

# Planning Agenda

Wednesday, 28 April 2021 at 6.00 pm

This meeting will be held online. A viewing link to this meeting will be posted on our website nearer the time.

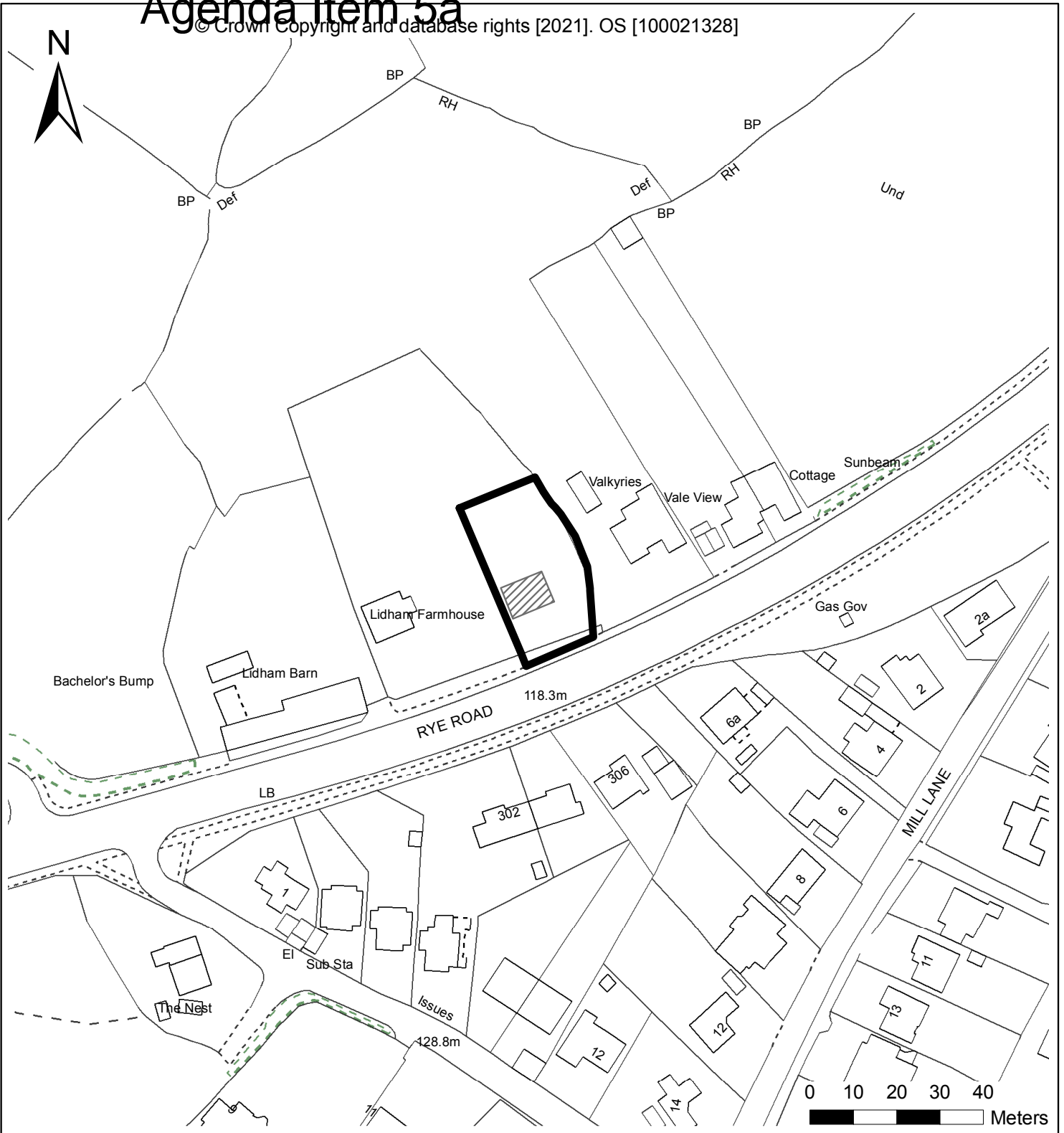
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5.	Planning applications attracting a petition	
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6.	Other Planning Applications	
(a)	Land adjacent, 777 The Ridge (HS/FA/20/00970) ( <i>T Zulu, Principal Planning Officer</i> ) <a href="https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=HSTBC_DCAPR_118027">https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=HSTBC_DCAPR_118027</a>	23 - 66
(b)	Field adjacent to Dingle Cottage, Jenners Lane (HS/FA/21/00202) ( <i>I Sheth, Principal Planning Officer</i> ) <a href="https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=HSTBC_DCAPR_118254">https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&amp;keyVal=HSTBC_DCAPR_118254</a>	67 - 78
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# Agenda Item 5a

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**Land adjoining Lidham Farm**  
**Rye Road**  
**Hastings**  
**TN35 4LL**

Erection of new dwelling



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Date: Jan 2021

Scale: 1:1,250

Application No. HS/FA/20/00132

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 28 April 2021

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** Land adjoining Lidham Farm, Rye Road,  
Hastings, TN35 4LL

**Proposal:** Erection of new dwelling

**Application No:** HS/FA/20/00132

**Recommendation:** Grant Full Planning Permission

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

Applicant: Mr Allison per PDK Design Mersin Stonecross  
 Mayfield TN20 6EJ

**Public Consultation**

Site notice: Yes  
 Press advertisement: No  
 Neighbour Letters: Yes  
 People objecting: 39  
 Petitions of objection received: 1  
 People in support: 0  
 Petitions of support received: 0  
 Neutral comments received: 0

Application status: Not delegated - Petition received

**1. Site and surrounding area**

The site comprises a large open area of land to the east of Lidham Farmhouse, set approximately 2.4m below Rye Road, and screened by 2m high fencing from the road. It is bordered by Valkyries to the east (another large detached property with a 2 storey garage to the rear) and Lidham Farmhouse to the west. The High Weald Area of Outstanding Natural Beauty (AONB) is located to the rear.

A variety of trees and hedgerows, including leylandii and other vegetation ranging between approximately 3m to 8m in height, form the boundary treatment from both the property to the east, and the existing residential dwelling (Lidham Farmhouse) to the west. An existing driveway running northwards from Rye Road separates Lidham Farmhouse from the application site, although the open piece of land to which this application relates currently forms

part of the curtilage of the existing dwelling.

An identified watercourse runs to the rear of the application site, although a significant distance away from its boundary. An inverted culvert also runs through the site.

### Constraints

- Area affected by groundwater flooding
- Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ) – thresholds not exceeded
- AONB to the rear (although not within application site boundary)
- River Network (although not within the application site boundary)

## **2. Proposed development**

This is a re-submission of an expired permission for a 2 storey, 4 bedroom detached dwelling on a large area of open land, currently forming the curtilage of Lidham Farmhouse. The design detail of the dwelling is similar to the approved permission with a few changes proposed to the fenestration. An additional window is proposed at ground floor level in the eastern elevation and an additional door is proposed at ground floor level in the western elevation providing access to the utility area and the window that was proposed in the western elevation at first floor level has been removed.

The proposed dwelling will provide 4 bedrooms and 4 bathrooms, with ancillary living and kitchen accommodation at ground floor level. It will continue the established building line as far as possible and be in line with the adjacent dwelling to the east, Valkyries. It is set back more than 10m from the main road at a lower level, taking account of the slope at the very front of the site.

Access into the site will utilise the existing access driveway serving Lidham Farmhouse, with a new turning area provided on the eastern side of the access road to serve the new dwelling. The garden area will measure just under 19m in depth and include a 2.5m depth of patio area. 5.2m separates the new dwelling from the boundary with Valkyries to the east, and 1.2m separates it from the access driveway to the west. The driveway having a width of some 4m will separate the proposed site boundary to the west and the new boundary of the host dwelling at Lidham Farm.

The application is supported by the following documents:

- Design & Access Statement
- Phase 1 Ecological Survey (Wildlife Splash Ltd, February 2020)
- SUDs Decision Support Tool for Small Scale Development
- Arboricultural Impact Assessment (Dolwin & Gray, March 2020)

### **Relevant planning history**

HS/DS/17/00414 Approval of reserved matters relating to Access, Appearance, Landscaping, Layout and Scale of Outline Permission HS/OA/15/00719 - Erection of a two storey detached house.  
GRANTED 17 November 2017

HS/OA/15/00719 Erection of two storey dwelling  
GRANTED 28 July 2015

## **National and local policies**

### Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC7 - Flood Risk  
Policy EN3 - Nature Conservation and Improvement of Biodiversity  
Policy EN7 - Conservation and Enhancement of Landscape

### 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 DM6 - Pollution and Hazards  
Policy HN8 - Biodiversity and Green Space  
Policy HN9 - Areas of Landscape Value

### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

### National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

### 3. Consultation comments

Highways – **No Objection subject to Conditions** (Nos. 10 - 13).

Environmental Health – **No objection subject to conditions** (Nos. 19, 26- 29)

Building Control – **No objection**. However, recommends that site investigation should be carried out prior to commencement of the building works for potential contamination.(Conditions Nos. 27-28)

Ecology Officer – **No objection**. A comprehensive ecology assessment has been submitted with the application. The assessment updates a previous ecology assessment and concludes the area does not support protected species or habitats of concern. There are no ecology constraints relating to this proposal. (Condition Nos. 20-21)

The Ecology Officer also advises that in this instance no meaningful biodiversity enhancements can be achieved for development of this size and as such does not requests any biodiversity enhancements.

High Weald AONB – Standard comment received advising that the Local Planning Authority to assess the impact on the AONB in accordance with legislative and policy requirements in respect of AONBs.

Arboricultural Officer – **No objection subject to conditions** (Nos. 14-18)

Southern Water - **No objection**

Originally did not support the proposals for septic tank or private treatment plant in the



presence of public foul sewerage network in the close vicinity of the development site. However subsequent to discussions with the developer found it acceptable for the Surface water to be disposed of via soakaway and foul water to a private treatment package plant.

#### **SUDS – No objection (Condition No. 30)**

Originally objected as no evidence was provided to show that infiltration is feasible at the application site. These details have been provided and considered to be acceptable.

#### **Rother District Council – No objection**

Recommends that given the close proximity of the site with the High Weald Area of Outstanding Natural Beauty conditions should be applied with regard to hard and soft landscaping and the use of clay roof tiles, to reflect its rural location and the character and appearance of the AONB.

## **4. Representations**

In respect of this application a site notice was displayed.

A petition containing 27 signatures has been received stating the following:

Refuse planning permission for construction of a new development on greenbelt land next to Lidham Farmhouse on Rye Road covered by application HS/FA/20/00132. The development is in contravention of Hastings Borough Councils own policies. Which are:

- 1) Local Plan Development Management Plan Policy HN9 - Areas of Landscape Value - The above application clashes with this policy.
- 2) Local Plan Development Management Plan Policy HN8 - Biodiversity and Green Space - This application is in conflict with this policy.
- 3) Local Plan Planning Strategy 2011-2028 Policy EN7 - Conservation and Enhancement of Landscape Adopted - This application does not promote sustainable and green design.
- 4) Local Plan Planning Strategy 2011-2028 Policy FA5 - Strategic Policy for Eastern Area Adopted - This application is in conflict with this policy. The policy aims to prioritise new housing on previously developed land to assist regeneration where possible.

Furthermore, this development even with the conditions suggested by the planning officer, will destroy the amenity and privacy of the neighbouring property at Valkyries, Rye Road. For these reasons this development should not be given permission.

We are in the midst of a climate emergency which Hastings Borough Council has recognised in its 2020 Climate Change Strategy. The environmental damage caused by this development on a piece of the town's dwindling greenbelt is contrary to the spirit and letter of every commitment in that strategy.

Its impact on species diversity, the creation of more unsustainable housing and the paving of yet more greenbelt land that is required to mitigate flooding is further reason why Hastings Borough Council should refuse this application.

48 Letters of representations have been received from 39 individuals. The objections and comments are summarised below:

- Development is an inappropriate infill development that will have a detrimental impact on the rural character of the area.
- Privacy and Overlooking Issues
- Dominance Issues
- Loss of light
- Proposal will ruin the natural beauty of the landscape
- Proposal will set a precedent for other such developments
- Inappropriate for a foul water drain to empty into stream in an area of outstanding natural beauty. As a neighbour they have to regularly complain to the water authority about the smell of raw sewage coming from the septic overflow.
- Drainage should be connected to the mains.
- In the best interest to preserve and protect open land and green spaces or land use for agriculture.
- Development will diminish the transitional gap between Hastings Borough Council and Rother District Council boundaries.
- Detrimental effects on the landscape
- Congestion and Highway Safety Issues
- This application is not for a much-needed social housing in the local area.
- The application contradicts current HBC policies in respect of Biodiversity and Green Space, Conservation and Enhancement of Landscape (Local Plan Development Management Plan Policy HN8 and HN9 and the Local Plan Planning Strategy 2011-2028 EN7 and FA5).
- The site is located adjacent to an Area of Outstanding Natural Beauty and as such would have an impact. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect the designated area'.
- If the new development is run as a business then it would have a very detrimental effect on the wider environment/traffic/noise pollution/community.
- Loss of trees
- Noise issues
- Impact on infrastructure
- The site entrance is in a particularly dangerous position on a fast-downhill section of the A259 with restricted visibility due to the curvature of the road.
- Development will diminish the transitional gap between Hastings Borough Council and Rother District Council boundaries.
- Given the unknown history of this site, has the applicant commissioned a professional archaeological evaluation?
- Biodiversity implications
- New developments should be designed as Low carbon/Energy Efficient
- The detail for the drainage is inadequate. Therefore, it would ideally require a pumping system to be installed to pump waste to the Main waste road junction.
- Is there a full and comprehensive 'up-to-date' surface water filtration evaluation available to take into consideration the amended plans?
- Contaminated Land - there is a requirement that developers carry out site investigations of potential hazards & propose the necessary remedial measures required to deal with the hazard on sites with known or suspected contamination.
- Is there a traffic monitoring evaluation available and have Highways provided an opinion?

- The hole dug to calculate the drainage of water on the field has not been dug where the proposed soakaways are supposed to be sited but on a deliberately higher piece of ground close to the proposed house.
- As a neighbour who has recently built a pond on adjoining land knows that the heavy clay soil does not drain at all well. It cannot cope with the soakaway for one house let alone two.
- Have read the officers report of 19th January and dispute many of the conclusions reached within it. We still find that if the development were to go ahead it would be in contravention of your own planning policies. Namely:
  - Local Plan Development Management Plan Policy HN9 - Areas of Landscape Value – The application clashes with this policy.
  - Local Plan Development Management Plan Policy HN8 - Biodiversity and Green Space - This application is in conflict with this policy.
  - Local Plan Planning Strategy 2011-2028 Policy EN7 - Conservation and Enhancement of Landscape Adopted - This application does not promote sustainable and green design.
  - Local Plan Planning Strategy 2011-2028 Policy FA5 - Strategic Policy for Eastern Area Adopted - This application is in conflict with this policy. The policy aims to prioritise new housing on previously developed land to assist regeneration where possible.
- Officers report appears to ignore the submission from Rupert Clubb of East Sussex County Council on 04/12/20 that the access to Lidham Farm be extended in order to accommodate the doubling of vehicle movement. He recommends: “In order to accommodate two-way traffic flow an access serving multiple dwellings requires a minimum width of 4.8m for the first 6m+ back from the edge of the carriageway.
- The more we read the officers report to the planning committee (of 19th January 2021) it's clear that the main reason to recommend approval rests entirely on the fact that approval was once granted previously.
- The developments impact on species diversity, the creation of more unsustainable housing and the paving of yet more agricultural land that is required to mitigate flooding is further reason why Hastings Borough Council should fundamentally refuse this application.
- An objection was also received from Guestling Parish Council as follows:
- Whilst acknowledging that this is on the edge of A.O.N.B. it sets a precedent for the construction of 'infill single dwellings'.
- The detail for the drainage is inadequate. It would appear the foul water pipe is proposed too close to the soakaway. A pumping system should be included to pump it up to the main road to join the pipework there.

## **5. Determining issues**

### a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and as such the development is considered 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 a planning permission.

### c) Impact on character and appearance of area and the High Weald AONB

Some of the objections received raise concerns about the impact of the proposed dwelling on the character and appearance of the area. Comments have also been made to retain the agricultural use of the land. In 1999, the land was being used for agricultural purposes and was protected by Local Plan policy as being outside of the built up area boundary and within the countryside. The Local Plan was subsequently revised, removing the built up boundary from the proposals map attached to the Local Plan. As such the site is no longer in the countryside and forms part of urban edge, where the principle of development is acceptable. The authorised use of the site remains as agricultural even though the land in question has been enclosed to form part of the residential curtilage of Lidham Farmhouse.

Taking into consideration the previous consent for exactly the same development, the government's aims for delivering new homes in suitable locations, and the presumption in favour of sustainable development, it is not considered that an objection can be raised to the provision of one dwelling in this location. It should be also noted that Policies have not changed since the last determination of the application to come to a different conclusion in respect of the proposed development.

Given the topography of the site, the proposed dwelling will be located at a significantly lower level than Rye Road to the south. The existing front boundary fence and hedging is to be retained. There is limited prominence of existing dwellings in the street scene given this drop in the levels, and it is not considered that the new dwelling, subject to the use of appropriate materials, will be overly prominent in the street scene. The impact is further reduced taking account of the siting of the new dwelling, over 10m back from the road. The established building line is also continued as far as possible in respect of the new dwelling's location.

Details of materials will be required by condition No. 3, to ensure the appearance of the new dwelling is in-keeping with the surrounding area. The use of clay tiles will be secured through this condition given the site's location close to the Area of Outstanding Natural Beauty and the importance of maintaining and enhancing existing landscape views. Subject to compliance with this condition, the development accords with Policy DM1 of the Development Management Plan in respect of its impact of the development on the character and appearance of the area.

The wider site is located adjacent to the High Weald AONB and as such, any proposal will need to protect the inherent visual qualities and distinctive character of this setting and meet the aims of policies EN7 and HN9 of the Hastings Local Plan. The High Weald AONB Unit has been consulted in which they have no particular comments to make but have recommended the standing advice is consulted.

There are no public footpaths or roads to the rear of the site which could offer views into the site. Whilst the boundary of the High Weald AONB is immediately adjacent to the rear boundary of Lidham Farmhouse, it is located approximately 38m north of the proposed rear boundary of the application site. As such no development is proposed to take place within this designation.

In view of the above, it is not considered the proposal will have a detrimental impact on the character, scenic quality or visual benefit of the High Weald AONB and will help protect the inherent visual qualities and distinctive character of this setting which is in agreement with Policies EN7 and HN9 of the Hastings Local Plan.

### d) Layout

This is large plot of land and a single dwelling can be comfortably accommodated within its grounds, with adequate amenity space around it.

The layout of the dwelling exceeds all requirements for a 4 bedroomed, 2 storey dwelling in terms of internal floorspace standards set by the Government by some 50sqm. The garden extends over 18 metres in depth to the rear, providing adequate amenity space externally. The proposal is therefore compliant with Policy DM3 of the Development Management Plan in these respects and provides an adequate standard of living accommodation for future residents.

No specific details have been provided regarding bin storage, although there is adequate space within the site for safe storage behind the front building line. This will be secured by Condition No. 7.

#### e) Impact on neighbouring residential amenities

Existing boundary treatment between the application site and the neighbouring property, Valkyries, comprises thick, high vegetation, which reduces in height as the garden extends to the rear. This hedging is to be retained as part of the new development, and ranges from 3m up to 8m in height closest to the proposed location of the dwelling. The new dwelling will be located some 5m from the side boundary of Valkyries at its closest point and new side windows (at first floor level) in this elevation serve bathrooms only. Subject to the imposition of a condition that these side windows are obscure glazed, taken together with the distance that separates the two dwellings, it is not considered that there will be an undue impact in terms of overlooking towards this neighbouring dwelling as a result of the development. Condition 6 (obscure glazing) is therefore included to protect neighbouring residential amenity.

Over 20m (including the existing driveway) will separate the dwelling from Lidham Farmhouse to the west, minimising any impact on occupiers from this property.

Taking the above considerations into account, it is not considered that the siting of a two storey dwelling in the proposed location would have an undue detrimental impact on the amenities of neighbouring residential occupiers, and is therefore in accordance with the requirements of Policy DM3 of the Development Management Plan 2015.

#### f) Impact on landscape and biodiversity

Concerns have been raised in respect of biodiversity, wildlife and loss of trees.

Updated ecology and arboricultural surveys have been undertaken in support of this application. Subject to the necessary protection measures for breeding birds and BAP (Biodiversity Action Plan) species such as the common toad and hedgehogs, both prior to and during construction, it is not considered there will be an unacceptable impact on biodiversity or protected species.

The Arboricultural Report states that 4 Nos. Eucalyptus trees and 1 No. Tulip tree have been removed from the site. It should be noted that the site is not subject to any Tree Preservation Orders. No additional loss of trees or hedges are proposed to facilitate the proposed development. A revised landscaping scheme will be secured by condition to ensure that the impact on the surrounding area, given its rural location, is minimised and enhanced as far as possible.

Policies EN3 and EN7 of the Hastings Planning Strategy 2014, and HN8 of the Development Management Plan, are therefore complied with.

#### g) Highways and parking

There is ample space on site to provide adequate parking. As such the proposal would meet

the requirements in this respect.

Comments have been received in respect of congestion, highway safety issues and traffic monitoring evaluation. A traffic monitoring evaluation is not required for the provision of one dwelling. Furthermore, the Highway Authority have been consulted on the application and raises no objection to the proposal subject to condition nos. 10-13 in respect of provision of access, parking and turning areas and cycle. The Highway Authority has also recommended a condition No. 12 in respect of cycle parking areas.

It is noted that comments have been made about ignoring the requirement to accommodate two-way traffic flow access serving multiple dwellings requires a minimum width of 4.8m for the first 6m+ back from the edge of the carriageway. However, the reconstruction of the access way has been required by Condition No. 10.

As such, it is considered that the proposal meets the requirements set by Policy DM4 of the Development Management Plan in that safe access is provided into the site, and that parking standards have been complied with.

#### h) Drainage

Policy SC7 of the Hastings Local Plan – Planning Strategy 2014 states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The proposal seeks to provide a septic tank along with an infiltration system for foul water drainage and a soakaway for the purposes of surface water drainage.

Subsequent to the provision of infiltration and the soakaway details, SUDS also raises no objection to the provision of soakaway for surface water disposal.

Objections from neighbours in respect of the provision of septic tank are noted. However, Southern Water raises no objection to the disposal of foul water drainage in the manner proposed. It should be also noted that the drawings state that the septic tank will be provided for the proposed dwelling at a distance of some 15m away from the dwelling; it is not proposed to use any existing septic tank on site for this purpose. The applicant proposes to use Kargester Alpha 3800 litre septic tank which is connected to a drainage field, also known as an infiltration system, which is a series of pipes with holes placed in trenches and arranged so that the effluent can trickle through the ground for further treatment. The pipes are proposed to be laid to a fall of 1:200; the pipes are to be surrounded above, below and to the sides with pea gravel with a geo-textile layer over gravel and back filled to ground level with top soil.

Building Control Department raises no objection to the proposal. Whilst concerns have been raised with Building Control in respect of the proposed drainage field being located within 10m of the watercourse (inverted culvert) on the site, they have commented that they do not object to the proposal as far as the design and location of the drainage field will prevent any potential cross contamination to the culvert. Such confirmation can only be sought from Environment Agency.

The Environment Agency does not provide consultation comments on applications that are proposing to use non-mains drainage but are 'non-major' (i.e. less than 10 units) and generally require that applicants should be directed to the General Binding Rules. However considering the sensitive nature of the application, the Environment Agency has been contacted. They have stated that if there is mains nearby (within 30m), they would expect the Applicant to connect to the public sewer. The proposed dwelling is located approximately 22m from the public sewer and should therefore ideally be connected to the main sewer. Where this is not

possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater needs to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. The Environment Agency has confirmed that this is a permit issue. Subject to such a permit being obtained, no objection can be raised to the provision of drainage in the manner proposed.

An alternative foul drainage plan has also been submitted by the applicant proposing to connect the drainage to the main sewer. However, this is not the preferred alternative for the applicant as this requires the pumping of the sewerage as the site levels are much lower than that of the main sewer.

It is considered that a condition No. 9 can be attached to any consent granted to require that a permit is obtained from EA before commencement of development or that the connection be made to main sewer in accordance with the submitted drawing (No. 17015/9).

Subject to such a condition No. 9, it is considered that the development would comply with drainage policies.

#### i) Other site constraints

The proposed development does not constitute the scale of development that warrants further consultation with Natural England, having not exceeded the threshold within the SSSI Impact Risk Zone. Neither the Environment Agency or East Sussex County Council as the Lead Local Flood Authority have raised any concerns in light of the site's proximity to a watercourse at the rear.

#### j) Air quality and emissions

The proposed development does not fall within the screening checklist 1 or 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2019 produced by Sussex Air Quality Partnership. Therefore, no further information is required in respect of air quality. Environmental Health Officers have no objection in this respect.

#### k) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that " Projects which are wholly outside sensitive areas and do not exceed the revised screening thresholds are not Schedule 2 development and should not be screened by the Local Planning Authority."

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.

#### l) Sustainability

Comments have been made about new development lacking energy efficiency, climate change mitigation and adaptation measures, etc.

Policy SC1 of the Hasting Planning Strategy requiring new development to make provision for fibre-based broadband infrastructure

Policy SC3 of the Hasting Planning Strategy requires that all development must be designed to incorporate appropriate climate change mitigation and adaptation measures and enable a low carbon future in a changing climate.

Policy SC4 developers to follow the hierarchical approach in achieving the energy and carbon dioxide emission requirements of the Building Regulations, for all new residential development.

It is noted that the proposal does not provide any such measures. However, these can be required to be provided by imposition of condition Nos. (4 and 5).

#### m) Biodiversity

The Ecology Officer has confirmed that there are no ecology constraints relating to this proposal.

Whilst the Ecology Officer also advises that in this instance no meaningful biodiversity enhancements can be achieved for development of this size and as such does not requests any biodiversity enhancements, the proposal seeks to provide birds nesting boxes within existing trees to give minimum 10% Biodiversity lift to comply with the requirements of the NPPF.

#### n) Other matters

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).

## **6. Conclusion**

Taking account of the above considerations, it is not considered that the proposed development of a two-storey dwelling in this location will have a significant detrimental effect on the amenity of neighbouring residential occupiers, the street scene, or any environmental designations. Furthermore, the proposed dwelling is exactly the same as previously approved under Planning Reference HS/DS/17/00414. Given the Government's drive to deliver new homes, and the presumption in favour of sustainable development, the principle of development in this location and the resulting design of the dwelling is considered acceptable.

The proposal therefore complies with the development plan in accordance with Section 38 (6) of the Page 37 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:

17015/1, 17015/2, 17015/3A, 17015/4, 17015/5, 17015/6, 17015/7, 17015/8 and 17015/9.

3. Notwithstanding the submitted plans, no development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The use of a clay tile should be incorporated into scheme as appropriate. Development shall be carried out in accordance with the approved details.
4. No development shall commence until 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 Local Plan, The Hastings Planning Strategy 2011-2028 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.
5. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre based broadband.
6. Windows in the upper floor of the east elevation serving bathrooms shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent. 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.
7. The dwelling hereby approved shall not be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority. This shall be permanently retained as such thereafter.
8. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water:
  - i. The exact position of sewers (to be determined on site) before the layout of the proposed development is finalised
  - ii. The measures undertaken to protect public sewers

Development shall be carried out in accordance with the details approved prior to the commencement of development.

9. Prior to the commencement of the development, an Environment Agency Permit shall be obtained for the proposed septic tank method of drainage discharge (as shown on Drawing No. 17015/4). In the event that such a permit is not granted, the proposed dwelling shall be connected to the main sewer as shown on the submitted drawing (Drawing No. 17015/9). Development shall be thereafter be carried out in accordance with the drainage details approved as part of this permission and the dwelling hereby approved shall not be occupied until those works have been completed.

10. Prior to occupation of the development hereby permitted, the new access shall be in the position shown on the submitted plan and laid out and constructed in accordance with the attached HT407 form and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.
11. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
12. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
13. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which have been submitted to and approved in writing by the Local Planning Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
15. 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.
16. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.
17. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
18. All arboricultural measures and/or works shall be carried out in accordance

with the details contained in Arboricultural Impact Assessment prepared by Dolwin and Gray and dated March 2020 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

19. 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:-

Monday to Friday: 08.00 - 18.00

Saturday: 08.00 - 13.00

No working on Sundays or Public Holidays.

20. No development shall take place until the measures outlined in the submitted Phase 1 Ecological Report (February 2020) prepared by Wildlife Splash Limited have been fully implemented, unless:

- i. the programme for such measures is otherwise specified within that document, in which case the works shall be carried out in accordance with the timescales contained therein or;
- ii. unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

22. 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 development permitted by Classes A to E of Part 1 of Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

23. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; means of enclosure; any other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.
24. All hard landscape works shall be carried out in accordance with the approved details under Condition 23. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
25. An Electric Vehicle Charging point shall be provided and be operational prior to the occupation of the dwelling hereby approved.
26. A plan detailing how the environmental impact of the construction work (Noise and Dust) will be controlled shall be submitted and approved by the Local Planning Authority prior to the commencement of work.
27. All development shall be stopped immediately in the event that contamination not previously identified 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.

Development shall not re-start on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority: -

- a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.
- b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Local Planning Authority)
- c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the

continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to, and approved in writing by, the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

28. In the event that contamination is found to be present, upon completion of the works the developer shall provide written confirmation (verification report) that all works were completed in accordance with the agreed remediation details approved by the Local Planning Authority.
29. Details including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings) compressors, generators or plant or equipment of a like kind installed within the site, which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation.
30. Development shall be carried out in accordance with the drainage details (including surface water drainage details) approved as part of this permission and no occupation of any of the dwellings hereby approved shall occur until those works have been completed.
31. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure a satisfactory standard of development in the interests of the character and amenity of the area.
4. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014.
5. To ensure a satisfactory standard of development in accordance with Policy

SC1 of the Hastings Planning Strategy 2014.

6. To safeguard the amenity of adjoining and future residents.
7. In the interests of the visual amenity of the area.
8. To prevent increased risk of flooding.
9. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
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. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. In the interests of the visual amenity.
15. In the interests of the visual amenity.
16. To ensure a satisfactory form of development in the interests of the visual amenity.
17. To ensure a satisfactory form of development in the interests of the visual amenity.
18. To ensure a satisfactory form of development in the interests of the visual amenity.
19. To protect the amenity of the occupiers of nearby properties.
20. To protect features of recognised nature conservation importance.
21. To protect features of recognised nature conservation importance.
22. To protect the residential amenities of the neighbouring properties and the visual amenities of the locality
23. To ensure a satisfactory form of development in the interests of the visual amenity.
24. To ensure a satisfactory form of development in the interests of the visual amenity.
25. In the interests of climate change and in accordance with the NPPF.

26. In order to protect residential amenities of neighbouring properties.
27. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
28. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
29. In order to protect residential amenities of neighbouring properties.
30. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
31. To safeguard the amenity of adjoining and future residents.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. The applicant is advised that 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 advised that should any sewer be found on site during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW.
6. The applicant is advised that reference should be made to Southern Water publication "A Guidance to Tree Planting near Water Mains and Sewers" with regard to any landscaping proposals.
7. The applicant is advised that all existing infrastructure, including protective coating and cathodic protection, should be protected during the course of the construction works. No excavation, mounding or tree planting should be

carried out within 3 metres of the public water main without consent from Southern Water. For further advice, the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)

8. The applicant is advised that drainage associated with wastewater or sewage must be separate to, and not connected with, surface water drainage unless otherwise approved. Drainage misconconnections can pollute rivers and beaches in Hastings. You must ensure that drainage from your properties does not cause pollution. Enforcement action could be taken to resolve this under the Building Act 1984. Drainage misconconnections for new development which allow or cause pollution would also be contrary to Building Regulations. You are advised therefore to check your property is connected correctly and any plans for additional drainage connect to the correct foul or surface water system. You can get further advice on identifying your drainage and repairing misconconnections at <http://www.connectright.org.uk/>.
9. 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. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.

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### **Officer to Contact**

Ishita Sheth, Telephone 01424 783329

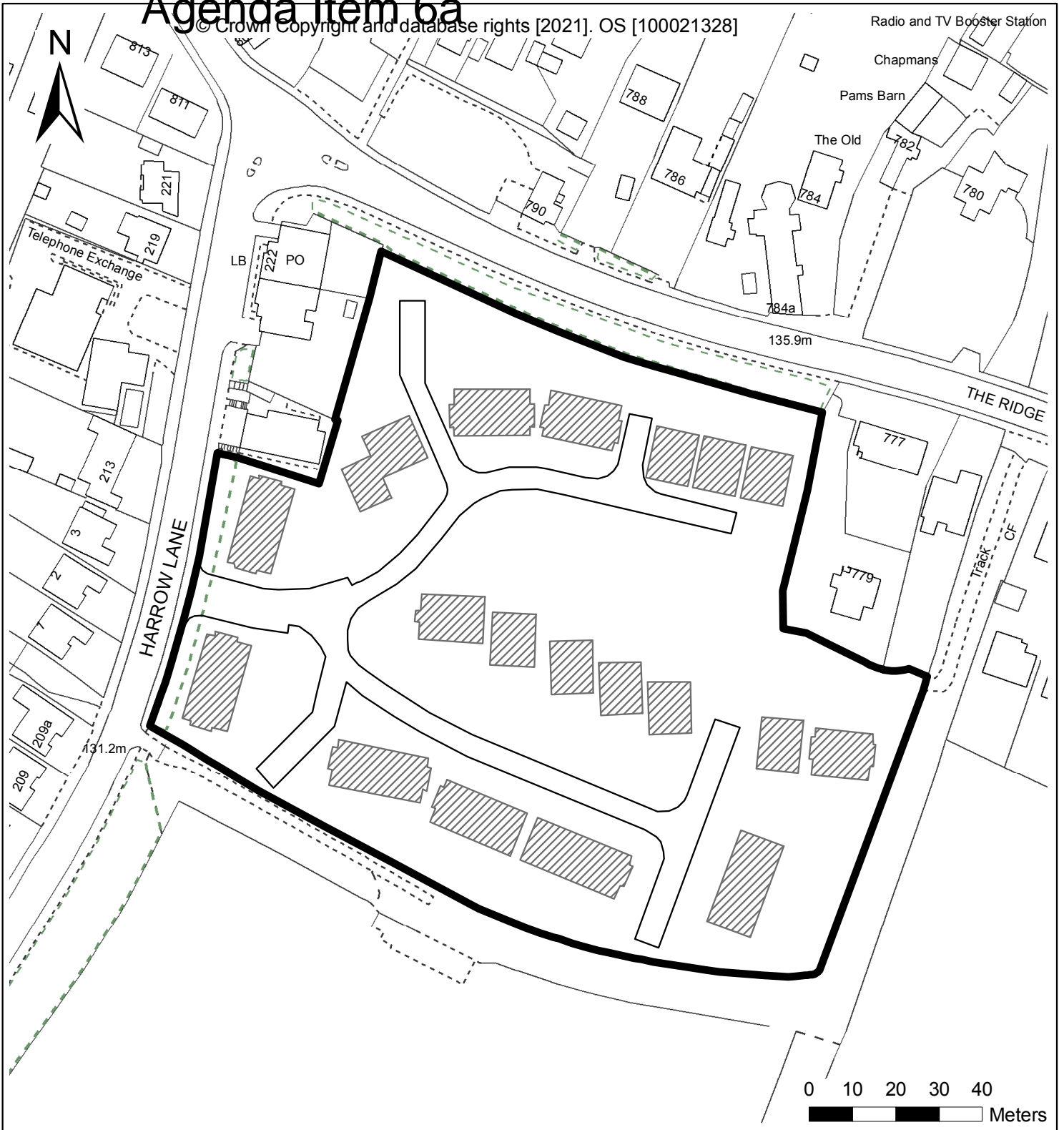
### **Background Papers**

Application No: HS/FA/20/00132 including all letters and documents



# Agenda Item 6a

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**Land Adjacent, 777 The Ridge  
(East of Harrow Lane)  
St Leonards-on-sea**

Erection of 67 dwellings together with access, open space, parking and landscaping



Assistant Director Housing & Built Environment  
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Hastings TN34 3UY  
Tel: 01424 451090  
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Date: Apr 2021

Scale: 1:1,250

Application No. HS/FA/20/00970

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 28 April 2021

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** **Land Adjacent, 777 The Ridge, (East of Harrow Lane), St Leonards-on-sea**

**Proposal:** **Erection of 67 dwellings together with access, open space, parking and landscaping**

**Application No:** **HS/FA/20/00970**

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

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

Applicant: Park Lane Homes South East Ltd per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

**Public Consultation**

Site notice: No  
 Press advertisement: Yes - General Interest  
 Neighbour Letters: Yes  
 People objecting: 20  
 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 application site constitutes a 1.86ha greenfield site on the outskirts of Hastings town centre, in the western part of the Borough. It is bordered by The Ridge (B2093) to the north and Harrow Lane to the west. The site adjoins development sites that are allocated in the Hastings Local Plan 2011-2028, which now have planning permission - Holmhurst St Mary (208 units) directly to the east, and Harrow Lane Playing Fields (140 dwellings) to the south.

The site is undeveloped on an elevated position with a slight slope to the south-east. It is in rectangular form with development in the northern corners (Harrow Lane Stores and community building, and 777 and 779 The Ridge) and characterised by an open field with densely planted hedgerows with mature trees of significant ecological value on its boundaries. The High Weald Area of Outstanding Natural Beauty (AONB) extends as far as The Ridge, which borders the site to the north. The setting of the site within close proximity to the AONB, and the visual landscape links are important considerations to this site, given its raised profile and current character.

The boundaries of the site on the north and western edges slope up steeply from Harrow Lane and The Ridge, which run alongside. There is a Public Right of Way (PROW) no.143 that runs along the south and eastern boundary of the site and connects to PROW no. 144 and PROW no.142.

The primary access point to the site is currently on the south-west corner of the site off Harrow Lane, which can accommodate vehicular access. Pedestrian access onto the site is also available from a public footpath on The Ridge. The site has an informal and unpaved footpath running around the perimeter and along the eastern boundary connecting with the site to the south.

Residential development in the surrounding area is primarily two storey in scale with pitched roofs. Development recently approved on adjoining sites is of a similar scale, with some buildings extending to three storey where land levels and setting allow for this increase in height.

Policy LRA3 of the Hastings Planning Strategy allocates the site for residential with an identified capacity of 50 dwellings. This allocation is carried through into the draft Local Plan, however the identified capacity has increased to 98 dwellings and the requirement for open space within the site is removed. As such the proposed number of houses will sit between the two identified capacities. The application site has outline planning permission for up to 50 dwellings under ref HS/OA/17/00645. This was granted permission in May 2019 subject to 23 conditions and a S106 agreement securing 30% (15) onsite affordable housing units contribution and a financial contribution towards highway improvements and County Infrastructure provisions.

### Constraints

- Buffer zone of the SGN High Pressure Pipeline (pipeline runs north to south in Harrow Lane, directly adjacent)
- 250m buffer zone of a historic landfill site
- Archaeological Notification Area
- SSSI Impact Risk Zone
- The site lies near and is visible from the High Weald AONB

## **2. Proposed development**

The applicant seeks full planning permission for the erection of 67 dwellings with a vehicular access from Harrow Lane, open space, parking and landscaping. Vehicular access to the site will be taken from Harrow Lane as in the approved outline application.

The application proposes a gated development that is accessed via gates fronting Harrow Lane. A new entrance road is proposed from Harrow Lane entering the site through a short terrace of dwellings. The road is shown as continuing to follow the slope of the land centrally through the site, until it meets an open area where the land plateaus. Walking and cycling

links are proposed on the southern and eastern boundaries. This is to improve local connectivity, particularly with regard to the residential development adjacent, and to preserve PROW no.143 that runs along the south and eastern boundary of the site and connects to PROW no. 144 and PROW no.142.

The proposed vehicular access will form a 5.5m wide bellmouth. A 2m wide footpath would be provided on both sides for up to 36m into the northern part of site and up to 24m on the southern side whereafter that the access will continue as a shared surface for vehicles and pedestrians.

The application proposes a total of 118 car parking spaces comprising 93 allocated spaces and 25 unallocated spaces for residents and visitors. Soft landscaping is proposed within the parking areas so as to soften the visual appearance of the parking areas.

The application proposes a total of 67 dwellings as follows:-

2 x 1 bed flats  
2 x 2 bed flats  
37 x 2 bed houses (9 with home offices)  
13 x 3 bed houses  
13 x 4 bed houses

Waste storage areas are proposed for each of the dwellings. Each house is proposed to have a shed in the rear garden to store 2 cycles. The proposed 4 flats (plots 36-41) are proposed to have a shared waste storage area as well as a shared cycle storage area.

Communal walking and cycling routes are proposed to cross the central communal green space and communal footpath routes are proposed through the site and these all link with the PROW that run around the southern and eastern boundaries of the application site. Also proposed is a walking and cycling route that links this development to adjoining land to the east and south of the proposed development.

The application proposes a mix of two storey and two and a half storey dwellings. The two and a half storey dwellings would have mansard style roof types containing accommodation at second floor level. The external materials proposed are varied and include use of facing brickwork, render, stone, and concrete interlocking tiles for pitched roofs. The proposed development would have eaves and parapet heights that range from 4.8m to 6m and ridge heights ranging from 8.6m to 9.65m.

To add variety and have interesting designs, the side elevations of end dwellings incorporate features such as 'oriel' style window openings and main entrance doors so as to create active frontages.

The development has been cleverly designed such that where there are differences in land levels varied roofscapes have been used and some of these incorporate such features as gable hips, pyramids and mansards.

In terms of soft landscaping, the existing boundary trees, hedgerows around the northern, eastern and southern boundaries of the site are proposed to be retained and will be supplemented by planting as well as new planting around the new pockets of parking areas. Trees and hedgerows will be lost on the eastern boundary of the site and it is proposed to replace these with new trees and hedgerows. New planting is proposed within the proposed central green space together with a seating area and footpath links. In addition, powder coated railings are proposed throughout the site and as front garden enclosures. A dwarf

boundary wall with powder coated railings above is proposed at the front boundary of the site along Harrow Lane. The proposed access gates from Harrow Lane will be fixed open.

A total of 26 dwellings are proposed to be affordable housing units. These comprise a mixture of housing types and sizes which are dispersed across the application site. The applicant has submitted a plan (drawing no. 6695-P-108 A – Housing Tenure Plan) showing the location of affordable housing units within the site and the proposed tenure plan.

Following receipt of the planning application, several drawings have been submitted in an attempt to resolve concerns raised by County Highways and The ESCC Flood Risk Team.

The application is supported by the following documents:-

- Planning Design and Access Statement
- Arboricultural Impact Assessment and Method Statement
- A Landscape and Visual Appraisal
- Ecological Enhancement, Management and Mitigation Plan
- Updated Preliminary Ecological Assessment
- Flood Risk and Drainage Assessment
- Transport Assessment
- Travel Plan
- Air Quality Assessment
- Ecological Air Quality Assessment
- Preliminary Ground Contamination Risk Assessment
- Written Scheme of Archaeological Investigation
- Heritage Statement
- Development Viability Report
- Site Waste Management Plan
- Schedule of Eaves, Parapet and Ridge Heights
- Schedule of Dwelling Types and Room Sizes
- Visualisations of Scheme proposals
- Combined Geotechnical and Quantitative Ground Contamination Risk Assessment
- Ground Gas Risk Assessment
- Construction Management Plan

### **Relevant planning history**

- HS/OA/17/00645 – Outline proposal, with all matters reserved for future approval in respect of the residential development of the site for approximately 50 dwellings – granted 10.05.2019.

### **National and local policies**

#### Hastings Local Plan – Planning Strategy 2014

- Policy DS1 - New Housing Development
- Policy FA2 - Strategic Policy for Central Area
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy SC2 - Design and Access Statements
- Policy SC3 - Promoting Sustainable and Green Design
- Policy SC4 - Working Towards Zero Carbon Development
- Policy SC6 - Renewable Energy Development
- Policy SC7 - Flood Risk
- Policy EN1 - Built and Historic Environment

Policy EN2 - Green Infrastructure Network  
Policy EN3 - Nature Conservation and Improvement of Biodiversity  
Policy EN5 - Nature Reserves  
Policy EN6 - Local Wildlife Sites  
Policy EN7 - Conservation and Enhancement of Landscape  
Policy EN8 - Open Spaces - Enhancement Provision and Protection  
Policy H1 - Housing Density  
Policy H2 - Housing Mix  
Policy H3 - Provision of Affordable Housing  
Policy C11 - Infrastructure and Development Contributions  
Policy T1 - Strategic Road and Rail Schemes  
Policy T2 - Local Road Improvements  
Policy T3 - Sustainable Transport  
Policy T4 - Travel Plans

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

Policy LP1 - Considering Planning Applications  
Policy LP2 - Overall Approach to Site Allocations  
Policy LRA3 - Land adjacent to 777 The Ridge site allocation (50 dwellings)  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy DM4 - General Access  
Policy DM5 - Ground Conditions  
Policy DM6 - Pollution and Hazards  
Policy HN7 - Green Infrastructure in New Developments  
Policy HN8 - Biodiversity and Green Space  
Policy HN9 - Areas of Landscape Value  
Policy HN10 - Amenity Green Spaces

#### Other policies/guidance

AONB Management Plan 2019-2024  
National Design Guide 2019  
Air quality and emissions mitigation guidance for Sussex (2020)  
Urban design lessons: Housing layout and neighbourhood quality – 2014  
National Planning Policy Framework 2019  
Draft National Planning Policy Framework 2021  
Historic England Advice Note 2: Making Changes to Heritage Assets  
Guidance Notes for Design Codes 2021  
Draft National Model Design Code 2021  
ESCC Supplementary Planning Guidance, “A New Approach to Development Contributions” (the SPG),  
Community Infrastructure Levy Regulations 2010 - as amended (the CIL Regs)  
The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)  
Hastings Planning Strategy Policy H3: Provision of Affordable Housing; Interim Advice Note (April 2016)

#### The Hastings Local Plan Consultation Draft (Regulation 18), Winter 2020/21

Policy HL3: Land Adjacent to 777 The Ridge

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also 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 131 advises that in determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

Paragraph 140 states that development should take full account of flood risk.



Paragraph 155 states that development in areas at high risk of flooding should be avoided. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 158 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Paragraphs 159 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in the national planning guidance.

Paragraph 160 states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at application stage. For the exception test to be passed it should be demonstrate that:-

- The development would provide wider sustainability benefits to the community that outweigh the flood risk:
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

Paragraph 161 states that both elements of the exception test should be satisfied for development to be allocated or permitted.

Paragraph 163 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding, where in the light of this assessment (and the sequential and exception test, as applicable) it can be demonstrated that:-

- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) The development is appropriately flood resistant and resilient
- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate
- d) Any residual risk can be safely managed; and
- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan

Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment.

Paragraph 172 states that Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Paragraph 174. To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

#### Draft National Planning Policy Framework (NPPF)

Paragraph 125 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 130 states that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with local highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.

Paragraph 133 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents which use visual tools such as design guides and codes; and/or
- b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

### National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or master plan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

Paragraph 42 - Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;
- patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale – see Built form;
- the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.

Paragraph 50 - Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well - being, inclusion and cohesion;
- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

Paragraph 52 Well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;

- the characteristics of the existing built form – see Built form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area – see Context.

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;
- the scale and proportions of streets and spaces;
- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

Paragraph 53 - Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.

Paragraph - 54 Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 55 - Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

#### Draft National Model Design Code 2021

Paragraph 56 Refuse Collection Options: in-curtilage Provision: This can be provided to the side or rear of the property in detached housing. For terraced housing, collection needs to either be from the rear or a bin store needs to be provided at the front.

Paragraph 61 Built Form – Identity: All schemes should be designed to respect and enhance the existing character of the surrounding area. The following principals will apply to most development:

i) Sense of place: All schemes should be designed to enhance local character and legibility by making use of local materials and detailing.

Identity may come out of respecting and enhancing the existing character of the area and also from adapting and shaping to develop new character. The architectural approach needs to be influenced by its surrounding architectural character (paragraph 119 of Guidance Notes for Design Codes).

Existing character is therefore something that must be understood as a starting point for the

design of layouts and buildings so that they fit into and also enhance the character of the local area (paragraph 122 of Guidance Notes for Design Codes).

### Government Circulars

Defra circular 01 2005, Biodiversity and geological conservation - statutory obligations and their impact within the planning system (2005) states that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" (Paragraph 99).

### National Planning Policy Guidance (NPPG)

Design: process and tools

## **3. Consultation comments**

East Sussex County Council (Flood Risk Team) – **no objection to the technical aspect of the drainage scheme but raise concern regarding the resilience and future maintenance of the proposed underground attenuation tanks.**

Drainage details were submitted with the application as requested by the County Flood Risk Team. These include evidence of agreement to discharge rates, and management of surface water flows, to ensure safe water run off arising from the development. ESCC Flood Risk Team raise concern regarding the submitted revised drainage details. They are still concerned that the development layout does not give enough thought to surface water management. This has necessitated the use of underground tanks under half of the access road to the development, and future replacement of this tank will result in significant disruption to the 67 houses proposed. Given this and noting that the principle of development is acceptable, the applicant has agreed for the underground attenuation tanks to be concrete thereby being constructed of a much longer lasting material with less need of regular maintenance, and use of an advanced filtration system that would minimise silt entering the tank. As such, if planning permission is given for the development a pre-commencement condition should be attached to the decision requiring that no development can commence until full design details of the proposed underground attenuation tanks are submitted to and approved in writing by the Local Planning Authority in consultation with ESCC Flood Risk. **(Conditions 11 and 30).**

East Sussex County Council (Archaeology) - **no objection.**

They consider that the risk of damage to archaeology can be mitigated as detailed by the submitted supporting documents. They recommend such details to be secured via conditions if planning permission is given for the development. **(Conditions 28 and 29).**

East Sussex County Council (Highways) - **no objection.**

They consider the new dwellings can be accommodated in terms of the impact on the highway network, and that the proposed highway arrangement, parking and cycle spaces are acceptable subject to the imposition of conditions as recommended if planning permission is given for the development. They also request a financial contribution towards highway improvements, and this is discussed in detail in paragraph u) Highway Contributions of this report. They recommend that such financial contributions are secured via a s106 Legal Agreement **(Section 106 Agreement).**

East Sussex County Council (ESCC Infrastructure Contributions) - **no objection.**

Require a financial contribution towards Libraries and Rights of Way **(Section 106 Agreement).**

Hastings Borough Council (Waste) - **no objection.**

Each property should be provided with a waste bin upon completion of the development. No waste bins should be stored on the public highway. **(Condition 17).**

Hastings Borough Council (Environmental Health) - **no objection.**

The submitted details are acceptable subject to conditions **(Conditions 4, 5 and 6).**

Hastings Borough Council (Ecology) - **no objection.**

The submitted Ecological Enhancement and Mitigation Plan submitted is acceptable subject to conditions. **(Condition 7).**

Hastings Borough Council (Arboriculturist) - **no objection.**

A Soft Landscaping Scheme is submitted with the application and proposes additional planting so as to thicken up all 4 boundaries with additional planting, as well as propose planting in the centre of the site. This is acceptable and should be secured by conditions. **(Conditions 8, 14, 15 and 16).**

Hastings Borough Council (Housing) – **no objection.**

This is a greenfield site and 40% affordable housing contribution is required. This equates to 26.8 units. As the affordable housing units required do not equal a whole number, the amount should be rounded down to 26 affordable units, and a commuted sum paid for the 0.8 element. The commuted sum should be calculated in accordance with guidance set out in the Hastings Planning Strategy Policy H3: Provision of Affordable Housing; Interim Advice Note (April 2016). In addition, in line with local housing need a minimum of 60% of the affordable units should be for social or affordable rent and 40%, another affordable tenure. The affordable units should be proportionate to the overall scheme covering a range of house types and bed sizes relative to the scheme. In addition, the affordable units should be dispersed across the site and not grouped in one area. They recommend that such contributions should be secured via a s106 Legal Agreement **(s106 Legal Agreement).**

Southern Water - **no objection.**

Can provide a water supply to the site but require a formal application for connection and on-site mains to be made.

High Weald AONB Unit - **no objection.**

Advisory notes recommended

Natural England – **no objection.**

Advisory notes recommended

## **4. Representations**

In respect of this application neighbours were sent individual notifications and 20 letters of objection received from neighbours raising the following concerns:-

- Overdevelopment of the site
- There will be a lot of pressure on Harrow Lane with all the other housing developments granted planning permission in this area
- The existing infrastructure is inadequate to service the development
- Existing problems will be exacerbated by the proposed housing development
- There are no plans to build schools to accommodate the additional pupils that will be generated by the proposed houses
- Existing drainage and sewerage problems will be exacerbated

- Harrow Lane recreation club will be lost
- No green space left for dog walking
- Vehicle emissions created will be very high
- Existing traffic problems will be exacerbated
- The Ridge is a very busy Road and the proposal will exacerbate existing problems
- Emergency vehicles travelling to the hospital will not be able to gain access
- Parking is currently limited around this area
- There should be clear sight lines to enable vehicles to safely enter and exit the site
- There will no longer be on street parking
- The additional road and traffic will make it difficult for neighbours on Harrow Lane to drive in and out of their driveways
- Loss of green space is regrettable
- Loss of a space used for social gatherings and recreation
- Works have started on the site
- The focus should be on developing brownfield land
- There will be a lot of destruction during construction
- The area has a history of flooding
- The sloping bank at the rear of the convenience shop is not strong enough to bear the weight of the housing built on the field
- There will be loss of privacy to occupiers of the convenience shop

## **5. Determining issues**

Given the above, the main considerations are the principle of development, 5 year housing supply, housing mix, layout and design, impact on character and appearance of the area, impact on nearby High Weald AONB, impact on neighbouring residential amenities, Access, parking and Highway matters, PROW, refuse and cycle storage, ecology, impact on trees, loss of open space, flooding and drainage matters, contamination matters, impact on archaeology, lighting, air quality, affordable housing, contributions and sustainable construction.

### a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan - Planning Strategy (2014) and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

The application site is an allocated site under Policy LRA3 (Land adjacent to 777 The Ridge) of the Hastings Local Plan - Development Management Plan (2015) for residential development with a possible net capacity of 50 dwellings. There is also a design brief which gives additional guidance on how this site should be developed.

Policy LRA3 advises that this site is allocated for residential, development (possible net

capacity of 50 dwellings). Development proposals for this site is required to:-

- a) Include affordable housing on site at 40% of the overall housing provision.
- b) Include a Historic Environmental Record (HER) informed desk-based assessment of potential interest within an archaeological notification area and agree to a 'watching brief' during any development works (as advised by East Sussex County Council).
- c) Include an Ecological Constraints and Opportunities Plan (ECOP) and incorporate appropriate conservation and mitigation measures as recommended by the ECOP.
- d) Provide new green space within the site and boundary landscaping.
- e) Provide an Arboriculture Plan that demonstrates how existing trees on site will be integrated into the development, or how compensation will be made for their loss.
- f) Include measures to conserve and enhance the Area of Outstanding Natural Beauty.
- g) Include a Flood Risk Assessment and flood resilient design as appropriate to the outcome of that report.
- h) Investigate the feasibility of district heating and or Combined Heat and Power systems on the site.
- i) Provide a contribution to the improvement of existing play facilities in the surrounding area.
- j) Including walking and cycling links to neighbouring development sites to improve local connectivity and to preserve the Public Right of Way around the site.
- k) Be supported by a Transport Report. The report will need to take account of the site's proximity to the Ridge. Proposals must indicate how the conclusions and recommendations of the Report have been incorporated within the development. This is likely to include improved access from Harrow Lane. In addition, development may be required to contribute to transport improvements on The Ridge.

Meeting the requirements of Policy LRA3 of the Hastings Development Management Plan 2015

The site is allocated for residential development through Policy LRA3 of the Hastings Development Management Plan, which is the first consideration in establishing the principle of developing the site. Given that the site is allocated in an up to date Local Plan and that the site has an extant outline planning permission for up to 50 dwellings, significant weight can be given to residential development.

Development in accordance with Policy LRA3 requires a number of policy criteria to be met. The criteria are considered below:

Policy LRA3 criteria:

a) include 40% affordable housing	The applicant has submitted a Viability Report and this has been Independently evaluated. The applicant confirms that they will contribute 40% (26.8) affordable units as required by policy.
b) include a Historic Environment record (HER)	Heritage Statement submitted with the application. East Sussex County Council (Archaeology) commented that this is acceptable and development should be carried out in accordance with the approved details.
c) provide an Ecological Constraints and Opportunities Plan	The application does not include a document specifically referenced as an ECOP but the ecology reports, tree reports and the landscaping information between them identify the



(ECOP), consider the impact to the LWS and provide access to LWS	constraints of the site. The ecological matters have also been considered and are discussed in more details below. The Ecology Officer has no objections to the application subject to conditions.
d) provide new green space and a landscape buffer	A green space is proposed as part of the development together with a landscaping buffer. This should be secured as an open space via a s106 Legal Agreement.
e) Provide an arboricultural report explaining how trees will be incorporated into the development	The application is accompanied by an Arboricultural Report and the plans show how trees are incorporated within the development. There will be some loss but there is also opportunity for enhancement which is an acceptable balance. A detailed landscape plan is submitted with the application. The Council's Arboriculture Specialist has no objection to the submitted details and advises that such details should be conditioned if planning permission is given for the development.
f) Include measures to conserve and enhance the AONB	A Landscape Assessment and Ecology Report has been submitted and it assesses the impact of the development on the wider area. Visual appraisal considered impact on wider AONB.
g) include a Flood Risk Assessment (FRA) and drainage details	The application is accompanied by an FRA and Drainage Assessment which has been considered by the ESCC Flood Risk Team. They advise that they do not have concerns regarding the technical details of the proposed drainage scheme but question its resilience and future maintenance and the disruption that it is likely to be caused if there is need for maintaining the underground attenuation tank positioned under the vehicular access. The applicant has agreed for the underground attenuation tanks to be concrete thereby being constructed of a much longer lasting material with less need of regular maintenance, and use of an advanced filtration system that would minimise the risk of silt entering the tank. If planning permission is given for the development a pre-commencement condition should be attached to the decision requiring that no development can commence until full design details of the proposed underground attenuation tanks are submitted to and approved in writing by the LPA in consultation with ESCC Flood Risk. ESCC Flood Risk has no objection to this.
h) investigate the feasibility of district heating	This has been investigated by the applicant and they advise that the site is too small for this criteria to be met as district heating does not become an option until the scheme is for at least 300 dwellings. It is noted that this requirement has not been carried through to the Draft Local Plan Policy HL3.
i) contribute to existing play facilities	Informal open space is provided within the site and play to be provided on adjacent development site.
j) include walking and cycling links	The submitted application is accompanied by full hard and soft landscaping details which show proposed walking and cycling links. These are considered acceptable subject to conditions.
k) be supported by a	The proposal has been accompanied by these documents. The

transport assessment and travel plan	matters have been considered by the Local Highway Authority (LHA), which is discussed in further detail below, and the recommendations have been incorporated into the proposal. Conditions and contributions have been requested by the LHA.
l) provide connections to the sewerage and water supply systems	Southern Water are satisfied that there is capacity to accommodate the proposed level of development.

As can be seen from this summary the proposal currently demonstrates compliance with this policy and this compliance offers support for the development of the site and significant weight is attached to this.

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. It is considered that a development as proposed would positively contribute to the Council's housing stock. However, this positive of the scheme needs to be weighed against any negatives and a decision made on whether these negatives significantly and demonstrably outweigh this benefit. This is balanced and concluded on paragraph 6 (Conclusion) of this report.

c) Acceptability of a housing mix as proposed

The Council's housing policies (Policy H2 of the Hastings Local Plan – Planning Strategy (2014) support the provision of a range of house types so as to meet the Borough Council's differing local housing needs. In this case, it is considered that the proposed development provides a good mix of housing types and sizes that are needed in the Borough, and as such meets the Council's aims of providing mixed and balanced communities.

d) Layout, Design, Character and appearance

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

This is supported by Point (c) of Policy DM3 of the Development Management Plan, which 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. Permission will be given for development where there is a means of landscaping that contributes to crime prevention, a permeable and legible green infrastructure network of routes and spaces to create a public realm that is attractive, overlooked and safe.

Paragraph 124 of the NPPF states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, Local Planning Authorities and other interests throughout the process.

Furthermore, paragraph 130 of the NPPF states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

The layout of the development remains largely similar to the previously approved outline application ref HS/OA/17/00645, however, the site is proposed to accommodate a total of 67 dwellings and not 50 dwellings. The use of the site has been maximised by increasing the density of development to 36 dwellings per hectare. Policy H1 of the Hastings Planning Strategy requires that development densities be at least 30 dwellings per hectare. The increase in density meets national and local plan policies which seek to maximise the use of land for housing development. There is no principle objection to this.

The submitted layout plan shows the entrance to the development at the western end of the site on Harrow Lane, framed by two blocks of terraces. The access road leads to a central green space that creates a sense of place and extends the open views on the east-west axis across the site. The two shared surface cul-de-sacs are proposed to be grouped around a central communal green space. This layout is similar to the indicative masterplan that was approved at outline stage.

The existing allocation of the site in the adopted Local Plan is 50 dwellings. It is considered that given the topography of the site, the dense edge planting, the need for an open space within the site, and the proximity of the site to the AONB that a total of 67 dwellings as proposed with a density of 36 dwellings per hectare is acceptable and will result in a development that would be integrated well with existing development and will be assimilated well with the housing development that has been approved in past years for the adjoining allocated sites under Policies LRA1 and LRA2 of the Local Plan.

The application proposes a self-contained gated development and it is considered that the site is big enough to accommodate a development as proposed with its own character. The size and mass of a building, and the scale of open spaces around and between them influences the character, functioning and efficiency of an area. In this case it is considered that the scale of built development proposed having regard to:

- the spacing in-between and around the buildings,
- the landscape buffering proposed,
- the proposed pedestrian links to sites to the east and south and to The Ridge and Harrow Lane,

is acceptable and results in a development that is fully legible with walking and cycling routes that are well linked to adjoining sites and the existing local community infrastructure. The development, as proposed, will have a spacious and pleasant feel and will as a result respect the established visual and spatial character of the immediate area and the setting of the nearby High Weald AONB.

Residential properties in the area are a mixture of two-storey dwellings, bungalows and chalet bungalows. Properties are predominantly detached but there is evidence of pairs of semi-detached dwellings. The proposed houses are a mix of flats, terraces and semi-detached houses, with open air car parking spaces. The proposed development will make a positive contribution to the types and mix of dwellings in the local area by providing much needed family houses as well as smaller terraced properties and flats.

The development proposes dwellings of varied designs and varied maximum heights. The proposed block of terraced houses addressing Harrow Lane have been positioned so as to form a feature on either side of the site entrance while the rest of the houses have been designed to address the central open space. All the houses and flats are proposed to have

allocated parking spaces located either in front or at the rear of the dwellings or within nearby communal parking courtyards. Given this, it is considered that the scheme as proposed is of acceptable layout and design and would be integrated well with existing development. Any public views into the site from the nearby PROWs and nearby High Weald AONB will not be visually harmful. As such it is considered that a development as proposed complies with the NPPF policies and Local Plan Policies DM1, of the Development Management Plan 2015, and the National Design Guide 2019.

Local resident concerns have related to the general intensity of activity in the area, including increased vehicular movements. There have been concerns that such increases in activity would change the local character for the worse. Although the development will increase the local population and development on the green space, it is not accepted that the proposed residential use would be to the detriment of local character. Whilst the proposal will certainly change the relationship of the site with existing surrounding development, it has a low density and is for residential use and it is not considered that an increase in development at the site of the suggested scale warrants a refusal. Moreover, it is important to note that the inclusion in the Local Plan and Draft Local Plan for 50 dwellings and 97 dwellings respectively shows that the principal of development has already been agreed.

#### e) Impact on the nearby High Weald AONB

Policy HN9 of the Hastings Local Plan – Development Management Plan 2015 seeks to protect Areas of Landscape Value where the inherent visual qualities and distinctive character of the area will be protected.

In addition, Policy EN7 of the Planning Strategy 2014 advises that the Borough Council seeks to protect and enhance the towns landscaping including the High Weald AONB. Paragraphs 170, 172 and 174 of the NPPF advise that development proposals should seek to protect or enhance the AONB.

The High Weald Area of Outstanding Natural Beauty (AONB) extends as far as The Ridge, which borders the site to the north. The setting of the site within close proximity to the AONB, and the visual landscape links are important considerations to this site, given its raised profile and current character. The application is accompanied by a Landscape and Visual Appraisal prepared by Landscape Visual and dated December 2020 in recognition of the site's location in close proximity to the High Weald AONB and the location of the application site on the outskirts of the built up area (although not formally designated as such). Policy advises that the Borough Council will protect and enhance the special qualities of the landscape in this area and the Council will have regard to the High Weald AONB Management Plan as a method of protecting and enhancing the nearby AONB.

The submitted Landscape and Visual Impact Assessment provides further detail to the strategic study undertaken as part of the Local Plan allocation process, and concludes that any adverse harm would be minimal, and would be significantly outweighed by the benefits of developing the land for 67 new homes.

Given the layout, design, size, scale, mass and height of the development, and the proposed soft landscaping around the perimeter boundary of the site it is considered that a development as proposed would appear as a relatively modest, natural and logical extension of the existing settlement and would appear as a visually discrete development that is consistent with the existing settlement character and wider landscape, integrating well with existing development and preserving the special qualities of the nearby High Weald AONB thereby complying with NPPF policies and Local Plan Policies DM1, DM3, and HN9 of the Development Management Plan 2015, Policy EN7 of the Hastings Planning Strategy 2014,

and the National Design Guide 2019.

#### 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 the 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, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The north western part of the development is proposed to share a common boundary with properties fronting Harrow Lane which are a community hall and a convenience store. Given that these are not in residential use, impact of the development on neighbour amenity is not an issue. The southern part of the site is proposed to share a common boundary with LRA2 housing development whilst the eastern boundary of the site would share a common boundary with LRA1 housing development. These two sites are allocated for housing development and have planning permission for residential development. The applicant has produced a contextual plan which shows the relationship of the proposed development to these neighbours. Given the available separation distance and that soft landscaping buffer strips are proposed between the sites and the application site it is not considered that neighbour amenity will be an issue. To the north eastern corner of the site the application site shares common boundary with dwellings accessed via The Ridge. Given that the proposed development has been sensitively designed such that the scheme proposes open spaces and a buffer of soft landscaping and coupled with the available separation distance between the proposed development (plots 20-24 in particular), it is not considered that neighbour amenity will be harmed as a result of the proposed development.

Some of the proposed dwellings seem close to each other however, in such instances the applicant has sensitively designed the dwellings such that where there is such a relationship and if openings are proposed at side elevation of the dwellings the first floor and second floor side elevation windows are proposed to serve non-habitable rooms such as a bathroom and or landing window. Such a relationship is acceptable in this respect and any harm caused to these windows is not considered to be harmful. As such, it is considered that a development as proposed is considered to comply with Policy DM3 of the Hastings Development Management Plan 2015.

The concerns raised by neighbours are noted. Local residents have raised concerns regarding the noise, nuisance and the potential disturbance during the construction period, and the impacts of overlooking. The nearest residential properties are 779 and 777 The Ridge, which are separated from the application site by existing mature trees that form an effective screen and boundary. These neighbours are some 20-22m from the side elevations of the proposed development thereby providing some significant separation from the application site. Similarly, the distance of properties to the west of the application site across Harrow Lane (20m) and to the north on The Ridge (20-50m) to the boundary of the application site means that no neighbour amenity will be lost as a result of loss of privacy, overlooking issues and loss of daylight. These available separation distances will ensure that there is limited harm from overlooking, and the proposed boundary screening will add to this level of protection from these areas.

Given the existing level of screening on the site boundaries and the available separation distance of the proposed development from existing properties, it is considered that no harmful noise nuisance will be caused to these neighbours as a result of the proposed development in terms of impacts arising from the increase of day-to-day household noise.

Some noise and disturbance during construction is inevitable, and this can be minimised by restricting working hours and by implementing the development in accordance with the Construction Management Plan which is submitted with the planning application. These should be conditioned if planning permission is given for the development. (Conditions 4 and 9).

Taking the above into account, it is not considered that the proposed development will result in any harm to neighbouring residential amenities. As such, the proposal complies with Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way, of the Hastings Planning Strategy, and Policy DM3 - General Amenity of the Development Management Plan.

#### Internal Floorspace:

The proposal has been assessed against the technical housing standards as produced by the Department for Communities and Local Government. This document sets out the minimum floor space requirements for residential units. The proposed units meet these requirements and as such are considered acceptable. The individual rooms have also been individually assessed and they also meet the relevant size requirements. Taking this into account, it is considered that the proposed development is acceptable and would provide an acceptable level of internal living accommodation.

#### External Amenity Space:

Point (g) of Policy DM3 of the Hastings Development Management 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, while the proposed flats will have access to a communal garden. The plan submitted shows that the gardens to the rear of the proposed dwellings meet this distance and as a result, it is considered that the external amenity space is also acceptable and complies with policies.

#### g) Access, Car Parking and Highway Safety Matters

Policy LRA3 k) of the Hastings Development Management Plan 2015 requires a Transport Report to be submitted with the application. The application is accompanied by a Transport Statement prepared by RGP Consultants and dated December 2020.

The proposed original highway arrangement has been revised several times to address concerns raised by the ESCC Highway Engineer. Following negotiations, the County Engineer is satisfied that there is scope to provide appropriate access to the site.

In terms of highways capacity and impacts the Highway Authority agrees with the findings of the Transport Assessment that with the Queensway Gateway Road and improvements to The Ridge and junction with Harrow Lane, that traffic flows arising from this application and the adjoining developments are anticipated to result in a 'nil detriment scenario by the end of the 2028 Local Plan period'. The Travel Plan sets out measures to reduce car trips, which has been accepted by the Highway Authority.

The pedestrian linkages across and on the edge of the site provide for a permeable site and will ensure an integrated development with the sites that surround this one.

#### Impact on the local highway network:

The Ridge and Harrow Lane are the main routes around this site, with the site having direct access onto Harrow Lane. The site is within a sustainable location and public transport within

walking distance from the site and can be found on The Ridge and on Harrow Lane. The Ridge is a strategic route with B classification and acts as both a bus and HGV route and the local distributor road linking the A21/A210 in the west to A250 in the east. The Ridge is in effect a northern by-pass for Hastings and its suburbs and serves as a key link to local residential, employment areas and businesses areas as well as providing for access to other primary routes in to and out of Hastings.

The application site has been approved as an allocated site for housing in the Hastings Local Plan. At the Examination in Public for the Local Plan, the Highway Authority presented the Inspector with a report to set out a summary of the expected traffic conditions that were expected to arise once the Bexhill Hastings Link Road opened and the completion of the Queensway Gateway.

The conclusion of this document stated that the operational requirements of The Ridge as a result of the opening of the Link Road are able to be managed subject to a package of highway measures and schemes to be implemented. Extensive modelling work was also carried out, which took into account allocated and committed developments, with the inclusion of this proposal.

Therefore, it is clear that extensive research was undertaken looking at the impact of all development in the town up to 2028 (which takes into account this site, and the cumulative impacts of the adjacent development areas), and that the local highway network is able to accommodate the level of development. It can be concluded that from a highway perspective, this application for 67 dwellings is therefore acceptable and with improvements to existing highway arrangements the development proposed can be satisfactorily accommodated.

#### Site Access and Car Parking provision:

Detailed plans are submitted which show vehicular access into the site taken from Harrow Lane together with car parking spaces provided for the proposed dwellings.

A total of 118 car parking spaces comprising 93 allocated spaces and 25 unallocated spaces for residents and visitors. This is in accordance with the East Sussex County Council parking standards and as such is considered acceptable. Two cycle parking spaces are proposed within a shed located in the garden of each house and a communal cycle storage shed is proposed for the flats in a safe and convenient location, this is also acceptable in policy terms. Given this, it is considered that the proposed development provides adequate car and cycle parking spaces for residents and visitors on site and as such there will be no spillage onto the adjoining roads.

In addition, the applicants confirm that the internal estate roads are not offered for adoption. County Highways have no objection to this, however, advise that they are required to be built to as close as possible to adopted standards.

ESCC Highways have been consulted on the revised highway arrangement and they have no objection to the development and advise that the proposal is acceptable in terms of:

- revised parking restrictions on Harrow Lane
- access
- provision for pedestrian crossing points and footpath links
- proposed on-site parking within the application
- road construction

Given this, it is considered that a development is acceptable in highway terms, proposes an

acceptable vehicular access, provides acceptable pedestrian crossing points and can provide acceptable onsite car parking for future users. As such the development complies with the provisions of Policy DM4 of the Hastings Development Management Plan 2015 and the East Sussex County Council residential car parking guidance 2017.

#### 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. A swept path analysis is submitted to justify the development. This demonstrates that a 12m long refuse truck can enter and exit the site in a forward gear and as such the proposed roadway satisfies this requirement. Given this it is considered that the site is serviceable and that emergency vehicles and refuse lorries will have the capacity to enter the site and leave in a forward gear given the proposed road layout. The County Highway Engineers have no objection to this part of the scheme.

#### h) Public Rights of Way (PROW):

There is an existing Public Right of Way (PROW no.143) that runs to the south and the eastern boundary of the site. This PROW continues further to the south as PROW no.144 and turns west along the southern boundary of the site and forms a connection with Harrow Lane as PROW no.142. These PROWs are proposed to be preserved and walking and cycling links are proposed on the southern and eastern boundaries of the site so as to improve local connectivity to the existing PROWs. The County Public Rights of Way Team were consulted, and they have no objection to the development subject to a financial contribution towards improvements of the PROWs as detailed in Paragraph 8) Recommendation of the report.

#### i) Refuse and Cycle Storage

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and its removal. The applicant is advised that all waste storage should be secure and covered and located at the rear of the property away from public view.

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.

Each proposed flat and dwelling has the capacity to provide an area for the storage of waste and recycling and a communal collection point has been provided. The Waste and Street Scene Team have reviewed the proposal and are satisfied that there is an appropriate turning area for a freighter on entry, and they also advise that they are satisfied with the location of bins for collection.

Given that all of the proposed houses have private amenity areas, there is an opportunity for the occupiers of the houses to store bicycles within their gardens and as such it is recommended that if planning permission is given for the development provision of waste storage and cycle storage can be conditioned if planning permission is given for the development. (Condition 17).

#### j) Ecology



Policy HN8 of the Hastings Development Management Plan requires that an Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This is reiterated by Policy LRA3 criteria c) of the Hastings Development Management Plan 2015 which requires this site to be accompanied by an ECOP and the development to incorporate appropriate conservation and mitigation measures as recommended by the ECOP.

The application is accompanied by an Ecological, Enhancement, Management and Mitigation Plan prepared by Greenspace Ecological Solutions and dated December 2020 and an Updated Preliminary Ecology Assessment prepared by Greenspace Ecological Solutions and dated December 2020. These reports identify a number of activities on site in relation to protected species and explains how these can be dealt with. It is considered that the applicant has provided sufficient information to explain that harm will be limited and there will even be benefits and biodiversity enhancements. The Borough Council's Environment and Natural Resources Manager has no objection to the scheme, subject to the imposition of conditions to ensure that biodiversity is conserved and enhanced, if planning permission is granted for this development. (Condition 7).

Natural England were consulted given the location of the site within a SSSI Impact Risk Zone and they have no objection to the development.

Given this, it is considered that the proposed development complies with the NPPF Policies, and Policy HN8 and Policy LRA3 c) of the Hastings Development Management Plan 2015, and Policy EN3 of the Hastings Planning Strategy 2014.

#### k) Trees

The applicant has submitted an Arboricultural Impact Assessment and Method Statement Rev A prepared by Greenspace Ecological Solutions and dated December 2020. This report advises that the existing trees on the site are not covered by any Tree Preservation Orders, although those on the periphery of the site will mostly be retained. A total of 10 trees will be lost as a result of the proposed development. Most of the trees that will be lost mark the permitter boundary of the development on Harrow Lane. 3 of these trees are category U trees, 6 are category C and 1 is category B. These trees are proposed to be replaced as a part of a soft landscaping scheme of the site. This is supported by the Council's Arboriculturist. It is recommended that the submitted document and associated mitigation measures are conditioned if planning permission is given for the development. (Conditions 8, 14, 15 and 16).

#### l) Loss of open space

Concern has been raised by local residents regarding the loss of open space in the area, and the recreational benefits that it provides. These concerns are noted, although again, it is important to point out that this is an allocated site, and such issues were considered in detail at Examination in Public, before the Development Management Plan was adopted.

The application site is not a designated open space, and the proposed development will bring forward its own area of open space within the site boundary. The extent to which open space is provided within the site has resulted in a low density development. In addition to this, a children's play provision, and larger areas of open space are also provided on the adjoining sites at Holmhurst St Mary and Harrow Lane under Local Plan Policies LRA1 and

LRA2. Taken together with the established pedestrian links between all three sites, it is considered that there will be sufficient amenity space for local residents to enjoy, as well as improvements to public footpaths linking all the sites together. The loss of open space in this instance therefore, is justified and cannot warrant refusal of permission.

#### m) Flooding and drainage

This application is a greenfield site and therefore drainage matters are an important consideration. Policy SC7 of the Hastings Local Plan – Planning Strategy 2014 states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The application has been accompanied by a Flood Risk and Drainage Assessment prepared by Hazelind and dated 12 February 2021 and a revised Flood Risk and Drainage Assessment prepared by Hazelind and dated 29 March 2021 together with associated appendices for each report submitted. These reports have been revised by ESCC Flood Risk who initially objected to the proposed development on grounds of lack of acceptable information to justify the development. Significant concerns were raised over the proposed surface water strategy. A large attenuation tank was initially proposed under the primary and only access for the development with a further large attenuation tank nearby and also under the access road. ESCC Flood Risk Team advise that at some point in the future it may be necessary to excavate the tanks as part of the maintenance and renovation programme and this will restrict access to the development resulting in challenges for the residents of the development. The attenuation storage could be relocated outside the primary access road or the applicant could pursue better use of the green open space in the centre of the site for SUDS features to reduce the reliance on attenuation tanks. Following this, revised drainage details were received and the ESCC Flood Risk Team were consulted on the revised drainage strategy and they advise that although the information submitted shows a significant improvement in the surface water drainage system, they are still concerned that the development layout does not give enough thought to surface water management. This has necessitated the use of underground tanks under half of the access road to the development. ESCC Flood Risk Team further advise that future replacement or maintenance of this tank will result in significant disruption to the 67 houses proposed, and as such concern is raised regarding the future maintenance of the proposed drainage strategy.

In addition, they advise that the exceedance flow route for the drainage system shows that surface water runoff will flow along the access road and onto Harrow Lane instead of being safely stored on site to allow discharge into the drainage system when there is capacity. However, this exceedance event is shown to be a 1 in 1000 rainfall event. The application site levels appear to be higher than Harrow Lane along the western boundary of the site. Consequently, there is a possibility that there might be increased overland flows onto Harrow Lane if there are no measures to intercept the runoff, and this could possibly lead to an increase in the flood risk of Harrow Lane.

It should be noted that whilst submitted revised surface water drainage details do not satisfactorily resolve concerns raised by ESCC Flood Risk, they do not raise an objection to the development as the technical drainage design is acceptable, but raise concern regarding the future functionality of the development and therefore whether the design solution for the whole development works.

Given this and noting that the principle of development is acceptable, the applicant has agreed for the underground attenuation tanks to be concrete thereby being constructed of a much longer lasting material with less need of regular maintenance, as well as use of an advanced filtration system that will minimise silt entering the tank. As such, if planning

permission is given for the development a pre-commencement condition should be attached to the decision requiring that no development can commence until full design details of the proposed underground attenuation tanks are submitted to and approved in writing by the LPA in consultation with ESCC Flood Risk. (Conditions 11 and 30).

Southern Water confirm that they can provide foul and surface water sewage disposal to service the proposed development, and that no overall objection is raised to the proposal, subject to the implementation of the drainage scheme submitted with the planning application.

#### n) Contamination

Policy DM5 and DM6 of the Hastings Local Plan – Development Management Plan 2015 seek to protect human health and ground and water quality. A Combined Geotechnical and Quantitative Ground Contamination Risk Assessment prepared by Ashdown Investigation Ltd and dated December 2020 and a Ground Gas Risk Assessment prepared by Ashdown Investigation Ltd and dated March 2021 are submitted with this planning application. All the reports conclude that the site is an undeveloped greenfield site and initial intrusive ground investigations did not identify any potential source of historic contamination on or adjacent to the site. The Discovery Strategy, in the submitted Combined Geotechnical and Quantitative Ground Contamination report seeks to protect residential amenity and control environmental issues during construction and post development. The Council's Environmental Protection Team are satisfied with these reports and have no objection to the development subject to the implementation of the development as specified on the submitted reports. (Condition 5 and 6).

#### o) Heritage and Archaeology

Policy EN1 of the Hastings Planning Strategy and Policy HN4 of the Development Management Plan requires an Archaeological Assessment to be submitted if the application site is located or the proposed development affects sites of archaeological interests or archaeological or potential.

The application is accompanied by a Heritage Statement prepared by Environmental Dimension Partnership and dated June 2017 and by a Written Scheme of Investigation (WSI) prepared by Chris Butler Archaeological Services Ltd and dated September 2020. The WSI was formally approved in November 2020 under ref HS/CD/20/00671 as detail submitted in pursuant of discharging condition 15 of outline planning permission ref HS/OA//17/00645.

The site has been subject to a geophysical survey and trial trench evaluation, both of which have identified archaeological remains. These remains comprise a series of linear ditches cut into the natural substrate, possibly representing a field system. The nature of the trial trenching in only sampling a small percentage of the site resulted in very little dating evidence for these features, but the reports convincingly speculates they are prehistoric in date.

The submitted Heritage Statement summarises the so far recorded archaeological interest of this site and the immediate vicinity. Based on the information available, it seems likely that the remains on this site are of local archaeological interest, and therefore would not prohibit the development of the site; but would need further recording prior to destruction.

In the light of the potential for impacts to heritage assets with archaeological interest resulting from the proposed development, and that a WSI has been formally approved by Hastings Borough Council in consultation with County Archaeology (as detailed herein), it is considered that if planning permission is given for the development it is recommended that a

condition should be imposed requiring implementation of the archaeological works to be carried out in accordance with the approved WSI. County Archaeology have been consulted on this application and they have no objection to the development subject to implementation of the approved WSI, and subject to an additional condition requiring an archaeological site investigation report and post-investigation assessment for that phase to be completed and submitted to the Local Planning Authority for approval before any phase of the development hereby approved is brought into use (Conditions 28 and 29).

Given the above, it is considered that heritage impacts have been appropriately considered, and that the development acceptable in terms of Policy EN1 of the Hastings Planning Strategy and Policies HN1 and HN4 of the Development Management Plan, in that important archaeological remains on this site will be preserved where possible.

#### p) Lighting

No external lighting is proposed and residential amenities are not harmfully affected. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015). (Condition 18.)

#### q) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "'Screening' is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made. A developer can choose not to seek a screening opinion for a Schedule 2 development, and proceed to prepare and submit an Environmental Statement.

The Local Planning Authority (or the Secretary of State as the case may be) should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations:

- if it is listed in Schedule 1 an Environmental Impact Assessment is required in every case;
- if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria."

The National Planning Practice Guidance further advises that:-

"The more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment. Certain designated sites are defined in regulation 2(1) as sensitive areas and the thresholds and criteria in the second column of the table in Schedule 2 are not applied. All developments in, or partly in, such areas should be screened. These are:

- Sites of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments."

The proposed 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.

#### r) Air quality

Supporting documents have been submitted alongside the application to determine the impact of the development in terms of air quality.

It is acknowledged that during the construction phase of the development there is the potential for air quality impacts as a result of fugitive dust emissions from the site. However, subject to good practice dust control measures are implemented, the residual significance of potential air quality impacts from dust generated by earthworks, construction and trackout activities was predicted to be not significant.

Potential impacts during the operational phase of the proposals may also occur due to road traffic exhaust emissions associated with vehicles travelling to and from the site. Analysis of pollutant concentrations at sensitive locations as a result of emissions from the local highway network showed that concentrations as a result of traffic generated by the development were predicted to be negligible at all sensitive receptor locations. Following consideration of the relevant issues, air quality impacts as a result of the operation of the development were considered to be not significant, in accordance with the IAQM guidance. Overall therefore, the evidence submitted demonstrates that air quality factors are not considered a constraint to the development.

#### s) Affordable housing

Policy H3 of the Hastings Planning Strategy 2014 and Policy LRA3 a) of the Hastings Development Management Plan 2015 requires developments of this size to provide 40% affordable housing on site, unless a submitted viability report demonstrates that this will not be appropriate.

The application is accompanied by a Viability Report which has been appraised by an independent RICS valuer. Following this assessment, the applicant has agreed to provide 40% (26 units) affordable housing units on site as requested by Policy LRA3 a) Hastings Development Management Plan 2015 and Policy H3 of the Hastings Planning Strategy 2014. A plan is submitted (drawing no. (drawing no. 6695-P-108 A – Housing Tenure Plan) which clearly shows the location of the affordable units within the site and the tenure plan. Given that 40% equates to 26.8 units which is not a whole number, a commuted sum should be paid for the 0.8 element which is to be calculated in accordance with guidance set out in Policy H3 of the Hastings Planning Strategy 2014: Provision of Affordable Housing; Interim Advice Note (April 2016).

#### Affordable Housing mix:

The developer offers to contribute 40% affordable housing units as required by policy. This equates to 26.8 units. As the affordable housing units required do not equal a whole number, the amount should be rounded down to 26 affordable housing units, and a commuted sum paid for the 0.8 element. The commuted sum should be calculated in accordance with guidance set out in the Hastings Planning Strategy Policy H3: Provision of Affordable Housing; Interim Advice Note (April 2016). 16 of the 26 affordable housing units are proposed to be affordable or social rent and 10 of the units are proposed to be of another affordable tenure. This is an acceptable tenure as the local needs of the Borough will be satisfactorily met. Demand for housing in the Borough is across all house types and as such an even

distribution is required. The proposed affordable housing units comprise a mixture of dwellings and flats of different sizes and house types as such it is considered that the units offered as affordable housing units are proportionate to the scheme as they cover a range of house types and sizes. In addition, the units that are to be affordable are all dispersed across the site and are not clustered in one area. Given this it is considered that the affordable housing units proposed are acceptable and a development as proposed will make a positive contribution towards creating balanced and mixed communities within the site. Given this, it is considered that the proposed development complies with the NPPF policies and Policy H3 of the Hastings Planning Strategy 2014.

#### t) County Council Infrastructure Contributions

Policy CI1 of the Hastings Planning Strategy 2014 requires development proposals to provide infrastructure or services that are necessary to mitigate impact created by additional pressures on community services or infrastructure as a result of the development.

East Sussex County Council was consulted on this application and they advise that they request a contribution of £17,621.00 (£263 per dwelling x 67 dwellings) towards additional library provision and more flexible library and information services to meet changing needs, and £1,608.00 (£24 per dwelling x 67 dwellings) towards improvements to the Public Rights of Way network in the Hastings (north Harrow Lane/Ridge) area (PROW nos. 142, 143 and 144).

The applicant has agreed to make a financial contribution towards local Infrastructure services as requested by East Sussex County Council and this contribution will be secured via a S106 Agreement. As such it is considered that a development as proposed complies with the NPPF policies, Policy CI1 of the Planning Strategy 2014, the East Sussex County Council's adopted Supplementary Planning Guidance, "A New Approach to Development Contributions" (the SPG), and the Community Infrastructure Levy Regulations 2010 - as amended (the CIL Regs).

#### u) Highway contributions

As discussed in paragraph 3) Consultation Comments of the report, the Highway Authority raises no objection to the application as revised, subject to the imposition of conditions and a s106 Legal Agreement to secure the necessary highway improvement works which include highway works towards a crossing point on Harrow Lane and a financial contribution towards sustainable transport measures identified to enhance The Ridge. These measures have been assessed in terms of quantifying an appropriate and commensurate sum per unit which has been calculated by costing the works for The Ridge and distributing the cost over the quantum of housing that has been allocated in the Local Plan, in areas most likely to impact on The Ridge. The build cost of the highway works identified amounts to close to £1.7 m and which leads to a financial contribution of £2,410 per unit. In addition, a TRO is required for setting up parking restrictions and these will attract a fee of £5,000 to set up. This has been accepted by the applicant.

In addition, a Travel Plan has been submitted with the application and this proposes key incentives being a £100 green travel voucher per unit redeemable towards public transport tickets and cycle equipment, a residents' information pack providing details of bus timetables, local routes to reach local amenities with walking/cycle distance and times, a Travel Plan coordinator contact, and a mechanism to redeem travel voucher.

The submitted Travel Plan mentions provision of a car club, but no further details are

provided and County Highways consider that given the other proposals contained within the Travel Plan there is no need to pursue this detail from the applicant.

It is considered that the submitted Travel Plan is acceptable and County Highways advise that it is a live document that should be reviewed annually. The Travel Plan should be secured by a S106 Agreement if planning permission is given for the development. An auditing fee of £4500 is required which should also be secured by a S106 Legal Agreement.

Taking the above into account, it is clear that the overall quantum of development for this site, and its neighbours has been comprehensively modelled through the Local Plan process. The submitted documents in support of this application provide further detail to ensure the impact in highway terms can be satisfactorily managed. Given the above it is considered that the application site is capable of providing a suitable access with adequate provision for parking and cycling, in accordance with adopted standards. The applicant confirms that they will make a financial contribution towards these highway improvements as required. As such it is considered that a development as proposed complies with Policies DM4 and LRA3 k) of the Development Management Plan 2015.

Overall therefore, the Section 106 Legal Agreement will include the following in terms of contributions:

- 26 affordable housing units made up of 16 affordable rent and 10 another affordable tenure (a mixture of 1 bed and 2 bed flats, and 2, 3, and 4 bed houses).
- A commuted sum shall be paid for the 0.8 element of the affordable housing units contribution. The commuted sum should be calculated in accordance with guidance set out in the Hastings Planning Strategy Policy H3: Provision of Affordable Housing; Interim Advice Note (April 2016).
- Provision and retention of the open space.
- £17,621.00 (£263 per dwelling x 67 dwellings) towards library provision.
- £1,608.00 (£24 per dwelling x 67 dwellings) towards improvements to the Public Rights of Way network in the Hastings (north Harrow Lane/Ridge) area (PROW nos. 142, 143 and 144).
- £161,470.00 (£2410 per unit x 67 dwellings) towards sustainable transport improvement measures on The Ridge.
- £5,000.00 for setting up parking restrictions on Harrow Lane.
- A Travel Plan including:-
  - £100.00 green travel voucher per unit redeemable towards public transport tickets and cycle equipment (as detailed in the Travel Plan).
  - £4,500.00 for auditing the Travel Plan.
  - A residents' information pack providing details of bus timetables, local routes to reach local amenities with walking/cycle distance and times, Travel Plan coordinator contact, and mechanism to redeem travel voucher.
- A Section 278 Agreement for highway works on-site for creation of the vehicular access.
- A Section 278 Agreement for highway works off-site to include pedestrian crossing point to allow connectivity to A21 Sedlescombe Road North, road markings to protect the proposed access junction (double yellow lines).
- Ensure that the unadopted estate roads: carriageways, footways and unallocated parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.

In terms of health care and school provision, it is important to note that the provision for these across the town, in light of the town's housing targets, was assessed in detail through the Local Plan process. It was determined, at Examination in Public, that there was sufficient

capacity to accommodate the planned growth up to 2028 within the existing infrastructure. This has been re-confirmed as part of this application, where East Sussex Council confirmed that the current early years, primary and secondary provision, has capacity to accommodate the additional demand generated by the proposed development. Therefore, no contribution towards school places are required. Similarly, the Council's Infrastructure Delivery Plan does not require additional health care provision to support the town's growth.

#### v) Sustainable construction

The current application is accompanied by a Sustainability Statement which details how the proposed development will promote sustainable design and achieve the objectives of Planning Strategy Policies SC3 and SC4. If planning permission is given for the development a condition should be imposed which requires development to be implemented and in accordance with the approved Sustainability Statement and maintained as such thereafter. (Condition 10).

### **6. Evidence of community involvement**

The applicant engaged in a Pre-Application Forum on 1 March 2017 and responded to local community concerns. This dialogue with the local community has helped inform the master plan and detailed design of this planning application and the comments were included in the submitted Statement of Community Involvement submitted with this planning application.

### **7. 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.

This is an allocated site under Policy LRA3 – Land adjacent to 777 The Ridge and the proposed development accords with the key provisions of this policy.

A gated development as proposed with a good mix of house types of varied designs in a sustainable location such as this one makes maximum and efficient use of land and is supported in this location as it will provide much needed housing with a good mix of house types in the Borough thereby complying with Policy H2 of the Hastings Planning Strategy 2014. A development as proposed is also considered to integrate well with existing development and will not harm important views from the nearby Public Right of Way, and views of the site from the nearby Area of Outstanding Natural Beauty (AONB).

The relationship of the development to neighbouring properties is a typical relationship found within the built-up area boundary and as such it is considered that there will be no harm to neighbour amenity as a result of the proposed development.

The applicant confirms his acceptance to enter into a S106 Legal Agreement to secure affordable housing contributions and financial contributions towards highway improvements, as well as financial contributions towards ESCC infrastructure provisions as required by policies and as detailed herein.

Given the above, it is considered that these proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:



"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

## **8. Recommendation**

**A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:**

- **26 affordable housing units made up of 16 affordable rent and 10 another affordable tenure (a mixture of 1 bed and 2 bed flats, and 2, 3, and 4 bed houses).**
- **A commuted sum shall be paid for the 0.8 element of the affordable housing units contribution. The commuted sum should be calculated in accordance with guidance set out in the Hastings Planning Strategy Policy H3: Provision of Affordable Housing; Interim Advice Note (April 2016).**
- **Provision and retention of the open space.**
- **£17,621.00 (£263 per dwelling x 67 dwellings) towards library provision.**
- **£1,608.00 (£24 per dwelling x 67 dwellings) towards improvements to the Public Rights of Way network in the Hastings (north Harrow Lane/Ridge) area (PROW nos. 142, 143 and 144):-**
- **£161,470.00 (£2,410 per unit x 67 dwellings) towards sustainable transport improvement measures on The Ridge:**
- **£5,000.00 for setting up parking restrictions on Harrow Lane.**
- **A Travel Plan including:-**
  - **£100.00 green travel voucher per unit redeemable towards public transport tickets and cycle equipment (as detailed in the Travel Plan).**
  - **£4,500.00 for auditing the Travel Plan.**
  - **A residents' information pack providing details of bus timetables, local routes to reach local amenities with walking/cycle distance and times, Travel Plan coordinator contact, and mechanism to redeem travel voucher.**
- **A Section 278 Agreement for highway works on-site for creation of the vehicular access.**
- **A Section 278 Agreement for highway works off-site to include pedestrian crossing point to allow connectivity to A21 Sedlescombe Road North, road markings to protect the proposed access junction (double yellow lines).**
- **Ensure that the unadopted estate roads: carriageways, footways and unallocated parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.**

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed or the viability issue not resolved by 30 August 2021 that permission be refused on the grounds that the application does not comply with the relevant policies (Policies H3, C11, T3, EN3, EN6, EN1, and HN1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with

**the Chair and Vice Chair of the Planning Committee.**

**B) Subject to the above:**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

6695/P/LBP, 6695/P/100/C, 6695/P/101/C, 6695/P/102/B, 6695/P/103/C, 6695/P/104/B, 6695/P/200/B, 6695/P/106/C, 6695/P/107/F, 6695/P/110/B, 6695/P/111/B, 6695/P/112/B, 6695/P/113/B, 6695/P/114/C, 6695/P/115C, 6695/P/116/C, 6695/P/117/C, 6695/P/118/B, 6695/P/119/B, 6695/P/120/B, 6695/P/121/C, 6695/P/122/C, 6695/P/123/C, 6695/P/124/B, 6695/P/125/A, 6695/P/126/B, 6695/P/127/B, 6695/P/130/A, 6695/P/131/A, 6695/P/132/A, 6695/P/164/A, 6695/P/165/A, 6695/P/166/A, 6695/P/167, 6695/P/133/A, 6695/P/134/A, 6695/P/135/A, 6695/P/140/A, 6695/P/141/B, PLG/1656/20/C, 2020/5574/001/P8, 2020/5574/002/P7, 2020/5574/003/P4, P20970-HZL-00-DR-D-2210-S4 P02, and 6695-P-108A.

3. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. 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.

5. The development hereby approved shall be carried out in accordance with the approved land contamination measures in the approved Combined Geotechnical and Quantitative Ground Contamination Risk Assessment prepared by Ashdown Investigation Ltd and dated December 2020 and Ground Gas Risk Assessment prepared by Ashdown Investigation Ltd and dated March 2021. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The recommendations made in the approved documents should be adhered to and measures implemented in accordance with the approved details.

6. In the event that contamination not previously identified is found to be present on the development site all development shall be stopped immediately, and details of the contamination shall be reported immediately

in writing to the Local Planning Authority.

Development shall not re-start on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority: -

- a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.
- b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Local Planning Authority)
- c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to, and approved in writing by, the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

7. The development hereby approved shall be carried out in accordance with the ecological measures in the approved Ecological Enhancement, Management and Mitigation Plan prepared by Greenspace Ecological Solutions and dated December 2020 and an Updated Preliminary Ecology Assessment prepared by Greenspace Ecological Solutions and dated December 2020. Thereafter development shall be maintained as approved.
8. The development hereby approved shall be carried out in accordance with the arboricultural measures in the approved Arboricultural Impact Assessment and Method Statement Rev A prepared by Greenspace Ecological Solutions and dated December 2020. Thereafter development shall be maintained as approved.

9. The development hereby approved shall be carried out in accordance with the approved Construction Management Plan Rev A prepared by The Park Lane Group and dated March 2021. Thereafter the approved Construction Management Plan shall be adhered to throughout the construction period.
10. The development hereby approved shall be carried out in accordance with the approved Sustainability Statement prepared by The Park Lane Group and submitted with this planning application.
11. Notwithstanding details shown on the submitted Flood Risk and Drainage Assessment prepared by Hazelind and dated 12 February 2021, the revised Flood Risk and Drainage Assessment prepared by Hazelind and dated 29 March 2021, the drainage appendices associated with the reports and drawing nos.

P20970-HZL-00-DR-D-2200-1-S4-P11 Sheet 1,  
P20970-HZL-00-DR-D-2201-2-S4-P11 Sheet 2,  
P20970-HZL-00-DR-D-2220-S4-P01 Sheet 1 and  
P20970-HZL-00-DR-D-2221-S4-P01 Sheet 2

no part of the development hereby approved shall commence until full details of the design of the proposed underground attenuation tanks have been submitted to and approved in writing by the Local planning Authority in consultation with ESCC Flood Risk Team. Such details shall include:-

- the design life of the tank based on the materials used
- pollution control measures upstream of the tank
- a maintenance and management plan of the proposed upstream pollution control measures which should
- ensure that there is minimal risk of silt entering the tank to impact its capacity to store surface water runoff, and
- evidence how these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved design details and maintenance plan shall thereafter remain in place for the lifetime of the development.

No occupation of any of the dwellings 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.

12. Notwithstanding hard landscaping details shown on the submitted drawings and hard landscaping details submitted as part of this planning application, no development shall be constructed above ground until full details and samples of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels;

pedestrian access and circulation areas; and samples of paving materials for the driveways.

13. All boundary enclosures shall be erected as detailed on the approved drawings submitted with the planning application and shall be implemented as approved prior to first occupation of the dwellings hereby approved, and shall thereafter be maintained as approved.
14. The soft landscaping of the site shall be carried out in accordance with the approved details and the works 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.
15. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
16. 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 where 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.
17. The development hereby approved shall not be occupied until the external storage spaces and collection point for refuse bins, as shown on approved drawings have been completed in accordance with the approved details and once provided the refuse storage areas shall not be used for any other purpose other than the storage of refuse bins.
18. No external lighting shall be installed without planning permission. If lighting is proposed, a report on the lighting scheme, such as flood lighting or security lighting, should be submitted to the Local Planning Authority for approval detailing the provisions for the avoidance of 'spill Light' that is to say light that obtrudes beyond the area it was intended to light and into surrounding areas or onto surrounding properties.

19. No development hereby approved shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority indicating that the approved flats conform to the 'indoor ambient noise levels for dwellings' guideline values specified within BS 8233:2014. The approved sound insulation and noise reduction measures shall be installed in accordance with the approved details and retained as approved thereafter.
20. No development hereby approved shall commence until technical details of the new access, pedestrian crossing point and associated lighting (S278) and details of a Traffic Regulation Order for the parking restrictions have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the development hereby permitted shall not be occupied until the construction of the access and off-site accessibility requirements have been completed in accordance with the approved details.
21. No part of the development hereby approved shall be first occupied until visibility splays of 45 metres by 2.4 metres have been provided at the proposed site vehicular access onto Harrow Lane UC3016 in accordance with the approved plan 2020/5574/001 P7. Once provided the visibility splays shall thereafter be maintained as approved and kept free of all obstructions over a height of 600mm.
22. The development shall not be occupied until car parking areas have been provided in accordance with the approved plans 6695 P200 rev B and the areas marked as 'allocated to a dwelling' and 'visitor' shall thereafter be retained for those purposes.
23. The proposed parking spaces hereby approved shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls) and shall thereafter be maintained as approved.
24. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for the parking of cycles.
25. Notwithstanding details shown on revised drawing nos. P20970-HZL-00-DR-D-2200-1-S4-P11 Sheet 1, P20970-HZL-00-DR-D-2201-2-S4-P11 Sheet 2, P20970-HZL-00-DR-D-2220-S4-P01 Sheet 1 and P20970-HZL-00-DR-D-2221-S4-P01 Sheet 2, prior to commencement of development hereby approved the surface water drainage details 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 approval in consultation with the Highway Authority. Thereafter development shall be implemented and maintained as approved.

26. The submitted Travel Plan Statement hereby approved and prepared by RGP Transport Planning and Infrastructure Design Consultants and dated December 2020 shall be in operation on occupation of the development and thereafter for a period of five years. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after 1, 3, and 5 years to be audited by the Highway Authority.
27. No development hereby approved shall commence, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
28. The implementation of the archaeological works associated with the development hereby approved should be carried out prior to commencement of development in accordance with the Written Scheme of Investigation prepared by Chris Butler Archaeological Services Ltd dated September 2020, and approved by Hastings Borough Council in consultation with the County Archaeology Team in November 2020 under Discharge of condition application ref HS/CD/20/00671.
29. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 28 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
30. Prior to first occupation of the development, evidence (including photos) shall be submitted to and approved in writing by the Local Planning Authority demonstrating that the drainage system has been constructed as per the final agreed detailed drainage design.

**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. To safeguard the amenity of adjoining residents.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
7. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
8. To ensure that the measures considered necessary as part of the arboricultural impact assessment are carried out as specified.
9. To ensure an acceptable form of development, and in the interests of biodiversity.
10. To ensure an acceptable form of development.
11. In order to secure a well-planned development that functions properly, prevents increased runoff and is able to be successfully maintained and managed without causing severe disruption whenever it needs to be replaced.
12. To ensure an acceptable form of development and to secure a well planned development that functions well and in order to protect the visual amenities of the locality.
13. In the interests of the visual amenity of the area and to ensure a satisfactory standard of development.
14. To ensure a satisfactory form of development and in the interests of the visual amenity.
15. To ensure an acceptable form of development, and in the interests of biodiversity.
16. To ensure a satisfactory standard of development and in the interests of biosecurity.
17. In the interests of the visual amenity of the area.



18. In the interests of neighbour amenity.
19. In the interests of the amenity of the future occupiers of the flats.
20. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
21. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
22. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
23. 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.
24. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
25. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
26. In order that the development site hereby permitted maximises its accessibility by non-car modes and to meet the objectives of sustainable development.
27. In the interests of highway safety and the amenities of the area.
28. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and Local Policies.
29. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework and Local Policies.
30. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.

#### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

3. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
4. Consideration should be given to the provision of a domestic sprinkler system.
5. This Authority's requirements associated with this development proposal will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
6. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
7. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is approximately £5,000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.
8. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the East Sussex Highways Network Co-ordination team (0845 6080193).
9. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).
10. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
11. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.

**Officer to Contact**

T Zulu, Telephone 01424 783254

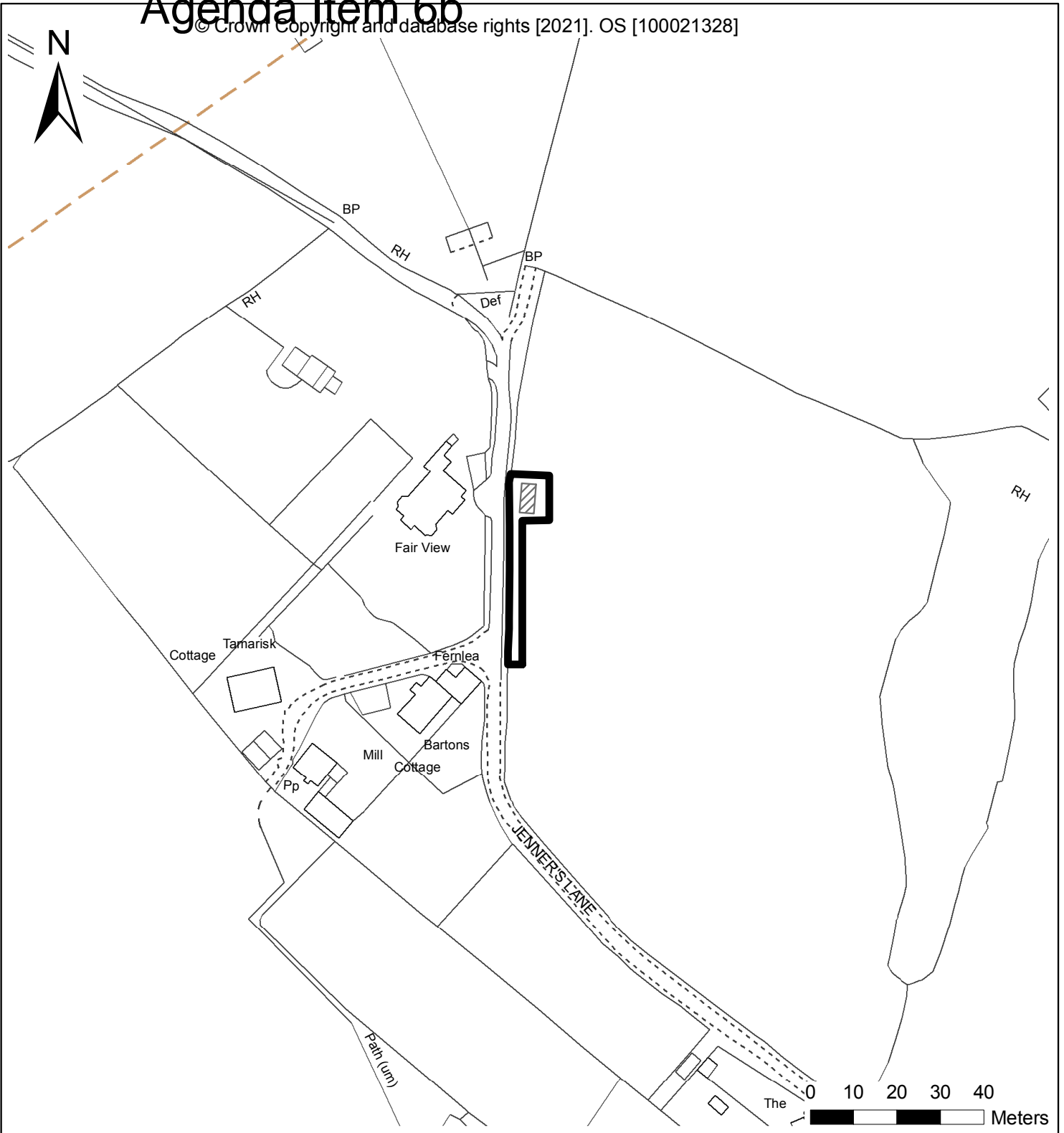
**Background Papers**

Application No: HS/FA/20/00970 including all letters and documents

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# Agenda Item 6b

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**Field adjacent to Dingle Cottage  
Jenners Lane  
Hastings**

Erection of storage shed to accommodate machinery associated with the management of the field.



Assistant Director Housing & Built Environment  
Hastings Borough Council,  
Muriel Matters House, Breeds Place,  
Hastings TN34 3UY  
Tel: 01424 451090  
email: [planning@hastings.gov.uk](mailto:planning@hastings.gov.uk)

Date: Apr 2021

Scale: 1:1,250

Application No. HS/FA/21/00202

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 28 April 2021

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** **Field adjacent to Dingle Cottage, Jenners Lane, Hastings**

**Proposal:** **Erection of storage shed to accommodate machinery associated with the management of the field.**

**Application No:** **HS/FA/21/00202**

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

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

Applicant: Mr Evans per Barry Holdsworth Ltd Great Barn  
Loose Farm Barns, Hastings Road, Battle. TN33  
0TG

**Public Consultation**

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

Application status: Not delegated -  
Application submitted on behalf of employee in restricted post

## 1. Site and surrounding area

This application refers to a 'P-shaped' plot which forms part of a larger field. The field is located to the east of Jenner Lane, which is off Winchelsea Lane, opposite Dingle Cottage where Jenner Lane splits, with the plot being located to the north west part of this field. There

is one field shelter building on the wider site in the north west corner which was granted planning permission in 2019 and associated with the use of the field for the grazing of seven Alpacas and three sheep.

Boundary treatment for the plot consist of timber posts with wire mesh fencing between to all four sides, and substantial trees, hedgerows and shrubbery to three sides with the trees, hedgerows and shrubbery being to the north, east and west of the plot, access being to the south. A number of trees are located along the western boundary of the field near to the proposed shed.

The application plot varies in ground height with a gentle slope from the south west to the north east although ground level does differ slightly at different points within the plot which do not follow this gradient.

There are ancient woodlands located to the south east and north east of the plot, with the woodlands located in the south east being 80 metres at the closest point, and the woodland to the east/north east being 100 metres at the closest point.

### Constraints

High Weald AONB

## **2. Proposed development**

This application is seeking planning permission to erect a shed measuring 7.2 metres long, 3.6 metres in depth, 2.36 metres to the eaves, with the total height being 3.1 metres to the ridge. The proposed shed will be placed on an existing concrete base, thus negating the need for any foundations, which is 0.3 metres in height and as such the overall height of the shelter from ground level will be 2.66m at eaves and 3.4m at ridge.

The shelter will be constructed of timber, with black 'onduline' roof sheeting and zinc ridge capping, with PVCu guttering. The roof being hipped to the front and rear with gables either side.

The proposed shed is to be located in the western part of the plot, measuring some 46.2 metres from the northern boundary of the wider site and some 2.2 metres from the western boundary.

The proposed shed is to accommodate machinery and other items used in managing the land and also in connection with the care of the Alpacas and Sheep.

The application is supported by the following documents:

- Planning statement
- Phase 1 Ecology Report and Badger Mitigation Strategy
- Arboricultural Impact Assessment, Method Statement and Tree Protection Plan

This application is being considered at the Committee Meeting as the application is submitted on behalf of a member of staff of the Council in a restricted post.



## Relevant planning history

<b>Application No.</b>	HS/FA/19/00486
<b>Description</b>	Erection of field shelter
<b>Decision</b>	Permission with conditions on 15/08/19

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### National and local policies

#### Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

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

Policy EN7 - Conservation and Enhancement of Landscape

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

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy HN8 - Biodiversity and Green Space

Policy HN9 - Areas of Landscape Value

#### Other policies/guidance

High Weald AONB Management Plan

High Weald AONB Legislation and Planning advice note

#### National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the Development Plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also 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 172 states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 55 states: For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.

Paragraph 175 states: When determining planning applications, Local Planning Authorities should apply the following principles:

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

Paragraph 177 states: The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

### 3. Consultation comments

Hastings Borough Council Arboriculturist – **No objection subject to the imposition of conditions** (Conditions 5 and 6)

The officer considers that the information and proposals provided do not have a significant adverse impact on the existing trees/hedgerows on site.

Hastings Borough Council Environment and Natural Resources Manager – **No objection subject to the imposition of condition** (Condition 4)

The officer considers that the information and proposals provided are satisfactory subject to the implementation of the mitigation measures and works set out in the submitted ecology report.

High Weald AONB Unit – **No comment**

The High Weald AONB Unit do not comment on applications of this minor scale, and defer the assessment of the impact of the works on the AONB to the Local Planning Authority.

SUDS Authority – **No comment**

The Lead Local Flood Authority (LLFA) is unable to respond to minor applications at this time unless the Planning Officer deems there to be a significant flood risk arising from this proposal.

### 4. Representations

In respect of this application letters were sent out to the neighbours. No responses were received.

### 5. Determining issues

The main issues to consider are the impact on, the character and appearance of the area, neighbouring residential amenities, the High Weald AONB and biodiversity and green space.

#### a) Principle

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

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

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015), states, that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: (a) protecting and enhancing local character; (b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials; (c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; (d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; (e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the

need, in some instances, to consider the visual effect from key viewpoints.

It is not considered that the proposed erection of a field shed will have any negative impact on the character or appearance of the area.

The proposal is only concerned with a field with boundary treatment to three sides, consisting of substantial trees, hedgerows and shrubbery, and is not visible from main roads of public areas. As such this proposed development will not have any adverse impact on the street scene, or the character and appearance of the area from the public realm.

The proposed works are therefore considered acceptable in this respect and are in accordance with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

#### c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015), states, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where: (a) the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

It is not considered that the proposed erection of a field shelter will have any negative impact on the neighbouring properties in terms of privacy, over shadowing or loss of daylight.

The proposal is only concerned with a field where the only residential neighbour is located to the south west of the plot. This neighbour and the plot are separated by some 40 metres and boundary treatment between the two consists of substantial trees, hedgerows and shrubbery. As such it is considered there is no negative impact to neighbouring residential amenities.

The proposed works are therefore considered acceptable in this respect and are in accordance with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

#### d) Impact on the High Weald AONB

Policy HN9 of the Development Management Plan (2015), states that the inherent visual qualities and distinctive character of areas of landscape value (AONB) will be protected. Development will only be permitted that is not detrimental to the character, scenic quality or visual benefit of these areas. Policy EN7 of the Hastings Planning Strategy also seeks to protect and enhance the town's landscape, with particular reference to the High Weald AONB, and makes clear that development proposals need to have regard to the High Weald Management Plan in assessing applications.

The application proposes the use of treated timber with black roof sheeting. Given the nature of the development in terms of it being minor in scale, and the existence of substantial boundary treatment, it will remain insignificant when considered in the wider landscape. Therefore, there will be no detrimental impact to the character, scenic quality or visual benefit of the High Weald AONB. Policies HN9 and EN7 are therefore complied with.

#### e) Impact on trees

The applicant has submitted an Arboricultural Report in support of the application. No trees are required to be felled to facilitate the field shed as the concrete base for the shed is already in place.

The submitted Arboricultural Report recommends that the wooden panels for the building will need to be stored away from the trees to avoid any potential damage to the root zones of trees on site. Protective fencing is recommended within the Arboricultural Report as a method to protect the trees during construction.

It should be noted that none of the trees affected by the works are protected by Tree Preservation Order. Furthermore, the site provides adequate space to locate the building components and working space to erect the building without compromising any of the nearby trees within the field and immediate vicinity.

Taking the above into account, subject to the implementation of mitigation methods and recommendations contained within the submitted Arboricultural Report, there is not considered to be any adverse impact on trees or the level of screening provided. Policy EN3 of the Hastings Planning Strategy 2014 is therefore complied with.

#### f) Ecology

A phase 1 survey and report commissioned by the applicant and compiled by Ecology & Habitat Management Ltd provides an assessment of the site, reporting on the current conditions of the habitats present and their potential to support protected and notable species.

The Phase 1 assessment does not identify any likely impacts on protected species, but does recommend methods to ensure construction is compliant, and ensure features that are likely to be providing an ecological resource are protected. These mitigation measures are identified in the following areas:

- Protection of breeding birds,
- Protection of reptiles and amphibians
- Limit disturbance to badgers
- Protection of hedgehogs

The woodland does provide some connection between adjacent habitats and some ecological quality. The proposal does not include removal of any existing trees or hedgerows, and, based on information within the report it is considered that the proposal will not result in the loss or degradation of the existing ecological quality of woodland, or reduce the connection of woodland to adjacent habitats, in accordance with the High Weald AONB Management Plan.

The submitted Phase 1 Ecology Report notes the presence of a badger's sett, along the northern boundary of the field, but not within the site. The badger sett is located to the rear of the existing shed on the field and would be located some distance away from the proposed shed. Furthermore, the Ecology Report concludes that the shed can be erected without harm to protected species with recommendations of how to carry out such work.

Subject to the ecological measures and/or works being carried out in accordance with the details contained in the submitted Ecology Report, the development is considered

acceptable and complies with Policy HN8 of the Development Management Plan (2015).

#### g) 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.

#### h) Flooding and drainage

Policy SC7 of the Hastings Local Plan – Planning Strategy (2014), states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The proposed shed is to be built on an existing concrete base and as such the proposal does not result in any flooding implications.

The site is not in an area of groundwater or surface water flood risk. The footprint of the building is just under 26m<sup>2</sup> and therefore will have a minimal impact upon surface water drainage. Guttering to the front of the shed will feed into a water butt. This water is proposed to be used for animals to drink.

The proposal therefore complies with Policy SC7 of the Hastings Planning Strategy.

## **6. Conclusion**

The proposed erection of a field shed is considered appropriate for this location and in keeping with the existing area. These proposals would not cause harm to, the character or appearance of the area, residential amenities, the High Weald AONB or to biodiversity and green space.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

## 7. Recommendation

### Grant Full Planning Permission subject to the following 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:  
  
Proposed Floor Plans, Block Plan (Sht-7), Elevations Drawing (es 1600/20/03)
3. 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.
4. All ecological measures and/or works shall be carried out in accordance with the details contained in The Phase 1 Ecology Report and Badger Mitigation Strategy for land at Jenners Lane, by Ecology and Habitat Management Ltd, dated 9/12/20 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
5. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
6. All arboricultural and tree measures and/or works shall be carried out in accordance with the details contained in the Ecological Report (Prepared by Ecology and Management Habitat Ltd. Dated 09/12/2020) and Arboricultural Report (Prepared by Barry Holdsworth Ltd and dated 15 December 2020) submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.

### Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.

3. To safeguard the amenity of adjoining residents.
4. To protect features of recognised nature conservation importance.
5. To protect trees and hedges that positively contribute to the visual amenity of the area or contribute to the overall landscaping scheme of the site that forms an essential part of the overall design of the development. To protect trees that are noted as forming part of a habitat or foraging area for priority and protected species.
6. To protect trees identified as having a high visual amenity value and that contribute towards the features of recognised nature conservation importance and the existing ancient woodland.

### **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. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.
4. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.

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### **Officer to Contact**

Ishita Sheth, Telephone 01424 783329

### **Background Papers**

Application No: HS/FA/21/00202 including all letters and documents



# Agenda Item 7

Agenda Item:

<b>Report to:</b>	Planning Committee
<b>Date:</b>	15 April 2021
<b>Report from:</b>	Planning Services Manager
<b>Title of report:</b>	<b>PLANNING APPEALS &amp; DELEGATED DECISIONS</b>
<b>Purpose of report:</b>	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 22/03/2021 to 15/04/2021
<b>Recommendations:</b>	That the report be noted

**The following appeals have been received:**

None

**The following appeals have been allowed:**

None

**The following appeals have been dismissed:**

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
23 Shirley Drive, St Leonards-on- sea, TN37 7JW  HS/FA/19/00735	3 bedroom semi detached house adjoining 23 Shirley Drive and removal of existing garage to provide off road parking	Refuse Planning Permission	DELEGATED	Planning

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
General PD Approval	1
Granted Permission	57
Part Granted – Part Refused	1
Prior Approval Approved	1
Prior Approval Refused	1
Refused	6
Self Certificate - Permitted	1
Withdrawn by Applicant	1
Withdrawn Returned	1
Total	70

**Report written by**

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