drainage systems, multi-functional green space, protecting and enhancing biodiversity, waste reduction and recycling facilities, water efficiency, flood risk management, and the use of recycled materials in new development.

The construction would be implemented in accordance with a site waste management plan, which seeks to minimise as much construction waste as possible. It is also proposed to minimise the travel distance of vehicles bringing materials to the site.

Materials such as permeable paving are proposed for the road, paths and parking areas so that surface run-off is reduced. Rainwater harvesting is possible through the use of water butts if required.

6. Conclusion

The site is located within a sustainable location with easy and frequent access to services and as such the principle of residential development is acceptable. As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

While an outline application, it is considered that the indicative plans show a development that has been sympathetically designed following pre-application discussions and

demonstrate that the proposal would assimilate well into existing development. The proposed dwelling is considered to constitute a good standard of design in accordance with Policies DM1 of the Hastings Development Management Plan 2015 and SC1 of the Hastings Planning Strategy along with paragraph 135 of the National Planning Policy Framework.

The proposed development would provide an acceptable living environment for the future occupants of the dwellings without adversely impacting on the amenities of neighbouring residents.

The proposed vehicular access, car, cycle parking and waste storage arrangements are considered to be acceptable and comply with local policies.

No protected trees would be lost, and no protected species will be harmed as a result of the proposed development.

Given the above it is considered that the proposed development is in accordance with the relevant policies of the NPPF and Local Plan as detailed herein. The proposal is considered to 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 Outline Planning Permission subject to the following conditions:

1. No development shall start until details of the:

- a) Landscaping
- b) Layout

hereafter called "the reserved matters" have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the reserved matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to layout and the soft and hard landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The details referred to in the reserved matters to be submitted pursuant to the requirements of Condition 1 above shall be based on the following indicative drawing numbers:-
JG-10 A, JG-11 A, JG-12, JG-13, JG-14, JG-15 A, JG-16 A.
6. No development shall take place until the measures outlined in the submitted Preliminary Ecological Appraisal dated February 2023 and the Arboricultural Report (AR/126723) dated February 2023 prepared by The Mayhew Consultancy Ltd have been fully implemented unless the scheme(s), or programme(s) of measures contained within the reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
7. The hard landscape details submitted pursuant to condition (1) above, shall include full details of the following;
 - Details of the proposed materials for the new drive way, parking and turning areas along with method for dealing with water run-off;
 - Means of enclosure/boundary treatment
 - Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

All hard-landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.

8. The details submitted in pursuance of condition (1) above shall show car parking and turning areas in accordance with the approved County Parking Standards. The parking space shall be a minimum of 2.5m by 5m with an extra 0.5m where a space abuts a wall and upon approval the areas shall be provided, surfaced and drained in accordance with the approved details prior to first occupation of the unit, and thereafter the areas shall be retained for that use and shall not be used other than for the parking of motor vehicles.
9. The soft landscaping details submitted pursuant to condition (1) above, shall include the following;
 - A proposed soft landscaping and planting plan,
 - A schedule of trees, hedges and plants, noting species, plant sizes, proposed numbers and densities (where appropriate) together with an implementation programme;
 - Finished levels or contours;
 - Means of enclosure/boundary treatment
 - Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines,

manholes, supports etc.).

All soft and hard landscape works shall be carried out in accordance with the approved details and 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.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same location.

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 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.

10. Prior to occupation of the dwelling hereby approved, details of the 1.8m acoustic fencing, shown on plan JG - 16 A are to be submitted to and approved in writing by the Local Planning Authority. The submitted details shall show the acoustic fence positioned on the side boundary that separates the site and No. 64 Filsham Road and shall extend the full length of the driveway leading to the bungalow, hereby approved. The acoustic fence shall then be installed in accordance with the approved details on site prior to occupation of the dwelling hereby approved. The acoustic fence shall thereafter be and retained and maintained in a good condition for the perpetuity of the development. If the acoustic fence becomes damaged for any reason, a replacement acoustic fence is to be installed to the same specification.
11. The details submitted pursuant to condition (1) above, shall include full details of the materials to be used in the construction of the external surfaces of the development. Thereafter development shall be carried out in accordance with the approved details and the works shall be carried out prior to first occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
12. (i) Prior to commencement of development details of the proposed means of foul sewerage and surface water disposal/management must be submitted to and approved in writing by the Local Planning Authority. The designed system must take into account design standards of those responsible for maintenance, including details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains and evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

(ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall

occur until those works have been completed.

(iii) No occupation of the dwelling 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.

13. No demolition or construction shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
 - measures to control the emission of dust and dirt generated by construction and demolition works, including measures to prevent mud on the highway;
 - a scheme for controlling noise and vibration from demolition and construction activities [including details of any piling];
 - the arrangements for deliveries or collections from the site associated with all demolition and construction works, loading/ unloading of plant & materials and their storage and restoration of any damage to the highway [including vehicle crossovers and grass verges].
14. Prior to occupation of the dwelling hereby approved areas for the storage of bins and cycles are to be provided on site, with evidence being submitted to and approved in writing by the Local Planning Authority. These areas are to then be retained on site for the perpetuity of the development.
15. Any bathroom windows in the dwelling hereby approved shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The dwelling hereby approved shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.
16. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, roof extensions, dormer windows, alterations or any other type of window to the building or the roof of the premises, permitted by Classes AA, B & C of Part 1 of Schedule 2 or AD of Part 20 of Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.
17. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy 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.
18. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.

19. (i) All development shall be stopped immediately in the event that asbestos is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority.
- (ii) Development shall be paused until a scientific analysis is carried out by a professional Asbestos surveyor with details of any remediation/mitigation for the safe removal and disposal of the asbestos being submitted to and approved in writing by the Local Planning Authority.
- (iii) The development shall not re-start until all necessary remedial works are fully carried out, with confirmation of the completion of any remediation/mitigation being submitted to and approved in writing by the Local Planning Authority.

Reasons:

1. The application is in outline only and to comply with Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. In order to ensure a satisfactory access, site layout, scale, appearance to the development in the interests of the visual amenities, character and appearance of the locality and the amenities of the neighbouring occupiers.
6. To ensure a satisfactory standard of development.
7. In the interests of the visual amenity of the area.
8. In the interests of highway safety and for the benefit and convenience of the public at large.
9. To ensure a satisfactory standard of development.
10. To safeguard the amenity of adjoining and future residents.
11. To ensure a satisfactory standard of development.
12. To ensure a satisfactory standard of development.

13. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
14. To ensure a satisfactory standard of development.
15. To safeguard the amenity of adjoining and future residents.
16. To safeguard the amenity of adjoining and future residents.
17. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
18. To safeguard the amenity of adjoining and future residents.
19. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential contamination.

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. 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. 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.
5. Consideration should be given to the provision of a domestic sprinkler system.
6. The applicant is advised that condition 16 relates to the bungalow approved under this application only.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/OA/23/00697 including all letters and documents