

Planning Agenda

Wednesday, 10 November 2021 at 6.00 pm

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

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

| | | Page No. |
|-----|---|----------|
| 1. | Apologies for Absence | |
| 2. | Declarations of Interest | |
| 3. | Minutes of previous meeting | 1 - 4 |
| 4. | Notification of any additional urgent items | |
| 5. | Planning applications attracting a petition | |
| (a) | Land south west of Newts Way (HS/FA/20/00959) (<i>T Zulu, Principal Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_118016 | 5 - 38 |
| (b) | Land south west of Newts Way (HS/FA/20/00715) (<i>T Zulu, Principal Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_117772 | 39 - 70 |
| (c) | Land rear of 23 Martineau Lane (HS/FA/21/00712) (<i>R Fellows, Senior Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_118766 | 71 - 86 |

| | | |
|----|---|-----------|
| | (d) Rose Cottage, 4 Gillsmans Hill (HS/LB/21/00664) (<i>S Richard, Planning and Assistant Conservation Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_118717 | 87 - 98 |
| 6. | Other Planning Applications | |
| | (a) 9 Kite Close (HS/FA/21/00615) (<i>S Wood, Assistant Planning Manager</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_118667 | 99 - 108 |
| | (b) 61 Bembrook Road (HS/FA/21/00696) (<i>R Fellows, Senior Planning Officer</i>) https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_118750 | 109 - 118 |
| 7. | Planning Appeals and Delegated Decisions | 119 - 120 |

Agenda Item 3 Public Document Pack

PLANNING

14 OCTOBER 2021

Present: Councillors Roberts (Chair), Beaver, Bishop, Foster, Marlow-Eastwood, Scott, Williams and Sinden

291. APOLOGIES FOR ABSENCE

Councillor Bacon was not able to attend the meeting. Councillor Sinden was present as substitute for Councillor Roark.

292. DECLARATIONS OF INTEREST

| Councillor | Minute | Interest |
|------------------|--------------------------------|---|
| Beaver | Any items relating to highways | Personal- East Sussex County Councillor |
| Marlow- Eastwood | Any items relating to highways | Personal- East Sussex County Councillor |
| Scott | Any items relating to highways | Personal- East Sussex County Councillor |

293. MINUTES OF PREVIOUS MEETINGS

293.1 Minutes of previous meeting 23/06/21

RESOLVED- that the minutes of the meeting held on 23rd June 2021 be approved as a true record.

294. MINUTES OF PREVIOUS MEETING 21/07/21

RESOLVED- that the minutes of the meeting held on 21st July 2021 be approved as a true record.

295. MINUTES OF PREVIOUS MEETING 4/8/21

Councillor Beavers apologies were not recorded correctly in the minutes. The recording of the meeting shows that the Principal Solicitor did give Councillor Beavers apologies. It was requested that an amendment was made to minutes to reflect this.

RESOLVED- that the minutes of the meeting held on 4th August 2021 be approved as a true record with the approved amendment to attendance.

296. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received.

297. PLANNING APPLICATIONS

298. 148 HUGHENDEN ROAD (HS/PR/21/00555)

PLANNING

14 OCTOBER 2021

| | |
|---------------------|---|
| Proposal | Application for a Certificate of Proposed Lawful development for a loft conversion with addition of rear dormer and front rooflights. |
| Application No. | HS/PR/21/00555 |
| Conservation Area | No |
| Listed Building | No |
| Public Consultation | No |

The Planning Services Manager presented the application for a certificate of proposed lawful development for a loft conversion with addition of rear dormer and front rooflights.

The application would normally be dealt with under delegated powers however the constitution as currently worded requires all applications submitted by serving employees in restricted posts to be considered by planning committee. The constitution will be changed in the future so that permitted development would be decided under delegated powers.

A certificate of lawfulness requires a decision that the proposed works are lawful and do not require planning permission. Any certificate issued confirms that the proposed building works as set in the application are lawful. A certificate of lawfulness for a proposed development is a factual assessment of the lawfulness of the proposed development. The planning merits of the works proposed by the application are not a material consideration and are not be considered.

The site consists of a 2 storey, 3 bedroom terrace dwelling house with a small front garden located on Hughenden road. The site is situated on an elevated position on the southern side of Hughenden road. The property is typical of other 2 story properties within the area. The property is not listed and is not situated within a conservation area.

Councillors were shown plans, photographs and elevations of the application site.

The proposal complies with the requirements of classes B and C, Schedule 2, Part 1 of the Town & Country Planning Order 2015. The application was recommended by the Planning Services Manager for approval.

Councillors had no questions and noted no objections had been raised in relation to the application. They were satisfied with the application.

Councillor Beaver proposed the approval of the recommendations, seconded by Councillor Sinden.

RESOLVED (unanimously) that a certificate of proposed lawful development be granted subject to the following conditions:

Subject to the following conditions

PLANNING

14 OCTOBER 2021

1. (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwelling house;

(b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension— (aa) the eaves of the original roof are maintained or reinstated; and (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwelling house; and

(c) any window inserted on a wall or roof slope forming a side elevation of the dwelling house must be— (i) obscure-glazed, and (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

2. Any window located on a roof slope forming a side elevation of the dwelling house must be—

(a) obscure-glazed;

and (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The reasons for the imposition of the said conditions:

1. To ensure that the proposed development falls within the limit of permitted development within Class B of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

2. To ensure that the proposed development falls within the limit of permitted development within Class C of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

First Schedule: Application for a Certificate of proposed Lawful development for a loft conversion with addition of rear dormer and front rooflights

Second Schedule: 148 Hughenden Road, Hastings, TN34 3TA

Notes to the Applicant

You are advised:

1. This certificate is issued solely for the purposes of Section 192 of the Town and Country Planning Act 1990 (as amended).

PLANNING

14 OCTOBER 2021

2. It certifies that the matter specified in the First Schedule taking place on the land described in the Second Schedule would be lawful, on the specified date and, therefore, would not have been liable to enforcement action under Part 7 of the 1990 Act on that date.

3. This certificate applies only to the extent of the matter described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any matter which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

4. The effect of the certificate is also qualified by the proviso in Section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness.

5. The conditions set out at Schedule 2, Part 1, Class B, clause B2, and, Schedule 2, Part 1, Class C, clause C2, of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) will need to be complied with in full.

6. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.

7. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk

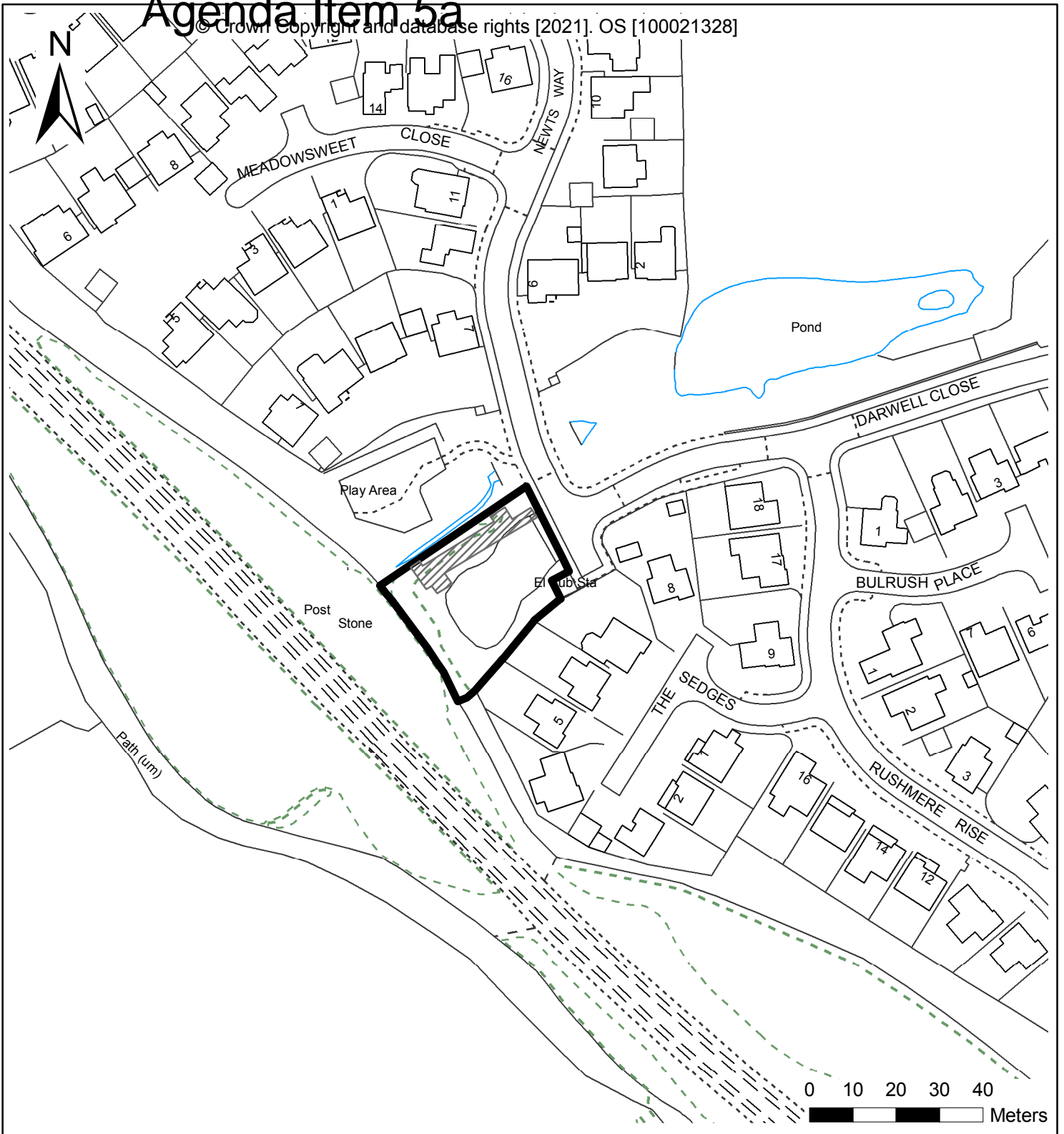
299. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at. 6.08 pm)

Agenda Item 5a

© Crown Copyright and database rights [2021]. OS [100021328]



**Land south west of
Newts Way
St Leonards-on-sea**

Construction of four family dwellinghouses which will include work from home space, gardens, parking and access to Newts Way



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

Date: Oct 2021

Scale: 1:1,250

Application No. HS/FA/20/00959

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 10 November 2021

Report from: Assistant Director of Housing and Built Environment

Application address: Land south west of, Newts Way, St Leonards-on-sea

Proposal: Construction of four family dwellinghouses which will include work from home space, gardens, parking and access to Newts Way

Application No: HS/FA/20/00959

Recommendation: REFUSE

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

Applicant: Ms Owusu per Greenhayes Planning Greenhayes Studio 106 Hastings Road Battle TN33 0TW

Public Consultation

| | |
|----------------------------------|-----|
| Site notice: | No |
| Press advertisement: | No |
| Neighbour Letters: | Yes |
| People objecting: | 34 |
| Petitions of objection received: | 1 |
| People in support: | 60 |
| Petitions of support received: | 1 |
| Neutral comments received: | 0 |

Application status: Not delegated - Petition received / more than 5 representations contrary to recommendation

1. Site and surrounding area

The application site is an overgrown piece of land that is currently enclosed by hoardings and is a vacant piece of land in a prominent location at the junction of Darwell Close and Newts Way. The site is currently overgrown and is now enclosed by hoardings to prevent fly tipping and antisocial behaviour. To the north, the site adjoins a stream and an equipped play space owned by Hastings Borough Council. To the east the site adjoins Newts Way. To the south the site adjoins the rear boundary of dwellings fronting The Sedges (5, 6 and 7). To the west the site adjoins a railway embankment and there is a badger run that runs parallel to Rushmere Rise against the rear boundary of properties fronting this road.

The application site is at lower land levels than dwellings in the surrounding development. To the north of the application site are dwellings fronting Rushmere Rise and they are located some 35m from the common boundary with the application site. To the south boundary of the site are properties fronting The Sedges (nos.5, 6 and 7) and they are located some 20m from the common boundary with the application site. There is a mature oak tree on adjoining land (equipped play space) that is owned by Hastings Borough Council and there is dense vegetation to the north and west boundary of the application site.

The site adjoins the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green spaces (equipped play space) to the north and east (across Darwell Close). The site is bordered by trees and vegetation to the north thereby screening the site from the play area, and there is a line of mature trees at the common boundary with the railway line which runs to the west of the site. The site forms part of the wooded and green aspect of the existing housing development.

The application site lies within a housing estate that is based on traditional architecture. The dwellings in the immediate area front a road and are predominantly detached 2 and 3 storey in height finished in brick with traditional dual pitched roofs. There is also evidence of use of brick and render. Some of the dwellings in the area have dormer windows. The surrounding area is an established secluded development within an established character and there are wooded and green areas within the development thereby resulting in a housing development with a village-esque character.

Background

This housing estate was developed as part of implementation of planning permissions ref HS/DS/89/00384 and HS/DS/88/01079. Planning permission ref HS/DS/88/01079 shows the application site reserved as a children's play area. However, this provision was not secured by a Legal Agreement. The site was reserved as a children's play area space for reasons that it accommodates underground drainage attenuation tanks within the southern part of the application site that serve development permitted under planning permission ref HS/DS/88/01079, and that it provides a relief to built development in association with the adjoining equipped play space. Part of the land within the application site cannot be developed as the underground attenuation tanks are required to be accessed by Southern Water when the need arises. This then makes only a rectangular shaped strip of land developable and any area outside the rectangular shaped strip of land is not developable.

The applicants advise that they have negotiated with Southern Water and obtained the necessary diversion agreement required to enable development of the land to housing. Evidence has been produced to support this.

Redevelopment of the site to housing has been considered by the Design Review Panel (DRP) which is a group of independent, multidisciplinary construction professionals working in the field of the built environment. The panel provides impartial advice to applicants and local authorities on design issues in relation to important new development schemes and proposals. The National Planning Policy Framework states that the DRP's feedback is a material consideration for local authorities and the planning inspectorate when determining planning applications. They concluded that the applicant's ambitions of creating distinctive, unique houses in this area is supported however, the applicant needs to demonstrate that the fishing huts scheme will work in this location, a thorough context analysis that is sensitive to the prevailing architectural character of this area is required, and a rigorous design

process is needed to justify this scheme. The scheme was seen to be an object building that is bland, lacks rigour and needs more work to make it interesting and delightful to viewers. The DRP questioned how multigenerational living will work and whether it will be successful, how a communal garden will work for family units of this size, how one's front garden is also their rear garden and only garden. They advised that differentiation of private and public spaces is required for the proposed garden, a rigorous study is required to justify the scheme, that not enough evidence has been submitted to demonstrate that the scheme is of architectural merit, and that the front elevation should be a grand entrance. They are of the opinion that the site does not look big enough to successfully achieve these big ideas.

Constraints

SSSI Impact Risk Zone
Local Wildlife Site
Network rail Land Ownership
Network rail land ownership 10m buffer
Flooding Surface Water 1 in 30
Flooding Surface Water 1 in 100
Flooding Surface Water 1 in 1000
Intermediate Pressure Pipeline 50m Buffer SGN
Flooding groundwater

2. Proposed development

The application proposes a terrace of 4 - four storey dwellings that are sited in a rectangular form that takes an L shape where there is a forward projection to the western boundary of the site. The proposed building sits hard against the northern boundary of the site and the eastern boundary also lies very close to the junction of Newts Way and Darwell Close. A car parking port accommodating 3 no. car parking spaces for three dwellings is proposed off the head of the junction of Newts Way and Darwell Close. The carport for house 1 is an under-croft car parking space that is located to the north eastern corner of the proposed building and is accessed off Newts Way. Vehicular access is proposed to be taken from Newts Way.

The applicant advises that this design is inspired by Hastings fishing huts. The proposed development is a terrace of 4 - four storey dwellings of modern design and detailing with window arrangements that are angular and reinforce the horizontal emphasis of the proposed terraces. The revised scheme shows a terrace of 4 dwellings of huts that have an irregular form with varying widths, varying heights, varying roof pitches, varying roof forms with the end dwellings being of different roof form to the middle dwellings, and the proposed external finishes are of different colours. The amended scheme also shows use of deep reveals, and the end elevation dwelling has been redesigned so that it looks different, and its front elevation has been amended so that it has variety and adds interest. The revised scheme also shows mansard roof tops at east, west and north elevation and pitched roofs for house 1, 2, and 3 on the southern elevation facing the proposed meadow garden. All the dwellings would have balconies at first floor facing the meadow garden. A green living wall is proposed to the east elevation facing junction of Newts Way and Darwell Close.

Accommodation proposed

House 1

Ground floor – Carport, bike storage, hallway, study, toilet and lift and front door facing

Newts Way/Darwell Close

First floor - balcony facing the meadow garden, kitchen/dining, living area, lift

Second floor – bedroom, bathroom, ensuite bedroom, toilet and stairs

Third Floor - studio with toilet

1 undercroft car parking space

House 2

Ground floor – study, hallway, bike store, toilet, front door facing the meadow garden

First floor - balcony facing the meadow garden, kitchen/dining, living area, lift

Second floor - bedroom, bathroom, ensuite bedroom, toilet, and stairs

Third Floor - studio with toilet

1 car parking space

House 3

Ground floor - study, hallway, bike store, toilet, front door facing the meadow garden

First Floor - balcony facing the meadow garden, kitchen/dining, living area, lift

Second floor - bedroom, bathroom, ensuite bedroom, toilet, and stairs

Third Floor - studio with toilet

1 car parking space

House 4

Ground floor – Playroom or study, hallway, store

First Floor - balcony facing the meadow garden, kitchen, dining, living area, lift

Second floor - bedroom, bathroom, ensuite bedroom, and toilet, hallway and stairs

Third Floor – bedroom, dressing area and bathroom

1 car parking space

Each dwelling would have a hard landscaped terrace immediately beyond the front door of each house and there will be a mini meadow garden thereafter for each dwelling. However, no boundary fence is proposed between each of these gardens. A wildlife corridor is proposed to the western perimeter boundary of the application site. There is a line of existing shrubs and trees at the southern perimeter boundary of the application site. There is a badger zone to the west rear boundary of dwellings fronting Rushmere Close and this badger zone runs parallel to Rushmere Close against their rear plot boundaries.

Bins and bike store is proposed behind the electricity substation which is located at the turning head of Newts Way. The substation is enclosed by a 2m close boarded wooden fence.

Amended drawings and additional information was received in an attempt to resolve concerns raised by the Planning Officers, the Councils' Trees Officers, the Environment and Natural Resources Manager, and the Design Review Panel.

The application is supported by the following documents:-

- Design and Access Statement
- Site Waste Management Plan
- Planning Statement
- Great Crested Newts GCN
- Great Crested Newts Survey
- Arboricultural Survey
- Landscaping detail
- Preliminary Ecological Assessment
- Suds Decision Toolkit
- Flood Risk Assessment and Surface Water Drainage Strategy

Relevant planning history

- HS/FA/20/00715 - Construction of a single dwellinghouse which will include 3 bedrooms, work from home space, gardens, parking and access to Newts Way – Pending consideration.
- HS/FA/19/00813 – Erection of a two-storey dwelling with a studio/granny annexe at ground level - Withdrawn.
- HS/FA/15/00464 - Erection of 2 x 4 bedroom two storey dwelling houses with off street parking and private gardens - Withdrawn
- HS/FA/00/00375 - Erection of 60 no. 3, 4 and 5 bedroom dwellings: Granted 20/02/2001
- HS/DS/89/00384 - Erection of 60 dwellings and garages (Phase II in pursuance of planning permission HS/OA/86/834): Granted 25/05/1990
- HS/DS/88/01079 – Erection of 55 detached houses and 4 bungalows and ancillary works: Granted 05/04/1989

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

Policy DS1 - New Housing Development

Policy FA1 - Strategic Policy for Western 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 SC7 - Flood Risk

Policy EN2 - Green Infrastructure

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy EN6 - Local Wildlife Site

Policy EN7 - Conservation and Enhancement of the Landscape

Policy EN8 - Open Space – enhancement, Provision and Protection

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN7 - Green Infrastructure in New Developments

Policy HN8 - Biodiversity and Green Space

Policy HN10 - Amenity Green Spaces

Other policies/guidance

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 2021

Guidance Notes for Design Codes 2021

Draft National Model Design Code 2021

ESCC Supplementary Planning Guidance, “A New Approach to Development Contributions” (the SPG),

The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)

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 126 states: "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."

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

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - Layout
 - * Architecture
 - * Landscaping
- * Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - Building types
 - * Materials
 - * Arrangement of streets
- * 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 131 advises 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 decision should ensure that new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible

Paragraph 134 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 such as design guides and codes. Significant weight should be given to:

- development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- 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 with the overall form and layout of their surroundings

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 152 states that development should take full account of flood risk.

Paragraph 159 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 161 and 162 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 163 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 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 167 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 179 advises that 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.

Paragraph 180 When determining planning applications, local planning authorities should apply the following principles.

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported
- d; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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 masterplan), 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 (SuDS) – No objection subject to conditions.

- East Sussex County Council (Highways) – Responses received advising no comments to make. Reference is made to the Minor Planning Applications Guide.
- Hastings Borough Council (Ecology) – Object to the development
- Southern Water – No objection subject to conditions.
- Natural England – Response received advising no comments to make.
- Hastings Borough Council (Arboriculture) – Object to the development as the proposed dwelling is located hard against the crown of T1. The proposed dwelling would require the removal of G2 a group of hazel trees and such a loss would be regrettable as these trees form an attractive landscape feature. They further advise that they are not of the opinion that the scheme can be implemented without causing harm to these trees.
- Hastings Borough Council (Estates) – Response received advising no comments to make.
- Hastings Borough Council (Planning Policy) – Object to the development on grounds that whilst the Borough does not meet its 5-year housing supply, the harmful impact upon the nature conservation interests of the site are a negative, which outweigh the positive contribution that will be made by this dwelling to housing numbers.

4. Representations

In respect of this application neighbours were sent individual notifications and a total of 94 letters were received and 2 petitions.

34 letters are objecting to the development and 60 letters are in support of the development.

The 34 letters are raising an objection for the following reasons:-

- This is a quiet residential area. What business are they proposing to do from home.
- Building design is not in keeping with the appearance or character of any other builds.
- The proposed materials are not in keeping with existing.
- The building will be very imposing.
- The site is near an electricity substation and if maintenance is required there will be no space for the engineers.
- Loss of a valuable open space.
- Loss of privacy and outlook as a result of the development.
- Plot is too small to accommodate 4 houses.
- There is a covenant restricting redevelopment of this site.
- Noise pollution.
- Light pollution.
- Scale, height, build and design of the scheme is not appropriate for this area.
- Most of the room spaces proposed are capable of being bedrooms but are described as office/studio.
- They are family homes with no self-contained gardens.
- Fisherman's huts design does not fit in.
- Negative impact on the local environment.
- Area was designed to be the drain point of the close.
- Negative impact on wildlife and the stream which runs under the road.
- How will the badger run be protected during construction.

- The site accommodates protected species and flora and fauna.
- The exact position of the underground tanks is not known and this development will disrupt the tanks which are believed to be constructed of asbestos and therefore posing a further risk to the local environment.
- There have been near misses on this bend.
- Proposed access could result in danger to users of the highway.
- Possible traffic problems during construction.
- Development overlooks houses in Sedges Way and Newts Way.
- Development overlooks the play park which is used but location residents' children.
- Development would put children play in the park at risk.
- The development restricts views into the play area .
- Build process will cause so much disruption in the area.
- The development does not benefit or enhance the creation of jobs and investment, does not provide high quality homes and does not support wildlife and ecosystems.
- Antisocial behaviour is not an issue here and should not be a reason to justify the development.
- The site does not seem capable of accommodating a development of this size and scale.
- There is a requirement that the existing storm drains which will cause considerable impacts on all aspects including large heavy machinery constantly accessing the site and possible impacts to neighbours' gardens.
- The development will not result in net gain in biodiversity, preservation and enhancement to wildlife corridors.
- The development will cause direct overlooking into neighbouring properties on Sedges Road.
- The roof garden will directly overlook the road and can be viewed from the play park area and does not align with the current style of houses in the estate.
- The glass wall facing the rear of the neighbouring property removes their privacy and enjoyment of their property.
- The proposed windows would provide a view into the neighbours' lounge, bedroom and kitchen and would overlook their garden.
- The site has historically been preserved for the benefit of local fauna and flora which would be disrupted should this development go ahead.
- There is no guarantee that the current wildlife will be protected during the construction phase of the development.
- The removal of the Hazel trees and impact on the existing oak tree will make the development unacceptable.
- There are protected species on site and there is no indication that this protected species will be protected during development.
- The site holds a large storm water balancing tank and associated drainage to avoid future flooding and is therefore not considered suitable for development.
- The application proposes to plant trees at the boundary, however these trees will take many years to be an effective boundary.
- Newts Way is very busy with traffic and the bend is dangerous for children and animals and proposed development will cause harm to users of the highway.
- Noise and disruption generated by construction traffic will be detrimental to amenity of neighbouring properties.

- The site should be left as an open space.
- When the estate was built in 2000 why was a dwelling not built there?
- There is planning permission for more than 200 houses on the Old Grange School site and this development together with the current application will cause noise and disturbance to neighbouring properties.
- The application site is liable to flooding as it is situated at the lowest point of the state and heavy persistent rains cause drains to overflow.
- This development is being built on a low-lying wetland which is synonymous to a flood plain.
- The application plot was never designed to accommodate a building but was going to landscape the area with paths and benches for use by residents and this was supposed to be done by Permission Homes. The legal covenant exists with Hastings Borough Council to secure this.
- There is a large oak tree that is protected by a TPO which has branches overhanging the bank and beyond and these will need to be cut back to facilitate the development.
- Looking at the rooms proposed by this development one wonders whether this house will be used as a small residential home.
- The storm tanks are not load bearing structures and therefore clear access for Southern Water is required.
- The storm water storage tanks provide essential contingency in case flooding of the ground water drains.
- The previous owners left this site undeveloped for a reason.
- The site provides a natural boundary and much needed green space between the different developments at the back of The Sedges and Rushmere Rise and the houses further up Newts Way.
- UK Power Networks has a substation adjoining the site. When there are power cuts, a large generator is brought in to boot this substation. It is placed down from the substation (towards Newts Way) and to lessen the noise of the generator a baffle kit is placed around the generator with fencing. Noise complaints have been logged with the Council because of the noise made. Where will this generator be placed in the future if it is needed.
- Future residential occupiers will suffer noise impact from the railway line.
- Amberwood Management was not consulted on the application.
- There is no reference to maintaining and protecting the shared border on the south west corner.
- No expert advice submitted about protected species.
- Stipulations set up in the protected species report when the section 52 agreement was drawn up have not been addressed.
- All digging within 10m should be done by hand.
- Work on site should avoid the badger breeding season and the nesting breeding season.
- Most of the support letters are from people who do not live in the area.
- The development is out of keeping with the character of the area.
- The site is not large enough to accommodate a development as proposed.
- The development will damage existing wildlife habitat.
- There are protected species on the site.
- Development will overlook the existing play area.

- Concerns are raised regarding the disturbance and inconvenience that will be caused during construction.
- Three storey development is not acceptable in this location.
- Most of the support letters are from architect who do not live in the area officers should consider views of people who live in the local areas.
- The buildings is as good as a block of flats with a communal garden.
- Southern Water initially objected to the development in 2015 given the existence of underground drainage tanks within the site.
- There is not enough car parking for future occupiers.
- There is an oak tree that will be harmed by the development.
- There is enough houses being built in the area.

60 of the letters received are in favour of the proposed development on the following reasons:-

- The proposals are of good design, sustainability, innovation and placemaking.
- Its sustainability demonstrates high regard for the environment.
- Makes a positive contribution to its setting.
- The massing is well considered taking into account the presentation, building form and building sizer and the scheme positively responds to its context.
- This is a significant design innovation in light of covid 19 restrictions.
- This is a proposed linear house with a sensitive approach to the rear elevation and has a green wall.
- The scheme effortlessly blends into the environment.
- The zero carbon eco homes advocate the new social norm of live-work spaces.
- The aesthetic reference to Hastings Fishing Huts preserves.
- Live -work units are the new social norm.
- The development is an excellent example of contextual and contemporary design.
- Design is of good architecture.
- Development enhances the environment
- The scheme showcases high level sustainable design and will set a positive trend in the area.
- The building is proportionate and sits well within the plot.
- The clarity of the proposals' vernacular roots firmly place it in its rural context whilst contemporary to the users' needs.
- The proposed materials are sympathetic to the traditions of its setting.
- There is a shortage of housing and this development should be supported.
- The development will enhance the wide setting and echo traditional coastal vernacular buildings such as the famous fishing stores on the foreshore at Hastings.
- The design has covid 19 in mind and is a reflection of the current times.
- The design references the gabled form of the nearby houses.
- This is of appropriate scale.
- The high sustainability credentials are encouraged.
- The development promotes multi family use which is needed in the current times.
- The scheme draws upon local vernacular and on the best of modern design.
- The development is of sustainable infrastructure with green walls.
- Eco homes are much needed.
- Project ensures a reduced impact to use of fossil fuels and carbon expenditure which

is recommendable.

- This scheme encourages equal living and working standards for minorities.

Members should note that out of the 60 letters of support received for the development only 1 has a Hastings address.

There is a petition received with 15 signatures objecting to the development. The reasons for objection are as follows:-

- Disruption to plant life and local wildlife including the badger run that is funded by local residents.
- Noise disruption particularly during the construction period.
- Issues relating to the water storage tanks being located on site.
- The size and appearance of the development is not in-keeping with the local area including the rood garden and large windows.
- Concerns regarding impact of the development on the flow of traffic, on road parking, safety of children using the area and playpark and damage to road from construction traffic.
- Overlooking caused by the proposed development.
- compromises the safety of the users of the play park.

There is a petition received with 40 signatures supporting the development for the following reasons:-

- The proposed four eco-homes are examples of well designed, high quality homes which the Borough needs.
- Residents welcome architecture which responds well to the climate emergency, environmental sustainability, natural habitat, biodiversity and locality.
- There is one fully wheelchair accessible home.
- All the designs show high regard for disability, placemaking and Secure by Design principles.
- The work with local artists is commendable.

5. Determining issues

The main considerations are the principle of development, 5-year housing supply, design, loss of green space, layout, design and character, ecological matters, trees, impact on neighbouring residential amenities, drainage matters, highways and parking matters, refuse and cycle storage, air quality and emissions, sustainability 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 National Planning Policy Framework (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.

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 the benefits, when assessed against the policies in the Framework taken as a whole. This is balanced and concluded on paragraph 6 (Conclusion) of this report.

c) Loss of green space

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) advises that development proposals should show an appreciation of the surrounding neighbourhood's character. Policy DM3 advises that for development to be supported and to achieve a good standard of living, permeable and legible green infrastructure network of routes and spaces to create a public realm should be attractive, overlooked and safe. In addition, Policy EN2 of the Planning Strategy 2014 requires new or enhanced green infrastructure to be incorporated into new development, and that natural areas should be safeguarded and enhanced, and connections between these spaces retained and improved where possible.

Paragraph 4.49 of the Hastings Local Plan - Development Management Plan (2015) advises that private open space can create breaks in the street scene and should be protected from development that would prejudice the open nature of such an area, and that some local green or amenity spaces are considered important in their local areas and make a valuable contribution to recreation and the areas' character.

The application site is a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space. Together with the open space at the junction of Newts Way and Darwell Close, this open space makes a positive contribution to the appearance and character of this part of an established housing estate and provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development, which if lost, would be detrimental to the overall character of the area as a whole. In addition, given the prominent location of this open space at the junction of Newts Way and Darwell Close where there are full views of this open space from public vantage points, this open space has an important amenity value and plays an important role of being a connector between green spaces and to the green infrastructure network in this area, and as such a development as proposed would prejudice the open nature of such areas, its biodiversity and accessibility with no exceptional circumstance being met, contrary to policies. Furthermore, the application site lies in close proximity to the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green space (equipped play space) to the north (which is also a designated open/play space secured via s106 under ref HS/FA/00/00375), and the green space across the site at junction of Newts Way and Darwell Close which is also a designated open space.

Loss of this open space to housing development will prejudice the open nature of this area and will be to the detriment of the visual and spatial character of this part of the area, contrary to policies. Whilst an area of open space will be left following the construction of the dwelling, and whilst this area is proposed to be planted as a meadow, its size will be limited and will be compromised by the existence of the proposed four storey terrace of four dwellings, and given that this area of land will be occupied by residential clutter and

paraphernalia associated with the residential use of this open space as a garden to the proposed dwelling, its amenity and recreational value will be compromised and a development as proposed will make a negative contribution to the visual and spatial character of this part of the area, with no exceptional circumstance being met. As such a development as proposed would detract from the visual and spatial character of this part of the area, would fail to take advantage of opportunities available to improve the character of the area, contrary to NPPF policies and Local Plan Policies DM1, DM3, and DM4 of the Development Management Plan 2015, Policies EN2, EN6 and EN8 of the Hastings Planning Strategy 2014, the National Design Guide 2019.

Given this, it is not considered that the need of this dwelling outweighs the nature conservation and visual amenity interests of this site. As such loss of this site to housing is contrary to policies as set out above.

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 126 of the NPPF 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 134 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 such as design guides and codes. Significant weight should be given to:

- development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- 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 with the overall form and layout of their surroundings

In addition, paragraph 52 of The National Design Guide states that 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
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area.

In addition, Paragraph 55 of the Design Guide 2019 advises that well designed places contribute to local distinctiveness and this may include adopting typical building forms, features, materials and details of an area, drawing architectural precedents that are prevalent in the local area including the proportions of buildings and their openings and creating a positive and coherent identity that residents and local communities can identify with.

The application proposes a terrace of 4 - four storey dwellings that are sited in a rectangular form that takes an L shape where there is a forward projection to the western boundary of the site. The proposed building sits hard against the northern boundary of the site, and the eastern boundary also lies very close to the junction of Newts Way and Darwell Close. A car parking port accommodating 3 no. car parking spaces for three dwellings is proposed off the head of the junction of Newts Way and Darwell Close. The car port for one house is an under-croft car parking space that is located to the north eastern corner of the proposed building and is accessed off Newts Way.

Layout:

The proposed dwelling would be sited hard up against the plot boundaries to the north and east of the application site. The shape of the developable individual plots, their plan depth and form is dictated by the site constraint which is that only a rectangular shaped area is developable due to the presence of underground drainage tanks on the site. Given this it is considered that a layout as proposed will be uncharacteristic of this area and would be an unsympathetic form of development. This housing area is a predominantly linear development that comprises of detached houses on good size plots and all front elevations of dwellings including front doors address the street. This application proposes a terrace of 4 dwellings which do not address a street and whilst house 1 has a front door that addresses the street, the front elevation of three dwellings do not address a street but face the garden to the units. As such it is considered that a development as proposed would run counter to the established plan plot depth characterising this area and would detract from the established grain of development and be out of character with the established visual and spatial character of the housing development found in this area. In addition, the widest elevation of the development would sit hard against the northern common boundary of the site with the equipped play space whilst the narrowest elevation is the side (east) elevation of the proposed building which sit against the junction of Newts Way and Darwell Close. This is uncharacteristic of the layout of dwellings in this area as there is evidence of spacing in-between dwellings and plot boundaries, and all dwellings are a linear form of development and address a street and all have front doors addressing a street.

Given the above, it is considered that a development as proposed would fail to have regard to the site's context or the established pattern and grain of development in the area, would be an incongruous form of development that is out of keeping with, and harmful to the established visual and spatial character of the area. It would detract from the visual amenities of the area, and appear as an alien and incoherent development within this established

settlement, not depicting the established grain of development, and not respecting the established plan plot depth. Thereby resulting in a development that has a significant impact on, and detracts from the established visual and spatial character of this part of Hastings, the established street scene, the established character and appearance of the area, contrary to the NPPF policies and Local Plan Policies DM1, DM3, and the National Design Guide 2019.

Design and character:

The proposed development is a terrace of 4 - four storey dwellings of modern design and detailing with window arrangements that are angular and reinforcing the horizontal emphasis of the proposed terraces. The applicant advises that this design is inspired by Hastings fishing huts. The original scheme has been amended in an attempt to resolve concerns raised by the Design Review Panel and Planning Officers in that the original scheme was found to be bland, the proposed terraces were too similar, lacked variety, and did not show any enthusiasm or rigour. The revised scheme shows dwellings (fishing huts) that are distinct and are presented as irregular individuals. The maximum height of the scheme has been reviewed such that the dwellings are of varying widths, the roof pitches are of varying heights, there is variety in roof forms with the end dwellings being of different roof form to the middle dwellings. The proposed external finishes are of different colours, and the building is more artistic than rigid. Whilst variety has been introduced, the rhythm of the scheme remains unchanged and the development is read as fishing huts that have been cleverly designed so as to reduce monotony and rigidity. In addition, the revised scheme shows use of deep reveals and the gable end elevation (east elevation) has been redesigned so it looks different to the rest of the scheme. It is considered that the amended scheme does attempt to make a statement as one approaches the site and has an entrance door and communicates with the street.

Whilst the scheme has been revised to make the proposed terrace of dwellings more sophisticated and enthusiastic it is not considered that a design as proposed is appropriate in this context. The application site is located within an established residential area with uniformity in terms of grain of development, the established rhythm, style and character of dwellings, and the detailed design. A development as proposed is uncharacteristic of surrounding development and does not respect the established size and scale of development, maximum height, the overall design and detailing prevalent in the area. Whilst there is no evidence of modern designs, this does not preclude a modern styled development being supported here. However, in this case it is considered that a development as proposed would be out of character with the established character of the housing development found in this area and would fail to positively respond to the context of the surrounding site, contrary to policies. In addition, it is considered that the land is limited in size and would not be big enough to accommodate a secluded development with its own character as proposed. As such a development as proposed would fail to have regard to the context of the site and its established character.

Whilst a development as proposed would add interest along the street and generally in the area, given its out of context modern design, size, scale, uncharacteristic detailing, form and bulk of the scheme, coupled with the prominent location of the application site at the junction of Newts Way and Darwell Close where the gable end elevation of the development is prominent and important in views and that a development as proposed would be clearly noticeable at the junction of Newts Way and Darwell Close, coupled with that the proposed scheme sits hard against the north and east boundaries of the application site. It is considered that a development as proposed would be clearly noticeable and would contrast uncomfortably with the traditional buildings of the existing neighbouring properties thereby

increasing the dominance, and incongruity of the development in the street scene and the local area. The dominance and prominence of this non coherent form of development is further increased by its modern unsympathetic design which will result in an incongruous form of development that is overly dominant and overbearing, sits uncomfortably against the traditional housing found in this area and fails to have regard to the site's context and fails to positively respond to the context of the surrounding site. As such a development as proposed would be contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.

Whilst it is acknowledged that good design is more than visual impact, the policy specifically requires proposals amongst other things to take into account protecting and enhancing local character, to appreciate the surrounding neighbourhood, scale, height, massing and materials and that development should be of a scale, height and form that is appropriate to the location. The NPPF requires that decisions should ensure that development amongst other things adds to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping architecture, and maintain a strong sense of place having regard to materials, design, detailing, scale, and other matters. This paragraph also advises that development should not prevent appropriate change and innovation. Whilst the proposed development would represent change and a degree of innovation, the development is not appropriate in its context, and the proposed development is not considered to maintain a strong sense of place.

Whilst the submitted supporting information advises that this is a high-quality development, it is not considered that a development as proposed is of high-quality contemporary design so as to form a distinctive modern landmark building that is sensitive to the established visual and spatial character of the estate, and one that positively contributes to the character and appearance of this area. As such it is not considered that a development as proposed would be assimilated well into existing development.

It is noted that some form of soft landscaping is proposed together with a green/living wall on the east elevation of the building as a way of softening the appearance of this building and integrating it to existing development. However, it is considered that it has not been robustly and sufficiently demonstrated how the soft landscaping and living or green wall will be implemented and maintained, as the success of a scheme as proposed in this sensitive location is largely dependent on the sustainability and pleasantness of the proposed soft landscaping and living wall proposed. In addition, the proposed vegetation cannot be relied on as it is proposed landscaping that will take time to mature and when trees, hedges, plants are not in leaf in the winter months there will be clear views of the proposed dwelling from public vantage points.

As such, a development as proposed would fail to have regard to the site's context and would be an overly dominant and incongruous form of development that is harmful to the visual amenities of the area and would detract from the established traditional character and appearance of this part of Darwell Close and Newts Way, contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.

e) Ecology

Policy EN3 of the Hastings Local Plan – Planning Strategy 2014, advises that development should seek to minimise damage to wildlife and habitats and that where the loss of existing wildlife habitats or geological features is unavoidable, the loss should be kept to a minimum

and compensation should be provided through the creation of replacement habitats or other appropriate measures. Such measures should be achieved through the use of planning conditions or Section 106 agreements where appropriate.

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

Furthermore, the NPPF requires that the Planning System should contribute to and enhance the natural and local environment by minimising the impact of the development on biodiversity and providing net gains in biodiversity wherever possible. Paragraph 174b of the NPPF encourages plans to 'identify and pursue opportunities for securing measurable net gains for biodiversity', and Paragraph 175d of the NPPF advises that when determining planning applications, Local Planning Authorities should apply the following principles amongst other :-d) 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. The NPPF requires that the Planning System should contribute to and enhance the natural and local environment by minimising the impact of the development on biodiversity and providing net gains in biodiversity wherever possible.

The application site is an undeveloped land that is now overgrown and has a mature oak tree (T1) adjacent to the site and a group of hazel trees (G2) that all appear to be in good health and are likely to be affected by the proposed development. In addition, the site lies in close proximity to the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green space (equipped play space) to the north and east (across Darwell Close).

This application is accompanied by a Preliminary Ecological Appraisal prepared by The Ecology Partnership. The submitted concludes that the site is of low ecological value and a small-scale development as proposed is unlikely to cause adverse harm to the areas or the surrounding landscape. This report recommends that a vegetation buffer strip be maintained between the site and the Local Wildlife Site and that a CEMP is developed and implemented for the scheme. The site is also considered to be suitable foraging habitat for bats however due to the extent of the habitat that would be lost and that the development would not fragment or isolate commuting or forage routes. No concern is raised and no additional survey work is recommended. However, bat boxes are recommended as well as use of low light levels around the edges of the site. There is a pond that is 43m away and is considered to be of average suitability to contain Great Crested Newts (GCN). As such it is recommended that eDNA sampling is carried out on this pond to determine the presence or absence of GCN.

There is a badger run to the western rear boundary of properties fronting Rushmere Rise. This badger zone runs parallel to Rushmere Rise. This is managed and maintained by the local residents under a management company. This report advises that no evidence of badgers was found in accessible areas of the site. However, the central part of the site could

not be accessed because of the density of the scrub habitat. As such, it is recommended that a badger survey is carried out once the scrub habitat has been cut back. Nesting birds may be present and if planning permission is given for the development it is recommended that these habitats should be retained within the scheme, and any clearing should take place outside the nesting season. The applicant also proposes ecological enhancement, and these are aimed at improving the ecological value of the site.

In addition, a Great Crested Newts (GCN) Survey prepared by The Ecology Partnership is submitted to further justify the development. There are 2 ponds located within 250m of the application site. The closest pond is not suitable for breeding GCNs and the second pond was discounted from further surveys because of its proximity to the site and the anticipated extent of habitat loss. Given this, precautionary measures should be used during development of the site. The preliminary ecological assessment recommends a buffer strip running East – West to the south of the site (para 5.6), recommends some further survey work at the impenetrable centre of the site once some clearance has been undertaken. This could be conditioned if planning permission is given or the development.

The site itself is both adjacent to, and slightly overlapping with, a designated Local Wildlife Site (Wishing Tree) and is at present heavily overgrown with scrub vegetation. Policy EN6 of the Development Management Plan sets out the Council's approach to development proposals within or adjacent to Local Wildlife Sites and advises that development proposals in these locations will only be supported where there is a local need which outweighs any harm to the nature conservation interest. In addition, the site forms part of the wooded and green aspect of the existing housing development. Whilst the habitat itself is not unique or has protected species, it does provide a green link with the existing development and the wider countryside, green network and habitats of national significance.

The Council's Local Plan Planning Strategy paragraph 7.6 states that a healthy natural environment is essential to our economic prosperity, health and well-being. It helps conserve and reverse the decline in biodiversity. In addition, Policy EN2 (Green Infrastructure Network) of the EN2 of the Hastings Planning Strategy 2014 identifies in policy terms the provision of a green network semi natural open space to conserve biodiversity. The policy then states that new development is required to contribute to the green network. Paragraph 7.13 further requires that no biodiversity is lost and that the green infrastructure network is protected from development.

Furthermore, Policy EN3 of the Hastings Planning Strategy 2014 requires the Council to protect the town's biodiversity and ensure development proposals contribute to no net loss of biodiversity. The proposed scheme integrates wildlife habitat into the elevations of the building and across the site in order to achieve a net gain in biodiversity. However, the application does not identify this net gain in numerical terms. Also proposed is the retention and strengthening of additional planting and new native trees as shown in the submitted Arboricultural Report, as well as the enhancement and preservation of wildlife corridors throughout the site along with the buffer zone to the west where the site is nearest to the Local Wildlife Site. Also proposed are bird and bat boxes on the building and within the site.

The Borough Council's Environment and Natural Resources Manager was consulted, and they advise that whilst the biodiversity of the site is not considered to be unique, the site provides a significant contribution to the natural aspect of the surrounding and existing development and forms a contiguous green network with surrounding habitats, including the national and local designated sites. It is noted that the submitted Ecology report and associated GCN Survey look at the biodiversity constraints for a development footprint, but

the Council is required to consider the wider issues relating to the loss of the open space. Taking the strategic context of the site into consideration it is considered that a development as proposed would result in the irreplaceable loss of valuable green space. As such it is not considered that the applicant has sufficiently demonstrated that there is a local need for a house in this location that outweighs the harm that would be caused to the conservation interests of the Local Wildlife Site. As such the application does not comply with the NPPF Policies, and Policy HN8, HN10, DM3, of the Hastings Development Management Plan 2015, and Policy EN3, EN6 and EN8 of the Hastings Planning Strategy 2014.

f) Trees

Policy EN3 of the Hastings Local Plan – Planning Strategy 2014, advises that development should seek to protect nature conservation and improve biodiversity, and criterion g) of Policy EN3 of the Hastings Planning Strategy 2014, states that priority will be given to “protecting woodland, particularly ancient woodland and veteran trees.”

Paragraph 131 advises 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 decision should ensure that opportunities are taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible.

The NPPF Policies state that, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The site forms part of the wooded and green aspect of the existing housing development. There is a mature Oak Tree (T1) and a group of Hazel Trees (G2) that are likely to be affected by the proposed development. The application is accompanied by an Arboricultural Report dated June 2021 prepared by The Mayhew Consultancy Ltd.

The Council's Tree Officer was consulted and they advise that the proposed dwellings appears to be hard against the crown of T1 (mature oak tree). Whilst the submitted tree report indicates that T1 is outside of the root protection area (rpa) of T1, it is entirely possible that in reality the proposed dwellings encroach significantly into the rpa of T1. In addition, the proposed dwellings would be in close proximity and may end up requiring the removal or pruning of G2, a group of hazel trees and such a loss would be regrettable as these trees are an attractive landscape feature.

Given the above, it is considered that due to the proximity of the proposed dwellings to T1 and G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these healthy and mature trees which currently make a positive contribution to the visual appearance and character of this site and the housing estate as a whole. As such a development as proposed is contrary to NPPF policies and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and DM1 of the Development Management Plan 2015. In addition, given the proximity to the proposed development to the existing mature trees, it is considered that a shade will be caused to the future residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to the NPPF Policies and Policies DM1, DM3, of the Development Management Plan 2015.

g) Impact on neighbouring residential amenities

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

The application site is at lower land levels than dwellings to the north of the site and fronting Rushmere Rise. These dwellings are located some 30 m from the common boundary with the application site. To the southern boundary of the application site the site shares a common boundary with nos. 5, 6 and 7 The Sedges and the proposed development is located some 20m from the common boundary with these neighbours. Whilst the separation distance from the common boundary with these neighbours is some 20m, a development as proposed with habitable room windows and balconies directly facing the occupiers of nos. 5, 6, and 7 The Sedges will cause direct overlooking and will create a perception or sense of being overlooked to the detriment of the residential amenities of these existing neighbours, contrary to 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. 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 if planning permission is given for the development.

h) Residential Amenities for future occupiers of the dwellings

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. This documents states that for a three storey, three-bedroom unit is 99-108 m². The guidance does not specify the minimum standards for a four-storey unit, however, using figures for a three storey unit as guidance it is considered that the proposed units meet this requirement, and as such the development is considered to be acceptable. The individual rooms have also been individually assessed are considered to 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 the proposed dwelling the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. The plan submitted shows that the proposed terrace

of four dwellings would have access to a communal garden meadow and none of these dwellings would have a standard private rear garden that has close board fences to ensure privacy to future occupiers. No boundary features are proposed and there is no delineation between private and public spaces, and no defensible space. Whilst balconies are proposed for each dwelling these are not considered to be private amenity space for dwellings of this size which are intended to accommodate families. Whilst the applicant advises that a communal garden as proposed promotes multigenerational living, a big shared garden is not a character morphology of this area, and the area surrounding the application site is characterised by defensible private spaces and semi-private spaces. Point (g) of Policy DM3 of the Hastings Development Management Plan states that appropriate levels of 'private external space' are included and given that this development does not propose any private gardens for each individual dwelling it is considered that a scheme as proposed would not afford the future occupiers of the dwellings an acceptable standard of living contrary to the NPPF Policies and Point (g) of Policy DM3 of the Hastings Development Management Plan 2015.

i) Drainage Matters

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 Council will adopt a risk-based sequential approach to determining the suitability of land for development, in accordance with the principles set out in national planning policy relating to Flood Risk and the Hastings Strategic Flood Risk Assessment 2008. The application is accompanied by a Flood Risk Assessment and Surface Water Strategy. It is considered that the proposed works are acceptable in this respect and are in agreement with Policy SC7 of the Hastings Local Plan - Planning Strategy (2014).

j) Highway Safety and Parking

Accessibility:

The site is located in a sustainable location in close proximity to several bus routes with regular connections to Hastings Town Centre and the mainline railway services making it sustainable in terms of non-car methods of transport and as such complies with the Council's sustainability objectives.

Car Parking:

According to East Sussex County Council's guidance each dwelling should be provided with 2 parking spaces measuring a minimum of 2.5m x 5m or with an additional 0.5m if adjacent to a wall or fence. The proposed parking spaces are of acceptable size.

The application proposes a total of 4 car parking spaces on plot for the 4 dwellings. The East Sussex County Council Minor Application Guidance (2017) states that parking for individual dwellings that have a shared access or share car parking should be provided as follows: 1- or two-bedroom dwelling should provide 1 car parking space, and 3 or 4 bedroom dwellings should provide 2 spaces. Given that the application proposes 1 car parking spaces for each dwelling it is considered that the proposed development does not meet this requirement and will result in occupiers of the dwellings and their visitors parking on the road, in particular here at the junction of Newts Way and Darwell Close thereby causing inconvenience to users and prejudicing the safety of users of the highway, contrary to policies.

Given this, it is considered that a development as proposed is not able to provide adequate on plot parking for future occupiers of the dwellings and as such the development does not comply with the provisions of Policy DM4 of the Hastings Development Management Plan 2015 and the East Sussex County Council Minor Application 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. The proposed roadway collection satisfies this requirement and as such there is no objection to the development on this ground.

k) 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.

The application proposes bin storage areas to the eastern plot boundary behind the electricity substation. This proposed bin storage area is located within 30m from Darwell Close and Newts Way and meets policy requirements. This should be conditioned if planning permission is given for the development.

In addition, cycle storage is proposed along Darwell Close within the application site and there is no concern regarding this. It is recommended that if planning permission is given for the development, cycle storage areas should be conditioned.

The Waste and Street Scene Team have reviewed the proposal and are satisfied with this arrangement. There is ample space within the proposed garden for cycle storage. As such it is recommended that if planning permission is given for the development provision of bin storage and cycle storage can be conditioned if planning permission is given for the development.

l) Air quality and emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants. No external lighting is proposed, and residential amenities are not harmfully affected. As such it is considered that the development is in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

m) Sustainable construction

The current application is accompanied by a statement which details how the proposed development will promote sustainable design and achieve the objectives of Planning Strategy Policies SC3 and SC4. The application proposes modern methods of construction and use of modern materials. The proposed development is described as a 'sustainable zero carbon' dwelling that is of Passivhaus standard ((an energy efficient building) and is described as being of multigenerational living. A living wall is proposed on the east elevation of the proposed development together solar panels covering 70% of the roof and a meadow garden. It is however, questionable whether these proposals can be successfully achieved given the limited size of the application site. It is also questionable whether there is sufficient depth to successfully plant a meadow garden given that the site accommodates Southern Water underground drainage tanks. In addition, the applicant advises that the proposed building will be an offsite construction. This is very inspirational; however, it is considered that the applicant has not satisfactorily demonstrated that this is achievable.

6. Conclusion

The site is located within a sustainable location with easy and frequent access to services and as such the principle of residential development is acceptable. As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged.

A development as proposed would result in the loss of a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space. Together with the open space at the junction of Newts Way and Darwell Close this open space makes a positive contribution to the appearance and character of this part of an established housing estate and provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development. As such it is considered that a development as proposed would prejudice the open nature of this area with no exceptional circumstance being met.

This area is characterised by uniformity in terms of plot shape and size, land plots addressing streets and uniformity in terms of style, layout, form, and grain of development. The proposed development does not reflect this.

Whilst there is no evidence of modern designs, this does not preclude a modern styled development being supported here. The proposed development is of modern design and does not reflect the established character of the existing housing development on Newts Way. Whilst a modern design may be accepted in this location, it is considered that a combination of the, layout, form, grain of development, and coupled with the modern design of the dwellings and detailing and their prominent location at junction of Darwell Close and Newts Way it is considered that a development as proposed would be dominant and would detract from the established appearance and character of this area, contrary to policies.

In addition, whilst the proposed development is of modern design and has interest, it is not considered to be of a high-quality contemporary design so as to form a distinctive modern landmark building that positively contributes to the character and appearance of this area. As proposed, it is considered that the scheme will not successfully integrate well into the existing

urban form and as such does not comply with policy requirements.

Furthermore, given the constraints affecting the site, in particular that most of the site accommodates Southern Water underground drainage thereby making most of the land undevelopable, it is considered that the land that can be developed is limited in size and will not be big enough to accommodate a secluded development as proposed with its own character. As such as development as proposed is contrary to policies.

Due to the proximity of the proposed building to a mature Oak Tree T1 and a group of Hazel Trees G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these important trees, contrary to policies. In addition, given the proximity to the proposed detached dwelling to the existing mature trees, it is considered that a shade will be caused to the residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to policies.

The application site adjoins the rear gardens of nos. 5-7 The Sedges, that the proposed development has principal windows facing these neighbours and that balconies are proposed that will directly face the garden of these dwellings, and given the proximity of the proposed development to these neighbours, it is considered that the future occupants of the proposed dwellings will be directly overlooked by these neighbours to the detriment of the enjoyment of their garden, and detrimental to the enjoyment of their residential amenities, contrary to policies.

The scheme proposes a communal meadow garden and does not propose provision of private gardens for each individual dwelling and as such it is considered that a scheme as proposed would not afford the future occupiers of the dwelling an acceptable standard of living contrary to policies.

The application proposes 1 car parking space for each family unit proposed and it is considered that the development is not able to provide adequate on plot parking for future occupiers of the dwellings and as such the development is contrary to policies.

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. In addition, the application proposes an inspirational modern building that would be of modern methods of construction and use of modern materials, the development is described as a 'sustainable zero carbon' dwelling, is proposed to be of Passivhaus standard (an energy efficient building) and is described as being of multigenerational living, a living wall is proposed on some of the elevations of the proposed development together with a green roof and a meadow garden. However, it is questionable whether these proposals can be successfully achieved given the size of the site. These positives need to be weighed against the negatives of the scheme which are the loss of a valuable open space, the loss of important mature trees which currently make a positive contribution to the visual appearance and character of the street scene and the area, the design and impact of the development on the street scene and the character and appearance of the area, the relationship of the development to neighbours, the standard of living for the future occupiers of the properties, and the availability of adequate parking spaces for future occupiers. In this case and as discussed herein it is considered that the negatives of the scheme significantly and demonstrably outweigh the housing benefit. As such, it is considered that a scheme as proposed does not comply with the NPPF policies and Local Plan Policies DM1, EN1, HN1, and HN4 of the Development Management Plan

2015, as well as Policy EN1 of the Hastings Planning Strategy 2014, and the National Design Guide 2019.

As such these benefits are outweighed by the harm to the character and appearance of the area identified herein and the consequent conflict with the NPPF and Local Plan policies.

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

7. Recommendation

Refuse for the following reasons:

1. The application site is a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space, together with the open space at the junction of Newts Way and Darwell Close it makes a positive contribution to the appearance and character of this part of an established housing estate. This open space provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development, which if lost, would be detrimental to the overall character of the area as a whole. Given this, the loss of this open space to housing development as proposed would prejudice the open nature of this area, its biodiversity and accessibility and would be to the detriment of the visual and spatial character of this part of the area with no exceptional circumstance being met, contrary to policies. Whilst an area of open space will be left following the construction of the dwellings, and whilst this area is proposed to be planted as a meadow, its size will be limited and will be compromised by the existence of the proposed dwellings. Given that this area of land is proposed to be used as a residential garden and will be occupied by residential clutter and paraphernalia associated with the residential use of these dwellings, their amenity and recreational value will be compromised and a development as proposed will make a negative contribution to the visual and spatial character of this part of the area, with no exceptional circumstance being met. As such, it is not considered that the applicant has sufficiently demonstrated that there is a local need for houses in this location that outweighs the harm that would be caused to the nature conservation (Local Wildlife Site) and visual amenity interests of this site. As such a development as proposed would be contrary to NPPF policies and Local Plan Policies HN8, HN10, DM1, DM3, and DM4 of the Development Management Plan 2015, Policy EN2, EN3, EN6 and EN8 of the Hastings Planning Strategy 2014, and the National Design Guide 2019.
2. Given the siting of the development hard up against the plot boundaries to the north and east of the application site, coupled with the shape of the plot, its plan depth and form, and the fact that most of the application site is undevelopable, a development as proposed would run counter to the established plan plot depth characterising this area and would detract from the established grain of development, and be out of character with the

established visual and spatial character of the housing development found in this area. This is uncharacteristic of the layout of dwellings in this area where there is evidence of spacing in-between dwellings and plot boundaries, and all dwellings are a linear form of development that address a street, have good size plots with spacing in-between plot boundaries, and all front elevations of dwellings address a street and all dwellings have front doors that address a street. This application proposes a terrace of 4 dwellings which do not address a street, and whilst 1 dwelling has a front door that addresses a street, the front elevation of 3 dwellings do not address a street but face a communal garden. As such, it is considered that a development as proposed would fail to have regard to the site's context or the established pattern and grain of development in the area, would be an incongruous form of development that is out of keeping with, and harmful to the established visual and spatial character of the area, appearing as an alien and incoherent development within this established settlement, contrary to the NPPF policies and Local Plan Policies DM1, DM3, of the Development Management Plan 2015, and the National Design Guide 2019.

3. Due to the unsympathetic modern design of the proposed development with dominant form and scale, the modern design detailing with window arrangements that largely reinforce the building's vertical emphasis and the prominent location of the proposed development at the junction of Darwell Close and Newts Way, and where the gable end elevation of the development is important in views and would be clearly noticeable at the junction of Newts Way and Darwell Close, it is considered that a development as proposed fully visible from public vantage points would be a dominant form of development that is clearly noticeable and contrasts uncomfortably with the traditional buildings of the existing neighbouring properties thereby increasing the incongruity of the development within the street scene and the local area. As such, a development as proposed would fail to have regard to the site's context and would be an incongruous form of development that is harmful to the visual amenities of the area and would detract from the established traditional character and appearance of this part of Darwell Close and Newts Way, contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.
4. Due to the proximity of the proposed development to a mature Oak Tree T1 and a group of Hazel Trees G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these important mature trees, contrary to NPPF policies and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and DM1 of the Development Management Plan 2015. In addition, given the proximity to the proposed development to the existing mature trees, it is considered that a shade will be caused to the residential occupiers of these dwellings thereby resulting in a harmful impact on their residential amenities, contrary to the NPPF Policies and Policies DM1, DM3, of the Development Management Plan 2015.

5. Given that the application site adjoins the rear gardens of nos. 2-7 The Sedges, that the proposed development has principal windows facing these neighbours and that balconies are proposed that will directly face the garden of these neighbours, and given the proximity of the proposed development to the common boundary with these neighbours, it is considered that the future occupants of the proposed dwelling will directly overlook these neighbours to the detriment of the enjoyment of their gardens, and detrimental to the enjoyment of their residential amenities, contrary to policies in the NPPF, and Policy DM3 of the Hastings Development Management Plan 2015.

6. Due to the lack of a private amenity area for future occupants of the proposed dwellings, it is considered that a development as proposed would not present a good standard of accommodation to future families that would occupy the proposed dwellings and as such a development as proposed would be contrary to policies. In addition, a big shared garden as proposed is not a character morphology of this area, and as such a development as proposed would detract from the established character of this area contrary to NPPF policies, and policies DM1 and DM3 of the Hastings Local Plan - Development Management Plan (2015), and Policies in the National Planning Policy Framework.

7. Given that the proposed development proposes 1 car parking space per dwelling it is considered that a development as proposed does not provide adequate on plot parking, in particular, in this location at the junction of Newts Way and Darwell Close where there are limited opportunities for on-street parking, and as such a development as proposed would give rise to increased on street parking on nearby streets thereby resulting in increased hazards to highway users to the detriment of their safety, contrary to NPPF policies, and Policies DM3 of the Hastings Development Management Plan 2015.

Note to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

Officer to Contact

T Zulu, Telephone 01424 783254

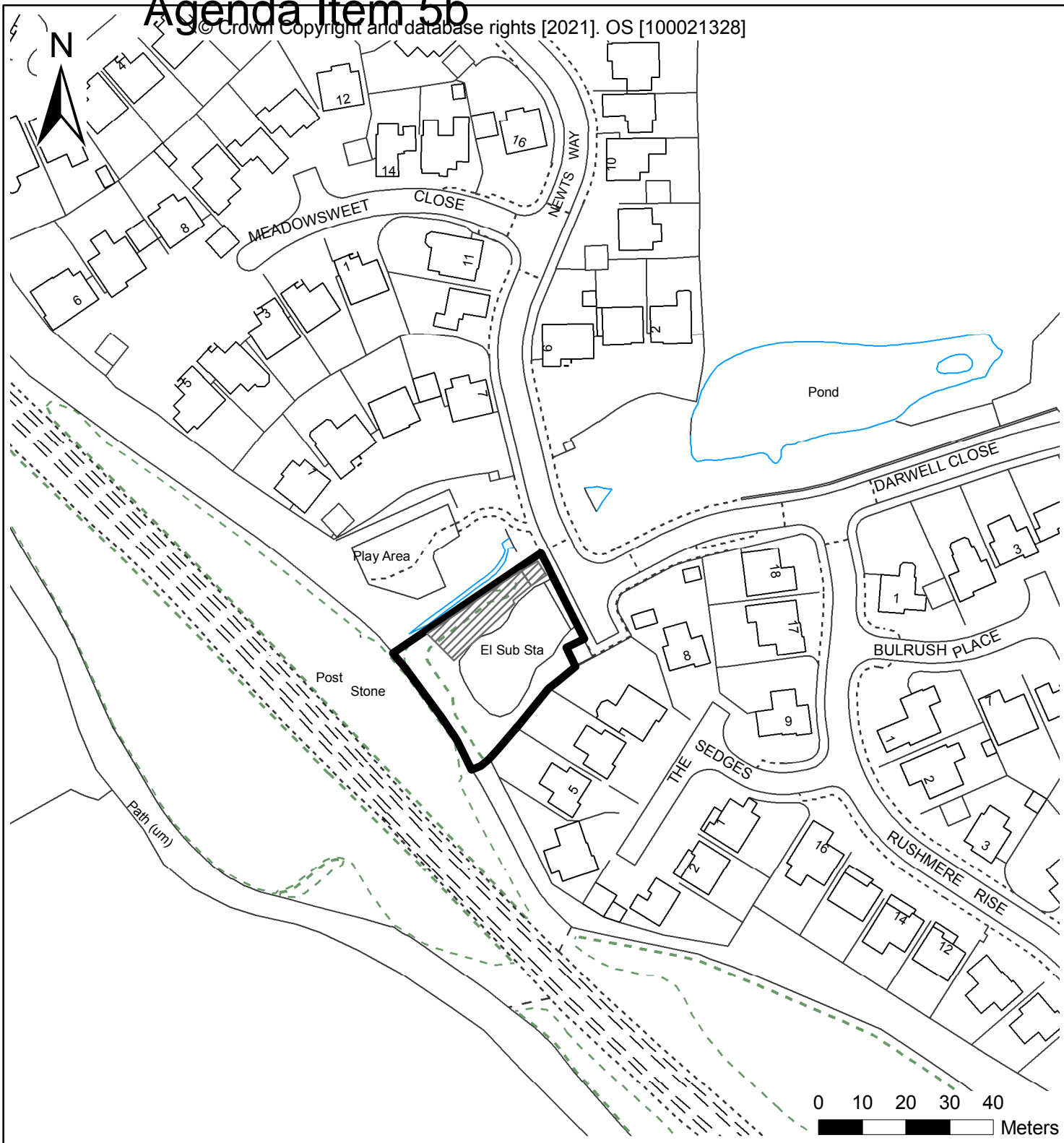
Background Papers

Application No: HS/FA/20/00959 including all letters and documents

This page is intentionally left blank

Agenda Item 5b

© Crown Copyright and database rights [2021]. OS [100021328]



**Land south west of
Newts Way
St Leonards-on-sea**

Construction of a single dwellinghouse which will include 3 bedrooms, work from home space, gardens, parking and access to Newts Way



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

Date: Oct 2021

Scale: 1:1,250

Application No. HS/FA/20/00715

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 10 November 2021

Report from: Assistant Director of Housing and Built Environment

Application address: Land south west of, Newts Way, St Leonards-on-sea

Proposal: Construction of a single dwellinghouse which will include 3 bedrooms, work from home space, gardens, parking and access to Newts Way

Application No: HS/FA/20/00715

Recommendation: REFUSE

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

Applicant: Ms Owusu per Greenhayes Planning Greenhayes Studio 106 Hastings Road Battle TN33 0TW

Public Consultation

| | |
|----------------------------------|-----|
| Site notice: | No |
| Press advertisement: | No |
| Neighbour Letters: | Yes |
| People objecting: | 22 |
| Petitions of objection received: | 1 |
| People in support: | 12 |
| Petitions of support received: | 1 |
| Neutral comments received: | 0 |

Application status: Not delegated - Petition received / more than 5 representations contrary to recommendation

1. Site and surrounding area

The application site is an overgrown piece of land that is currently enclosed by hoardings and is a vacant piece of land in a prominent location at the junction of Darwell Close and Newts Way. The site is currently overgrown and is now enclosed by hoardings to prevent fly tipping and antisocial behaviour. To the north, the site adjoins a stream and an equipped play space owned by Hastings Borough Council. To the east, the site adjoins Newts Way. To the south

the site adjoins the rear boundary of dwellings fronting The Sedges (5, 6 and 7). To the west the site adjoins a railway embankment and there is a badger run that runs parallel to Rushmere Rise against the rear boundary of properties fronting this road.

The application site is at lower land levels than dwellings in the surrounding development. To the north of the application site are dwellings fronting Rushmere Rise and they are located some 35m from the common boundary with the application site. To the south boundary of the site are properties fronting The Sedges (nos.5, 6 and 7) and they are located some 20m from the common boundary with the application site. There is a mature oak tree on adjoining land (equipped play space) that is owned by Hastings Borough Council and there is dense vegetation to the north and west boundary of the application site.

The site adjoins the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green spaces (equipped play space) to the north and east (across Darwell Close). The site is bordered by trees and vegetation to the north thereby screening the site from the play area, and there is a line of mature trees at the common boundary with the railway line which runs to the west of the site. The site forms part of the wooded and green aspect of the existing housing development.

The application site lies within a housing estate that is based on traditional architecture. The dwellings in the immediate area front a road and are predominantly detached 2 and 3 storey in height finished in brick with traditional dual pitched roofs. There is also evidence of use of brick and render. Some of the dwellings in the area have dormer windows. The surrounding area is an established secluded development within an established character and there are wooded and green areas within the development thereby resulting in a housing development with a village-esque character.

Background

This housing estate was developed as part of implementation of planning permissions ref HS/DS/89/00384 and HS/DS/88/01079. Planning permission ref HS/DS/88/01079 shows the application site reserved as a children's play area. However, this provision was not secured by a Legal Agreement. The site was reserved as a children's play area space for reasons that it accommodates underground drainage attenuation tanks within the southern part of the application site that serve development permitted under planning permission ref HS/DS/88/01079, and that it provides a relief to built development in association with the adjoining equipped play space. Part of the land within the application site cannot be developed as the underground attenuation tanks are required to be accessed by Southern Water when the need arises. This then makes only a rectangular shaped strip of land developable and any area outside the rectangular shaped strip of land is not developable.

The applicants advise that they have negotiated with Southern Water and obtained the necessary diversion agreement required to enable development of the land to housing. Evidence has been produced to support this.

Constraints

SSSI Impact Risk Zone

Local Wildlife Site

Network rail Land Ownership

Network rail land ownership 10m buffer
Flooding Surface Water 1 in 30
Flooding Surface Water 1 in 100
Flooding Surface Water 1 in 1000
Intermediate Pressure Pipeline 50m Buffer SGN
Flooding groundwater

2. Proposed development

The application proposes a 3 storey dwelling that would have a car parking area for two cars, a playroom, bins and circulation area, and lifts at ground floor. At first floor there would be a kitchen, dining room, living room and 2 an ensuite bedroom, and at second floor there would be a studio or office, a bathroom, and 2 ensuite bedrooms and a balcony. A green roof is proposed.

The dwelling is proposed to be rectangular in shape and sited to the north of the application which is the area that can be developed whilst the south of the site comprises land that is not developable and is therefore proposed to be used as a garden for the future occupants of the proposed dwelling.

The side (east elevation) elevation of the dwelling will face the junction of Newts Way as well as the north and west elevations will consist of a green living wall whilst the rear elevation will face the river and railway embankment. New landscaping is proposed to the proposed garden meadow, and a wildlife buffer is proposed to be retained along the western boundary to retain the connection of the development to the Local Wildlife Site.

The proposed dwelling would be three storey in height, with dominant angular building form, scale and design detailing with window arrangements that largely reinforce the buildings horizontal emphasis. The building would have glazing to the centre of the principal façade. The building is proposed to have a green wall at the side elevation at junction of Newts Way and Darwell Close. The applicant advises that they propose a unique building for a diverse community and one that is intended for multigenerational living.

Members should note that the siting of this dwelling is dictated by the site constraint which is that only a rectangular shaped area is developable due to the presence of underground drainage tanks on the site, and the footprint of the proposed dwelling in fills the entire developable area.

Vehicular access is proposed to be taken from Newts Way.

Various amended drawings and additional information was received in an attempt to resolve concerns raised by the Planning Officers, the Councils' Trees Officers, and the Environment and Natural Resources Manager.

The application is supported by the following documents:-

- Design and Access Statement
- Site Waste Management Plan
- Planning Statement
- Great Crested Newts GCN
- Great Crested Newts Survey

- Arboricultural Survey
- Landscaping detail
- Preliminary Ecological Assessment
- Suds Decision Toolkit
- Flood Risk Assessment and Surface Water Drainage Strategy

Relevant planning history

- HS/FA/20/00959 - Construction of four family dwellinghouses which will include work from home space, gardens, parking and access to Newts Way – Pending consideration.
- HS/FA/19/00813 – Erection of a two storey dwelling with a studio/granny annexe at ground level - Withdrawn.
- HS/FA/15/00464 - Erection of 2 x 4 bedroom two storey dwelling houses with off street parking and private gardens - Withdrawn
- HS/FA/00/00375 - Erection of 60 no. 3, 4 and 5 bedroom dwellings: Granted 20/02/2001
- HS/DS/89/00384 - Erection of 60 dwellings and garages (Phase II in pursuance of planning permission HS/0A/86/834): Granted 25/05/1990
- HS/DS/88/01079 – Erection of 55 detached houses and 4 bungalows and ancillary works: Granted 05/04/1989

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

Policy DS1 - New Housing Development

Policy FA1 - Strategic Policy for Western 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 SC7 - Flood Risk

Policy EN2 - Green Infrastructure

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy EN6 - Local Wildlife Site

Policy EN7 - Conservation and Enhancement of the Landscape

Policy EN8 - Open Space – enhancement, Provision and Protection

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN7 - Green Infrastructure in New Developments

Policy HN8 - Biodiversity and Green Space

Policy HN10 - Amenity Green Spaces

Other policies/guidance

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 2021
Guidance Notes for Design Codes 2021
Draft National Model Design Code 2021
ESCC Supplementary Planning Guidance, “A New Approach to Development Contributions”
(the SPG),
The Department for Communities and Local Government Technical Guidance for Space
Standards (TGSS)

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 126 states: "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."

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

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- 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 131 advises 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 decision should ensure that new streets are tree lined, that opportunities are

taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible

Paragraph 134 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 such as design guides and codes. 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 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 with the overall form and layout of their surroundings

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 152 states that development should take full account of flood risk.

Paragraph 159 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 161 and 162 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 163 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 167 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 179 advises that 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.

Paragraph 180 When determining planning applications, local planning authorities should apply the following principles.

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

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 masterplan), 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 (SuDS) – No objection subject to conditions.
- East Sussex County Council (Highways) – Responses received advising no comments to make. Reference is made to the Minor Planning Applications Guide.
- Hastings Borough Council (Ecology) – Object to the development
- Southern Water – No objection subject to conditions.
- Natural England – Response received advising no comments to make.
- Hastings Borough Council (Arboriculture) – Object to the development as the propose dwelling is located hard against the crown of T1. The proposed dwelling would require the removal of G2 a group of hazel trees and such a loss would be regrettable as these trees form an attractive landscape feature. They further advise that they are not of the opinion that the scheme can be implemented without causing harm to these trees.
- Hastings Borough Council (Estates) – Response received advising no comments to make.
- Hastings Borough Council (Planning Policy) – Object to the development on grounds that whilst the Borough does not meet its 5-year housing supply, the harmful impact upon the nature conservation interests of the site are a negative, which outweigh the positive contribution that will be made by this dwelling to housing numbers.

4. Representations

In respect of this application neighbours were sent individual notifications and a total of 34 letters were received and 2 petitions.

22 letters are objecting to the development and 12 letters are in support of the development.

The 22 letters received are objecting to the development for the following concerns:-

- This is a quiet residential area. What business are their proposing to do from home.
- Building design is not in keeping with the appearance or character of any other builds.
- The proposed materials are not in keeping with existing.
- Negative impact on the local environment.
- Area was designed to be the drain point of the close.
- Negative impact on wildlife and the stream which runs under the road.
- Proposed access could result in danger to users of the highway.
- Possible traffic problems during construction.
- Development overlooks houses in Sedges Way and Newts Way.
- Development overlooks the play park which is used but location residents' children.

- The development restricts views into the play area.
- Build process will cause so much disruption in the area.
- The development does not benefit or enhance the creation of jobs and investment, does not provide high quality homes and does not support wildlife and ecosystems.
- Antisocial behaviour is not an issue here and should not be a reason to justify the development.
- The site does not seem capable of accommodating a development of this size and scale.
- There is a requirement that the existing storm drains which will cause considerable impacts on all aspects including large heavy machinery. constantly accessing the site and possible impacts to neighbours' gardens.
- The development will not result in net gain in biodiversity, preservation and enhancement to wildlife corridors.
- The development will cause direct overlooking into neighbouring properties on Sedges Road.
- The roof garden will directly overlook the road and can be viewed from the play park area and does not align with the current style of houses in the estate.
- The glass wall facing the rear of the neighbouring property removes their privacy and enjoyment of their property.
- The proposed windows would provide a view into the neighbours' lounge, bedroom and kitchen and would overlook their garden.
- The site has historically been preserved for the benefit of local fauna and flora which would be disrupted should this development go ahead.
- There is no guarantee that the current wildlife will be protected during the construction phase of the development.
- The removal of the Hazel trees and impact on the existing oak tree will make the development unacceptable.
- There are protected species on site and there is no indication that this protected species will be protected during development.
- The site holds a large storm water balancing tank and associated drainage to avoid future flooding and is therefore not considered suitable for development.
- The application proposes to plant trees at the boundary, however these trees will take many years to be an effective boundary.
- Newts Way is very busy with traffic and the bed is dangerous for children and animals and proposed development will cause harm to users of the highway.
- Noise and disruption generated by construction traffic will be detrimental to amenity of neighbouring properties.
- The site should be left as an open space.
- When the estate was built in 2000 why was a dwelling not built there?
- There is planning permission for more than 200 houses on the Old Grange School site and this development together with the current. application will cause noise and disturbance to neighbouring properties.
- The application site is liable to flooding as it is situated at the lowest point of the state and heavy persistent rains cause drains to overflow.
- This development is being built on a low-lying wetland which is synonymous to a flood plain.
- The application plot was never designed to accommodate a building but was going to

landscape the area with paths and benches for use by residents and this was supposed to be done by Persimmon Homes. The legal covenant exists with Hastings Borough Council to secure this.

- There is a large oak tree that is protected by a TPO which has branches overhanging the bank and beyond and these will need to be cut back to facilitate the development.
- Looking at the rooms proposed by this development one wonders whether this house will be used as a small residential home.
- The storm tanks are not load bearing structures and therefore clear access for Southern Water is required.
- The storm water storage tanks provide essential contingency in case flooding of the ground water drains.
- The previous owners left this site undeveloped for a reason.
- The site provides a natural boundary and much needed green space between the different developments at the back of The Sedges and Rushmere Rise and the houses further up Newts Way.
- UK Power Networks has a substation adjoining the site. When there are power cuts, a large generator is brought in to boost this substation. It is placed down from the substation (towards Newts Way) and to lessen the noise of the generator a baffle kit is placed around the generator with fencing. Noise complaints have been logged with the Council because of the noise made. Where will this generator be placed in the future if it is needed.
- Future residential occupiers will suffer noise impact from the railway line.
- Amberwood Management was not consulted on the application.
- There is no reference to maintaining and protecting the shared border on the south west corner.
- No expert advice submitted about protected species.
- Stipulations set up in the protected species report when the section 52 agreement was drawn up have not been addressed.
- All digging within 10m should be done by hand.
- Work on site should avoid the badger breeding season and the nesting breeding season.
- Most of the support letters are from people who do not live in the area.
- The development is out of keeping with the character of the area.
- The site is not large enough to accommodate a development as proposed.
- The development will damage existing wildlife habitat.
- There are protected species on the site.
- Development will overlook the existing play area.
- Concerns are raised regarding the disturbance and inconvenience that will be caused during construction.
- Three storey development is not acceptable in this location.

The 12 letters received are in favour of the proposed development on the following reasons:-

- The proposals are of good design, sustainability, innovation and placemaking.
- Its sustainability demonstrates high regard for the environment.
- Makes a positive contribution to its setting.
- The massing is well considered taking into account the presentation, building form and building size and the scheme positively responds to its context.

- This is a significant design innovation in light of covid 19 restrictions.
- This is a proposed linear house with a sensitive approach to the rear elevation and has a green wall.
- The scheme effortlessly blends into the environment.
- The zero carbon eco homes advocate the new social norm of live-work spaces.
- The aesthetic reference to Hastings Fishing Huts preserves.
- Live -work units are the new social norm.
- The development is an excellent example of contextual and contemporary design.
- The clarity of the proposals' vernacular roots firmly place it in its rural context whilst contemporary to the users' needs.
- The proposed materials are sympathetic to the traditions of its setting.

Members should note that out of the 12 letters of support received for the development none of the representations have a local address.

There is a petition received with 12 signatures objecting to the development. The reasons for objection are as follows:-

- Disruption to plant life and local wildlife including the badger run that is funded by local residents.
- Noise disruption particularly during the construction period.
- Issues relating to the water storage tanks being located on site.
- The size and appearance of the development is not in-keeping with the local area including the rood garden and large windows.
- Concerns regarding impact of the development on the flow of traffic, on road parking, safety of children using the area and playpark and damage to road from construction traffic.
- Overlooking caused by the proposed development.
- compromises the safety of the users of the play park.

There is a petition received with 35 signatures supporting the development for the following reasons:-

- It is a zero-carbon family home.
- The architecture, landscape design and place making is of high quality and makes a positive contribution to the area.
- The strategies for environmental sustainability, natural habitat and biodiversity are well considered.
- The orientation, house design and size of the proposed building responds sensitively to the context and neighbourhood.
- The design of the house is fully wheelchair accessible and takes account of Secure by Design principles.
- The work with local artists is commendable.

5. Determining issues

The main considerations are the principle of development, 5-year housing supply, design, loss of green space, layout, design, and character, ecological matters, trees, impact on neighbouring residential amenities, drainage matters, highways and parking matters, refuse

and cycle storage, air quality and emissions, sustainability 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 National Planning Policy Framework (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.

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 the benefits, when assessed against the policies in the Framework taken as a whole. This is balanced and concluded on paragraph 6 (Conclusion) of this report.

c) Loss of green space

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) advises that development proposals should show an appreciation of the surrounding neighbourhood's character. Policy DM3 advises that for development to be supported and to achieve a good standard of living, permeable and legible green infrastructure network of routes and spaces to create a public realm should be attractive, overlooked and safe. In addition, Policy EN2 of the Planning Strategy 2014 requires new or enhanced green infrastructure to be incorporated into new development, and that natural areas should be safeguarded and enhanced, and connections between these spaces retained and improved where possible.

Paragraph 4.49 of the Hastings Local Plan - Development Management Plan (2015) advises that private open space can create breaks in the street scene and should be protected from development that would prejudice the open nature of such an area, and that some local green or amenity spaces are considered important in their local areas and make a valuable contribution to recreation and the areas' character.

The application site is a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space. Together with the open space at the junction of Newts Way and Darwell Close, this open space makes a positive contribution to the appearance and character of this part of an established housing estate and provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development, which if lost, would be detrimental to the overall character of the area as a whole. In addition, given the prominent location of this open space at the junction of Newts Way and Darwell Close where there are full views of this open space from public vantage points, this open space has an important amenity value and plays an important role of being a connector between green spaces and to the green infrastructure network in this area, and as such a development as proposed would prejudice the open nature of such areas, its biodiversity and accessibility with no exceptional circumstance being met, contrary to policies. Furthermore, the application site lies in close proximity to the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green

space (equipped play space) to the north (which is also a designated open/play space secured via s106 under ref HS/FA/00/00375), and the green space across the site at junction of Newts Way and Darwell Close which is also a designated open space.

Loss of this open space to housing development will prejudice the open nature of this area and will be to the detriment of the visual and spatial character of this part of the area, contrary to policies. Whilst an area of open space will be left following the construction of the dwelling, and whilst this area is proposed to be planted as a meadow, its size will be limited and will be compromised by the existence of the proposed three storey dwelling, and given that this area of land will be occupied by residential clutter and paraphernalia associated with the residential use of this open space as a garden to the proposed dwelling, its amenity and recreational value will be compromised and a development as proposed will make a negative contribution to the visual and spatial character of this part of the area, with no exceptional circumstance being met. As such a development as proposed would detract from the visual and spatial character of this part of the area, would fail to take advantage of opportunities available to improve the character of the area, contrary to NPPF policies and Local Plan Policies DM1, DM3, and DM4 of the Development Management Plan 2015, Policies EN2, EN6 and EN8 of the Hastings Planning Strategy 2014, the National Design Guide 2019.

Given this, it is not considered that the need of this dwelling outweighs the nature conservation and visual amenity interests of this site. As such loss of this site to housing is contrary to policies as set out above.

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 126 of the NPPF 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 134 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 such

as design guides and codes. Significant weight should be given to:

- development which reflects local design polices and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- 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 with the overall form and layout of their surroundings

In addition, paragraph 52 of The National Design Guide states that 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
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area.

In addition, Paragraph 55 of the Design Guide 2019 advises that well designed places contribute to local distinctiveness and this may include adopting typical building forms, features, materials and details of an area, drawing architectural precedents that are prevalent in the local area including the proportions of buildings and their openings and creating a positive and coherent identity that residents and local communities can identify with.

The application proposes a three-storey modern building that would have a car parking area, studio or office, bins and circulation area at ground floor. At first floor level there would be a kitchen, dining room, living room and 2 ensuite bedrooms and at first floor there would be 3 ensuite bedrooms, a bathroom, and a balcony.

Layout:

The proposed dwelling would be sited hard up against the plot boundaries to the north and east of the application site, coupled with the shape of the plot, its plan depth and form, and the fact that most of the application site is undevelopable given that most of the site accommodates underground drainage tanks managed by Southern Water thereby making the developable area limited in size, and of a certain shape, it is considered that a development as proposed would run counter to the established plan plot depth characterising this area and would detract from the established grain of development, and be out of character with the established visual and spatial character of the housing development found in this area. In addition, the widest elevation of the development would sit hard against the common boundary of the site with the equipped play space whilst the narrowest elevation is the side elevation of the proposed building which sit against the junction of Newts Way and Darwell Close. The siting of this dwelling is dictated by the site constraint which is that only a rectangular shaped area is developable due to the presence of underground drainage tanks on the site.

Given the above, it is considered that a development as proposed would fail to have regard to the site's context or the established pattern and grain of development in the area, would be an incongruous form of development that is out of keeping with, and harmful to the established visual and spatial character of the area. It would detract from the visual amenities of the area, and appear as an alien and incoherent development within this established

settlement, not depicting the established grain of development, and not respecting the established plan plot depth. Thereby resulting in a development that has a significant impact on, and detracts from the established visual and spatial character of this part of Hastings, the established street scene, the established character and appearance of the area, contrary to the NPPF policies and Local Plan Policies DM1, DM3, and the National Design Guide 2019.

Design and character:

The proposed is a detached three storey dwelling, with dominant angular form and scale, modern design and detailing with window arrangements that largely reinforce the building's horizontal emphasis. The building would have glazing to the centre of the principal façade and is proposed to have a green wall at the side elevation at junction of Newts Way and Darwell Close. The widest elevation of the development would sit hard against the common boundary of the site with the equipped play space whilst the narrowest elevation is the side elevation of the proposed building which will front the junction of Newts Way and Darwell Close. The siting of this dwelling is dictated by the site constraint which is that only a rectangular shaped area is developable due to the presence of underground drainage tanks on the site so as to enable Southern Water access to the site whenever there is need for maintenance of the underground drainage tanks. Given this constraint, the footprint of the proposed dwelling can only be a rectangle that is proposed to fill the entire developable area.

The application site is located within an established residential area with uniformity in terms of grain of development, the established rhythm, style and character of dwellings, and the detailed design. A development as proposed is uncharacteristic of surrounding development and does not respect the established size and scale of development, maximum height, the overall design and detailing prevalent in the area. Whilst there is no evidence of modern designs, this does not preclude a modern styled development being supported here. However, in this case it is considered that a development as proposed would not follow the established grain of development and would be out of character with the established character of the housing development found in this area contrary to policies. In addition, it is considered that the land is limited in size and would not be big enough to accommodate a secluded development with its own character. As such a development as proposed would fail to have regard to the context of the site and its established character.

Policies state that development proposals should fit in with the surrounding area, and that the appearance and scale of development proposals should not detract from the surrounding area. Policy DM1 requires all development proposals to reach a good standard of design. It is considered that the proposed scheme is an incongruous form of development that is out of keeping with the established character of buildings in this local area and does not positively respond to the context of the surrounding site, contrary to policies.

Whilst it is acknowledged that good design is more than visual impact, the policy specifically requires proposals amongst other things to take into account protecting and enhancing local character, to appreciate the surrounding neighbourhood, scale, height, massing and materials and that development should be of a scale, height and form that is appropriate to the location. The NPPF requires that decisions should ensure that development amongst other things adds to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping architecture, and maintain a strong sense of place having regard to materials, design, detailing, scale, and other matters. This paragraph also advises that development should not prevent appropriate change and innovation. Whilst the proposed development would represent change and a degree of

innovation, the development is not appropriate in its context, and the proposed development is not considered to maintain a strong sense of place.

In addition, the NPPF also requires development proposals to be sympathetic to local character whilst not preventing appropriate change and innovation. Whilst the proposed development would represent change and a degree of innovation, a development as proposed is not considered to be appropriate in this context. A development that is of architectural merit is sophisticated, distinctive, has interest, rigour and is delightful to viewers. This development lacks this. Even more-so here where the site is prominently located at the junction of Darwell Close and Newts Way, and where the gable end elevation of the development is important in views and would be clearly noticeable at the junction of Newts Way and Darwell Close. Due to its prominent location and coupled with its unsympathetic design, a development as proposed would be clearly noticeable and would contrast uncomfortably with the traditional buildings of the existing neighbouring properties thereby increasing the incongruity of the development in the street scene and the local area. The prominence of this dwelling is further increased by its modern unsympathetic design. Given this, it is considered that a development as proposed fails to have regard to the site's context or the established pattern and grain of development in this local area, and a scheme as proposed would be an incongruous form of development out of keeping with, and harmful to the established visual and spatial character of this local area, contrary to policies.

Whilst the submitted supporting information advises that this is a high-quality development, it is not considered that a development as proposed is of high-quality contemporary design so as to form a distinctive modern landmark building that is sensitive to the established visual and spatial character of the estate, and one that positively contributes to the character and appearance of this area. As such it is not considered that a development as proposed would be assimilated well into existing development.

It is noted that some form of soft landscaping is proposed together with a green/living wall on some of the elevations of the building as a way of softening the appearance of this building and integrating it to existing development. However, it is considered that it has not been robustly and sufficiently demonstrated how the soft landscaping and living or green wall will be implemented and maintained, as the success of a scheme as proposed in this sensitive location is largely dependent on the sustainability and pleasantness of the proposed soft landscaping and living wall proposed. In addition, the proposed vegetation cannot be relied on as it is proposed landscaping that will take time to mature and when trees, hedges, plants are not in leaf in the winter months there will be clear views of the proposed dwelling from public vantage points.

As such, a development as proposed would fail to have regard to the site's context and would be an incongruous form of development that is harmful to the visual amenities of the area and would detract from the established traditional character and appearance of this part of Darwell Close and Newts Way, contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.

e) Ecology

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

conditions or Section 106 agreements where appropriate.

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

Furthermore, the NPPF requires that the Planning System should contribute to and enhance the natural and local environment by minimising the impact of the development on biodiversity and providing net gains in biodiversity wherever possible. Paragraph 174b of the NPPF encourages plans to 'identify and pursue opportunities for securing measurable net gains for biodiversity', and Paragraph 175d of the NPPF advises that when determining planning applications, Local Planning Authorities should apply the following principles amongst other :-d) 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. The NPPF requires that the Planning System should contribute to and enhance the natural and local environment by minimising the impact of the development on biodiversity and providing net gains in biodiversity wherever possible.

The application site is an undeveloped land that is now overgrown and has a mature oak tree (T1) adjacent to the site and a group of hazel trees (G2) that all appear to be in good health and are likely to be affected by the proposed development. In addition, the site lies in close proximity to the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green space (equipped play space) to the north and east (across Darwell Close).

This application is accompanied by a Preliminary Ecological Appraisal prepared by The Ecology Partnership. The submitted concludes that the site is of low ecological value and a small-scale development as proposed is unlikely to cause adverse harm to the areas or the surrounding landscape. This report recommends that a vegetation buffer strip be maintained between the site and the Local Wildlife Site and that a CEMP is developed and implemented for the scheme. The site is also considered to be suitable foraging habitat for bats however due to the extent of the habitat that would be lost and that the development would not fragment or isolate commuting or forage routes no concern is raised and no additional survey work is recommended. However, bat boxes are recommended as well as use of low light levels around the edges of the site. There is a pond that is 43m away and is considered to be of average suitability to contain Great Crested Newts (GCN) As such it is recommended that eDNA sampling is carried out on this pond to determine the presence or absence of GCN.

There is a badger run that runs parallel to Rushmere Rise against the rear boundary of properties fronting this road. This is managed and maintained by the local residents under a management company. This report advises that no evidence of badgers was found in accessible areas of the site. However, the central part of the site could not be accessed because of the density of the scrub habitat. As such, it is recommended that a badger survey is carried out once the scrub habitat has been cut back. Nesting birds may be present and if planning permission is given for the development it is recommended that these habitats

should be retained within the scheme, and any clearing should take place outside the nesting season. The applicant also proposes ecological enhancement, and these are aimed at improving the ecological value of the site.

In addition, a GCN Survey prepared by The Ecology Partnership is submitted to further justify the development. There are 2 ponds located within 250m of the application site. The closest pond is not suitable for breeding GCNs and the second pond was discounted from further surveys because of its proximity to the site and the anticipated extent of habitat loss. Given this, precautionary measures should be used during development of the site. The preliminary ecological assessment recommends a buffer strip running East – West to the south of the site (para 5.6), recommends some further survey work at the impenetrable centre of the site once some clearance has been undertaken. This could be conditioned if planning permission is given or the development.

The site itself is both adjacent to, and slightly overlapping with, a designated Local Wildlife Site (Wishing Tree) and is at present heavily overgrown with scrub vegetation. Policy EN6 of the Development Management Plan sets out the Council's approach to development proposals within or adjacent to Local Wildlife Sites and advises that development proposals in these locations will only be supported where there is a local need which outweighs any harm to the nature conservation interest. In addition, the site forms part of the wooded and green aspect of the existing housing development. Whilst the habitat itself is not unique or has protected species, it does provide a green link with the existing development and the wider countryside, green network and habitats of national significance.

The Council's Local Plan Planning Strategy paragraph 7.6 states that a healthy natural environment is essential to our economic prosperity, health and well-being. It helps conserve and reverse the decline in biodiversity. In addition, Policy EN2 (Green Infrastructure Network) of the EN2 of the Hastings Planning Strategy 2014 identifies in policy terms the provision of a green network semi natural open space to conserve biodiversity. The policy then states that new development is required to contribute to the green network. Paragraph 7.13 further requires that no biodiversity is lost and that the green infrastructure network is protected from development.

Furthermore, Policy EN3 of the Hastings Planning Strategy 2014 requires the Council to protect the town's biodiversity and ensure development proposals contribute to no net loss of biodiversity. The proposed scheme integrates wildlife habitat into the elevations of the building and across the site in order to achieve a net gain in biodiversity. However, the application does not identify this net gain in numerical terms. Also proposed is the retention and strengthening of additional planting and new native trees as shown in the submitted Arboricultural Report, as well as the enhancement and preservation of wildlife corridors throughout the site along with the buffer zone to the west where the site is nearest to the Local Wildlife Site. Also proposed are bird and bat boxes on the building and within the site.

The Borough Council's Environment and Natural Resources Manager was consulted and they advise that whilst the biodiversity of the site is not considered to be unique, the site provides a significant contribution to the natural aspect of the surrounding and existing development and forms a contiguous green network with surrounding habitats, including the national and local designated sites. It is noted that the submitted Ecology report and associated GCN Survey look at the biodiversity constraints for a development footprint, but the Council is required to consider the wider issues relating to the loss of the open space. Taking the strategic context of the site into consideration it is considered that a development as proposed would result in the irreplaceable loss of valuable green space. As such it is not

considered that the applicant has sufficiently demonstrated that there is a local need for a house in this location that outweighs the harm that would be caused to the conservation interests of the Local Wildlife Site. The application does not comply with the NPPF Policies, and Policy HN8, HN10, DM3, of the Hastings Development Management Plan 2015, and Policy EN3, EN6 and EN8 of the Hastings Planning Strategy 2014.

f) Trees

Policy EN3 of the Hastings Local Plan – Planning Strategy 2014, advises that development should seek to protect nature conservation and improve biodiversity, and criterion g) of Policy EN3 of the Hastings Planning Strategy 2014, states that priority will be given to “protecting woodland, particularly ancient woodland and veteran trees.”

Paragraph 131 advises 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 decision should ensure that opportunities are taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible.

The NPPF Policies state that, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The site forms part of the wooded and green aspect of the existing housing development. There is a mature Oak Tree (T1) and a group of Hazel Trees (G2) that are likely to be affected by the proposed development. The application is accompanied by an Arboricultural Report dated June 2021 prepared by The Mayhew Consultancy Ltd.

The Council's Trees Officer was consulted and they advise that the proposed dwelling appears to be hard against the crown of T1 (mature Oak Tree). Whilst the submitted tree report indicates that T1 is outside of the root protection area (rpa) of T1, it is entirely possible that in reality the proposed dwelling encroaches significantly into the rpa of T1. In addition, the proposed dwelling would be in close proximity and may end up requiring the removal or pruning of G2, a group of Hazel Trees and such a loss would be regrettable as these trees are an attractive landscape feature.

Given the above, it is considered that due to the proximity of the proposed detached dwelling to T1 and G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these healthy and mature trees which currently make a positive contribution to the visual appearance and character of this site and the housing estate as a whole. As such a development as proposed is contrary to NPPF policies and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and DM1 of the Development Management Plan 2015. In addition, given the proximity to the proposed detached dwelling to the existing mature trees, it is considered that a shade will be caused to the future residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to the NPPF Policies and Policies DM1, DM3, of the Development Management Plan 2015.

g) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been

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

The application site is at lower land levels than dwellings to the north of the site and fronting Rushmere Rise. These dwellings are located some 30 m from the common boundary with the application site. To the southern boundary of the application site the site shares a common boundary with nos. 5, 6 and 7 The Sedges and the proposed development is located some 20m from the common boundary with these neighbours.

Whilst the separation distance from the common boundary with these neighbours is some 20m, a development as proposed with habitable room windows and a roof garden directly facing the occupiers of nos. 5, 6, and 7 The Sedges will cause direct overlooking and will create a perception or sense of being overlooked to the detriment of the residential amenities of these existing neighbours, contrary to 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. 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 if planning permission is given for the development.

h) Residential Amenities for future occupiers of the dwellings

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. This document states that for a three storey, three bedroom unit (with an office) is 103-108 m². The proposed unit meets this requirement and as such is considered to be acceptable. The individual rooms have also been individually assessed and are considered to 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 the proposed dwelling the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. The plan submitted shows that the proposed development will provide acceptable private amenity space for the future occupiers of the proposed dwelling, and as such the development meets Point (g) of Policy DM3 of the Hastings Development Management Plan 2015.

i) Drainage Matters

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 Council will adopt a risk-based sequential approach to determining the suitability of land for development, in accordance with the principles set out in national planning policy relating to Flood Risk and the Hastings Strategic Flood Risk Assessment 2008. The application is accompanied by a Flood Risk Assessment and Surface Water Strategy. It is considered that the proposed works are acceptable in this respect and are in agreement with Policy SC7 of the Hastings Local Plan - Planning Strategy (2014).

j) Highway Safety and Parking

Accessibility:

The site is located in a sustainable location in close proximity to several bus routes with regular connections to Hastings Town Centre and the mainline railway services making it sustainable in terms of non-car methods of transport and as such complies with the Council's sustainability objectives.

Car Parking:

According to East Sussex County Council's guidance each dwelling should be provided with 2 parking spaces measuring a minimum of 2.5m x 5m or with an additional 0.5m if adjacent to a wall or fence. The proposed parking spaces are acceptable size and meet this standard.

The application proposes 2no. car parking spaces on plot for the proposed dwelling. The East Sussex County Council Minor Application Guidance (2017) states in paragraph 3.6.1 that 'parking for individual dwellings that don't have a shared access or share car parking should be provided as follows: 1- or two-bedroom dwelling should provide 1 car parking space, and 3 or 4 bedroom dwellings should provide 2 spaces'. Given that the application proposes 2 car parking spaces for this dwelling, it is considered that the proposed development meets this requirement.

Given this, it is considered that the application has satisfactorily demonstrated that a development as proposed can provide acceptable car parking for future users and as such the development complies with the provisions of Policy DM4 of the Hastings Development Management Plan 2015 and the East Sussex County Council Minor Application 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. The proposed roadway collection satisfies this requirement and as such there is no objection to the development on this ground.

k) 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.

The application proposes bin storage areas at ground floor level of the building adjacent to the car parking area. This proposed bin storage area is located within 30m from Newts Way and meets policy requirements. This should be conditioned if planning permission is given for the development.

In addition, cycle storage is proposed along Newts Way within the application site and there is no concern regarding this. It is recommended that if planning permission is given for the development, cycle storage areas should be conditioned.

The Waste and Street Scene Team have reviewed the proposal and are satisfied with this arrangement. There is ample space within the proposed garden for cycle storage. As such it is recommended that if planning permission is given for the development provision of bin storage and cycle storage can be conditioned if planning permission is given for the development.

l) Air quality and emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants. No external lighting is proposed, and residential amenities are not harmfully affected. As such it is considered that the development is in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

m) Sustainable construction

The current application is accompanied by a statement which details how the proposed development will promote sustainable design and achieve the objectives of Planning Strategy Policies SC3 and SC4. The application proposes modern methods of construction and use of modern materials. The proposed development is described as a 'sustainable zero carbon' dwelling that is of Passivhaus standard (an energy efficient building) and is described as being of multigenerational living. A living wall is proposed on some of the elevations of the proposed development together with a green roof and a meadow garden. It is however, questionable whether these proposals can be successfully achieved given the size of the site. It is also questionable whether there is sufficient depth to successfully plant a meadow garden given that the site accommodates Southern Water underground drainage tanks. In addition, the applicant advises that the proposed building will be an offsite construction. This is very inspirational; however, it has not been satisfactorily demonstrated that this is achievable.

6. Conclusion

The site is located within a sustainable location with easy and frequent access to services

and as such the principle of residential development is acceptable. As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged.

A development as proposed would result in the loss of a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space. Together with the open space at the junction of Newts Way and Darwell Close this open space makes a positive contribution to the appearance and character of this part of an established housing estate and provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development. As such it is considered that a development as proposed would prejudice the open nature of this area with no exceptional circumstance being met.

This area is characterised by uniformity in terms of plot shape and size, land plots addressing streets and uniformity in terms of style, layout, form, and grain of development. The proposed development does not reflect this.

Whilst there is no evidence of modern designs, this does not preclude a modern styled development being supported here. The proposed development is of modern design and does not reflect the established character of the existing housing development on Newts Way. Whilst a modern design may be accepted in this location, it is considered that a combination of the, layout, form, grain of development, and coupled with the modern design of the dwelling and detailing and its prominent location at junction of Darwell Close and Newts Way it is considered that a development as proposed would detract from the established appearance and character of this area, contrary to policies.

In addition, whilst the proposed development is of modern design, it is not considered to be of a high-quality contemporary design so as to form a distinctive modern landmark building that positively contributes to the character and appearance of this area. As proposed, it is considered that a scheme as proposed will not successfully integrate well into the existing urban form and as such does not comply with policy requirements.

Furthermore, given the constraints affecting the site, in particular that most of the site accommodates Southern Water underground drainage thereby making most of the land undevelopable, it is considered that the land that can be developed is limited in size and will not be big enough to accommodate a secluded development as proposed with its own character. As such as development as proposed is contrary to policies.

Due to the proximity of the proposed detached dwelling to a mature Oak Tree T1 and a group of Hazel Trees G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these important trees, contrary to policies. In addition, given the proximity of the proposed detached dwelling to the existing mature trees, it is considered that a shade will be caused to the residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to policies.

The application site adjoins the rear gardens of nos. 5-7 The Sedges, that the proposed development has principal windows facing these neighbours and that a balcony is proposed that will directly face the garden of these dwellings, and no. 7 The Sedges in particular, and given the proximity of the proposed development to these neighbours, it is considered that

the future occupants of the proposed dwellings will be directly overlooked by these neighbours to the detriment of the enjoyment of their garden, and detrimental to the enjoyment of their residential amenities, contrary to policies.

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. In addition, the application proposes an inspirational modern building that would be of modern methods of construction and use of modern materials, the development is described as a 'sustainable zero carbon' dwelling, is proposed to be of Passivhaus standard (an energy efficient building) and is described as being of multigenerational living, a living wall is proposed on some of the elevations of the proposed development together with a green roof and a meadow garden. However, it is questionable whether these proposals can be successfully achieved given the size of the site. These positive need to be weighed against the negatives of the scheme which are the loss of a valuable open space, the loss of important mature trees which currently make a positive contribution and the visual appearance and character of the street scene and the area, the design and impact of the development on the street scene and the character and appearance of the area, and the relationship of the development to neighbours. In this case and as discussed herein it is considered that the negatives of the scheme significantly and demonstrably outweigh the housing benefit. As such, it is considered that a scheme as proposed does not comply with the NPPF policies and Local Plan Policies DM1, EN1, HN1, and HN4 of the Development Management Plan 2015, as well as Policy EN1 of the Hastings Planning Strategy 2014, and the National Design Guide 2019.

As such these benefits are outweighed by the harm to the character and appearance of the area identified herein and the consequent conflict with the NPPF and Local Plan policies.

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

7. Recommendation

Refuse for the following reasons:

1. The application site is a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space, together with the open space at the junction of Newts Way and Darwell Close, it makes a positive contribution to the appearance and character of this part of an established housing estate. This open space provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development, which if lost, would be detrimental to the overall character of the area as a whole. Given this, the loss of this open space to housing development as proposed would prejudice the open nature of this area, its biodiversity and accessibility and would be to the detriment of the visual and spatial character of this part of the area with no exceptional circumstance being met, contrary to policies. Whilst an area of open space will be left following the construction of the dwelling, and whilst this area is proposed to be planted as a meadow, its size will be limited and will be compromised by the existence of the proposed three storey dwelling.

Given that this area of land is proposed to be used as a residential garden and will be occupied by residential clutter and paraphernalia associated with the residential use of this dwelling, its amenity and recreational value will be compromised and a development as proposed will make a negative contribution to the visual and spatial character of this part of the area, with no exceptional circumstance being met. As such, it is not considered that the applicant has sufficiently demonstrated that there is a local need for a house in this location that outweighs the harm that would be caused to the nature conservation (Local Wildlife Site) and visual amenity interests of this site. As such a development as proposed would be contrary to NPPF policies and Local Plan Policies HN8, HN10, DM1, DM3, and DM4 of the Development Management Plan 2015, Policy EN2, EN3, EN6 and EN8 of the Hastings Planning Strategy 2014, and the National Design Guide 2019.

2. Given the siting of the development hard up against the plot boundaries to the north and east of the application site, coupled with the shape of the plot, its plan depth and form, and the fact that most of the application site is undevelopable, a development as proposed would run counter to the established plan plot depth characterising this area and would detract from the established grain of development found in this area. This is uncharacteristic of the layout of dwellings in this area as there is evidence of spacing in-between dwellings and plot boundaries, and all dwellings are a linear form of development that address a street, have good size plots with spacing in-between plot boundaries, and all front elevations of dwellings address a street and all dwellings have a front door that addresses a street. This application proposes a detached dwelling which does not address a street, and its front elevation does not address a street but faces a garden. As such, it is considered that a development as proposed would fail to have regard to the site's context or the established pattern and grain of development in the area, would be an incongruous form of development that is out of keeping with, and harmful to the established visual and spatial character of the area, appearing as an alien and incoherent development within this established settlement, contrary to the NPPF policies and Local Plan Policies DM1, DM3, of the Development Management Plan 2015, and the National Design Guide 2019.
3. Due to the unsympathetic modern design of the proposed development with dominant angular form and scale, the modern design detailing with window arrangements that largely reinforce the building's horizontal emphasis, together with the modern glazing that is proposed to the centre of the principal façade, it is considered that the proposed scheme is an incongruous form of development that is out of keeping with the established character of buildings in this local area and does not positively respond to the context of the surrounding site, contrary to policies. Whilst it is acknowledged that good design is more than visual impact, the policy specifically requires proposals amongst other things to take into account protecting and enhancing local character, to appreciate the surrounding neighbourhood, scale, height, massing and materials and that development should be of a scale, height and form that is appropriate to the location. In this case the proposed scheme does not positively respond to the context of the surrounding site. In addition, whilst the proposed development would

represent change and a degree of innovation, a development as proposed is not considered to be appropriate in this context. The proposed scheme is not considered to be of architectural merit, it is not sophisticated, not distinctive, has no interest, no rigour and is not delightful to viewers. Given the prominent location of the proposed development at the junction of Darwell Close and Newts Way, and where the gable end elevation of the development is important in views and would be clearly noticeable at the junction of Newts Way and Darwell Close, it is considered that a development as proposed fully visible from public vantage points would be a dominant form of development that is clearly noticeable and contrasts uncomfortably with the traditional buildings of the existing neighbouring properties thereby increasing the incongruity of the development within the street scene and the local area. As such, a development as proposed would fail to have regard to the site's context and would be an incongruous form of development that is harmful to the visual amenities of the area and would detract from the established traditional character and appearance of this part of Darwell Close and Newts Way, contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.

4. Due to the proximity of the proposed detached dwelling to a mature Oak Tree T1 and a group of Hazel Trees G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these important mature trees, contrary to NPPF policies and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and DM1 of the Development Management Plan 2015. In addition, given the proximity to the proposed detached dwelling to the existing mature trees, it is considered that a shade will be caused to the residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to the NPPF Policies and Policies DM1, DM3, of the Development Management Plan 2015.
5. Given that the application site adjoins the rear gardens of nos. 2-7 The Sedges, that the proposed development has principal windows facing these neighbours and that a balcony is proposed that will directly face the garden of no.7 The Sedges, and given the proximity of the proposed development to these neighbours, it is considered that the future occupants of the proposed dwelling will directly overlook these neighbours to the detriment of the enjoyment of their gardens, and detrimental to the enjoyment of their residential amenities, contrary to policies in the NPPF, and Policy DM3 of the Hastings Development Management Plan 2015.

Note to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

Officer to Contact

T Zulu, Telephone 01424 783254

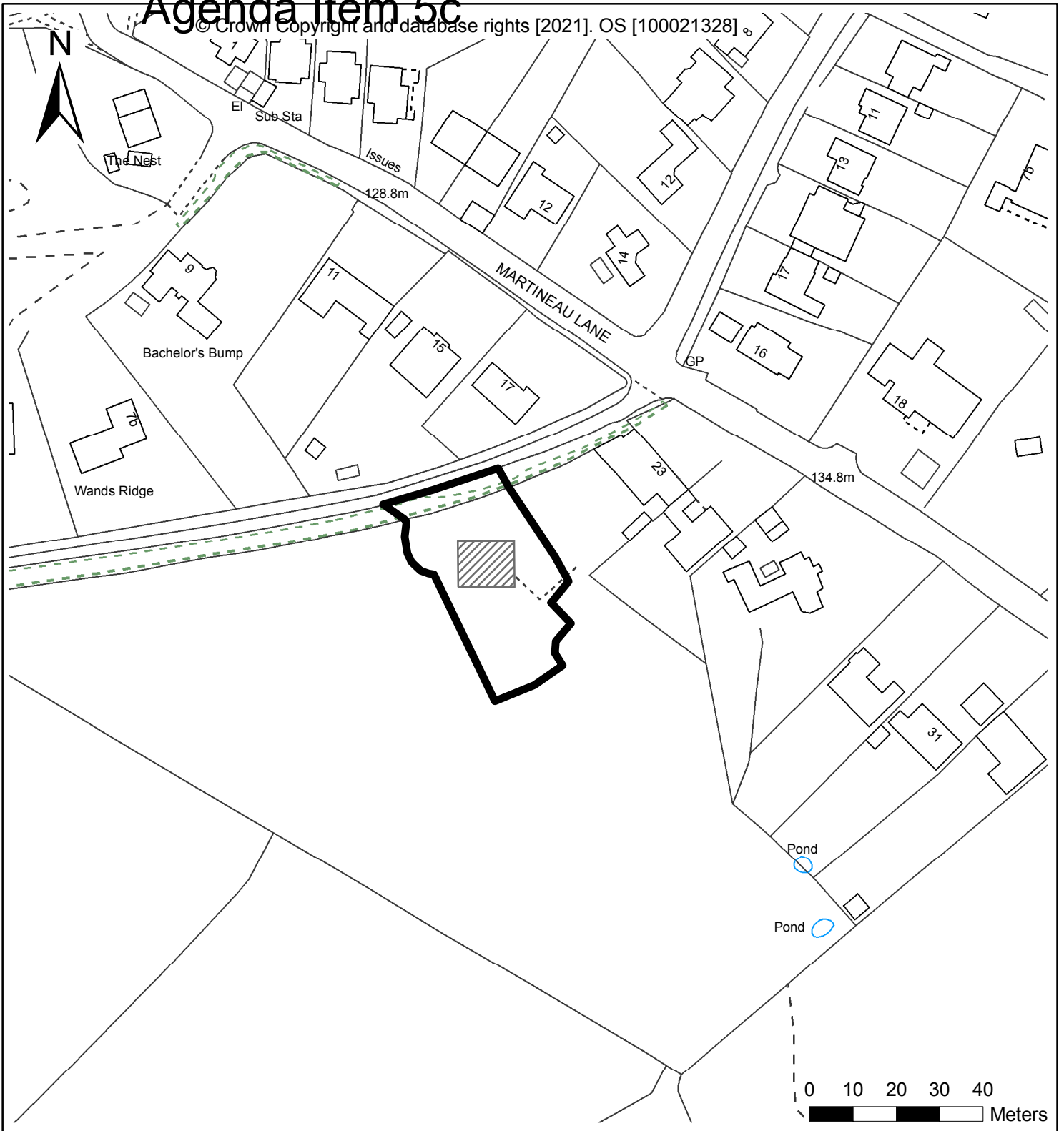
Background Papers

Application No: HS/FA/20/00715 including all letters and documents

This page is intentionally left blank

Agenda Item 5c

© Crown Copyright and database rights [2021]. OS [100021328]



**Land rear of
23 Martineau Lane
Hastings
TN35 5DS**

Erection of two to three storey detached dwelling (revision to HS/FA/17/00468) (part retrospective)



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

Date: Oct 2021

Scale: 1:1,250

Application No. HS/FA/21/00712

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE
Date of Meeting: 10 November 2021
Report from: Assistant Director of Housing and Built Environment

Application address: Land rear of 23, Martineau Lane, Hastings, TN35 5DS

Proposal: Erection of two to three storey detached dwelling (revision to HS/FA/17/00468) (part retrospective)

Application No: HS/FA/21/00712

Recommendation: Grant Full Planning Permission

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

Applicant: Mr Pocknell per Roger Howells Architects Sparks
 Oasthouse Staplecross Road Northiam, East Sussex. TN31 6JP

Public Consultation

Site notice: Yes
 Press advertisement: No
 Neighbour Letters: No
 People objecting: 50
 Petitions of objection received: 1
 People in support: 30
 Petitions of support received: 0
 Neutral comments received: 0

Application status: Not delegated - Petition received

1. Site and surrounding area

The application site comprises a recently completed detached dwelling. The dwelling is three storey fronting Mill Lane, the second floor being located within the roof, and two storey at the rear due to the topography of the site. The application site is located to the rear of 23 Martineau Lane on land that once formed part of a garden area to that property. The site is located on the edge of the settlement area of Hastings and borders the High Weald Area of

Outstanding Natural Beauty, with a small part of the side situated within it. The site is accessed via Mill Lane which is an unadopted lane and a public right of way (by-way). A green field that rises up towards a hedged ridgeline forms the backdrop of the application site and is visible in wider views when travelling along Mill Lane.

Constraints

High Weald - Area of Outstanding Natural Beauty (AONB)

SSSI Impact Risk Zone, the threshold of which is not exceeded

2. Proposed development

This application seeks the regularisation of a two to three storey detached dwelling. It also seeks approval for external materials, hard and soft landscaping and drainage. The development has already been completed, but is not yet occupied.

This application differs from the previously refused application in so far as this application includes additional soft landscaping to the north (front) and west (side) elevations.

The application is supported by the following documents:

- Planning Statement
- Junction Survey
- Visibility Splays
- Proposed Drainage Plan
- Vehicle Path Analysis
- Schedule of Materials
- Site Waste Management Plan
- Soakaway Calculations
- SuDS Toolkit Report
- Arboricultural Report
- Preliminary Ecology Report
- Geotechnical Report
- Highways Report

Relevant planning history

| | |
|------------------------|--|
| Application No. | HS/FA/17/00468 |
| Description | Erection of a two-storey chalet style detached dwelling |
| Decision | Permission with conditions on 20/10/17 |
| <hr/> | |
| Application No. | HS/CD/18/00197 |
| Description | Discharge of Conditions: 3 (Hard Landscaping), 4 (Soft Landscaping), 6 (Materials), 8 (Drainage Details), and 12 (Vision splay) of planning permission HS/FA/17/00468. |
| Decision | Granted on 16/04/18 |
| <hr/> | |
| Application No. | HS/FA/18/00267 |
| Description | Variation of Condition: 2 (Approved Plans) of planning permission HS/FA/17/00468 - Amendment -alteration to north elevation, additional window at lower ground floor level |

| | |
|------------------------|---|
| Decision | Refused on 21/05/18 |
| Application No. | HS/CD/18/00548 |
| Description | Discharge of condition 12 (vision display) of Planning Permission HS/FA/17/00468 |
| Decision | Permission with conditions on 20/07/18 |
| Application No. | HS/CD/18/00966 |
| Description | Discharge of conditions 6 (materials) & 8 (foul sewerage & surface water disposal/management) of Planning Permission HS/FA/17/00468 |
| Decision | Permission with conditions on 07/05/19 |
| Application No. | HS/CD/19/00437 |
| Description | Discharge of Condition 6 (materials) of Planning Permission HS/FA/17/00468 |
| Decision | Permission with conditions on 28/06/19 |
| Application No. | HS/CD/20/00214 |
| Description | Discharge of conditions 3 (hard landscaping) and 4 (soft landscaping) of Planning Permission HS/FA/17/00468 - Erection of a two-storey chalet style detached dwelling |
| Decision | Appeal Dismissed on 13/08/21 |
| Application No. | HS/FA/20/00884 |
| Description | Erection of a two to three storey detached dwelling (revision to HS/FA/17/00468) (part-retrospective). |
| Decision | Refused on 08/04/21 |

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 DS1 - New Housing Development

Policy H1 - Housing Density

Policy H2 - Housing Mix

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 DM5 - Ground Conditions

Policy HN8 - Biodiversity and Green Space

Policy HN9 - Areas of Landscape Value

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 126 states: "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."

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

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- 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 134 states permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Paragraph 135 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.

National Design Guide (October 2019) - Ministry of Housing, Communities & Local Government

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 masterplan), 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, states that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. It should also enhance positive qualities and improve negative ones

Other policies/guidance

National Design Guide

East Sussex County Council Minor Application Guidance

Department for Communities and Local Government – Technical housing standards – nationally described space standard (March 2015)

3. Consultation comments

High Weald AONB Unit - No comments to make, please refer to standing advice

Waste Services - No objection

ESCC Highways - No comments, please refer to minor application guidance

ESCC Local Lead Flood Authority - No objection

Southern Water - No objection, with informatives

Environment and Resource Manager - No comments received

Borough Arboriculturalist - No objection

4. Representations

In respect of this application a site notice was displayed directly outside the application site fronting Mill Lane. In total 59 letters of objection were received from 50 different properties, 31 letters of support from 30 different properties and 1 petition objecting to the application. Letters of support were received from the applicant and from an architect working on behalf of the applicant but these have not been included in the above figures.

The letters of objection raises the following;

- significant increase in hardstanding
- hardstanding needs to be reduced
- doesn't appear to be any material changes to the previously refused application
- red line is in the AONB
- soakaway must be insufficient because of surface water on the lane
- enforcement action should be taken
- imposing on the street and views
- this re profiles the land and area
- impacts on the AONB
- previous approved dwelling is smaller
- out of character with the area
- area of the building has been increased by 15%
- substantial unauthorised works
- the site used to have wildlife

- doesn't comply with the original permission
- not considerate to neighbouring properties
- SuDS have objected
- materials are not the same as approved
- the site layout should be reinstated as originally approved

The letters of support raises the following;

- allow the house to be finished
- the property is of a high standard
- the building already has permission
- the building fits well with surrounding houses
- the building has little impact on in terms of noise or other environmental factors
- little impact on parking demand
- positively contributes to the area
- more homes are needed
- AONB views are not comprised
- new planting takes time to establish
- building is not overbearing

Petition signed by 15 people received and raises the following;

- To refuse the application and commence enforcement action.

Other comments were received but not listed above because they are not material to the assessment of the planning application.

5. Determining issues

a) Background

The original permission was approved under application HS/FA/17/00468, however during the course of construction works it has not been built in accordance with the approved plans. This application seeks the regularisation of the development that has been built out with the addition of soft landscaping to the front (north) and side (west) elevation. The differences (amendments) between the approved scheme and the built out scheme will be discussed below. It is important to note here that the principle of the house, the majority of design detail and the impact on the environment has been considered and approved in full as part of previous consents, noted in the Planning History Section above. Whilst detail is provided below on matters such as drainage and ecology, this is provided for information purposes only. The matters for consideration as part of this application only relate to the variations between what has been built and what has been approved, which is discussed in more detail under paragraph 5d below.

There is an enforcement case in respect of the various unauthorised and alleged breaches of planning control. Whilst the planning application is under consideration, enforcement action is put on hold and will be recommenced if appropriate once a decision is made regarding this application. Should this application be refused and an appeal submitted by the applicant against any such refusal, enforcement action will again be put on hold until the appeal is determined

b) Updates

Revocation of application HS/CD/18/00197

Since the refused application HS/FA/20/00884 the Council sought legal advice on the revocation of discharge of condition application HS/CD/18/00197. This discharge of condition application related to Condition 3 (hard landscaping), 4 (soft landscaping), 6 (materials), 8 (drainage details) and 12 (visibility splays) pursuant to the original planning permission HS/FA/17/00468. At the time, only Condition 3 (hard landscaping) was approved. In March 2020 an alternative scheme for Condition 3 (hard landscaping) and 4 (soft landscaping) was submitted under reference number HS/CD/20/00214. The Planning Officer advised that the plan submitted for the application was considered different to that approved under the original permission HS/FA/17/00468 and the proposed changes too significant to be assessed under a discharge of condition application. Application HS/CD/20/00214 was refused under delegated authority on this basis. Applying the same judgement, the Council made the decision to revoke the hard landscaping details approved under HS/CD/18/00197. Legal advice was sought in May 2021 in regards to the revocation of condition under HS/CD/18/00197 and whether the correct procedures had been followed. It was concluded that the details shown on the hard landscaping plan submitted with the discharge of condition application HS/CD/18/00197 are still valid, and therefore the applicant could lawfully implement the changes to the hard landscaping shown on the plan.

Dismissed appeal HS/CD/20/00214

Lastly, the applicant appealed the discharge of condition application HS/CD/20/00214. It was refused on the basis that the details contained within the application were considered too significant to be dealt with under a discharge of condition application. In August 2021, the appeal was dismissed and the Planning Inspector agreed with the Council that the works shown on the plans relating to hard and soft landscaping went beyond the scope of what a discharge of condition application can do.

Relevance to this application

The relevance of the above to this current application is to highlight that the applicant has a valid hard landscaping scheme (approved under HS/CD/18/00197) which is different to the approved scheme and one they could lawfully implement. The approved hard landscaping scheme that could be lawfully implemented changes the land levels by removing the banked area from the front (north) elevation of the dwelling and exposing this elevation, which is similar to what has been built out.

c) Principle

The application site is in a sustainable location on the edge of the built-up area of Hastings and adjoins the High Weald AONB, with a small part of the garden area now within it. However, the application site is not on land designated by the Local Plan as countryside. 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.

d) Impact on character and appearance of area

Policy DM1 of the Hastings DM Plan requires that all proposals must reach a good standard of design, which include efficient use of resources, and takes into account, amongst other things, protecting and enhancing local character and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials. The application site is adjacent to the High Weald AONB, with a small part of the garden along the western boundary now within.

Policy EN7 of the Hastings Planning Strategy 2014 states that the Council will protect and enhance the towns landscape including the High Weald AONB.

As explained in detail above, this application seeks the regularisation of the dwelling that has been constructed on site with the addition of soft landscaping to the front (north) and side (west) of the dwelling. The Planning Officers report to Planning Committee for the previously approved application (HS/FA/17/00468) discussed the overall design of the dwelling and assessed in detail its impact on the character and appearance of the area and adjacent AONB. The Planning Officers report found the scheme to be acceptable which was approved by the Planning Committee on 19th October 2017. The current application is broadly the same as what has been approved but does contain alterations that depart from the approved plans. The amendments will be assessed in turn below.

Alterations to hardstanding and steps

As a result of the land level changes, additional steps along the west elevation of the property leading from the driveway to the rear terrace have been constructed; the rear terrace has also increased in size. These changes are considered to be acceptable.

Site levels/games room/fenestration changes

The plans approved under application HS/FA/17/00468 show the dwelling 'dug' into the surrounding ground, to help reduce the impact on the adjacent hill, which is part of the High Weald AONB. A Variation of Condition application was submitted under reference HS/FA/18/00267 which sought amendments to the land levels around the development, the addition of a games room at lower ground floor level and additional window on the north (front) elevation. This application was refused under delegated authority on the 21 May 2018 for two reasons, (1) detract from the visual appearance of the area and fail to protect the AONB; and (2) concerns relating to ground instability. Refusal reason (2) has now been overcome through the submission of a slope stability report and this is discussed in section (k) below.

This current application seeks similar amendments to the refused scheme, including land level changes, the addition of a games room and windows serving this room. This application is supported by a vehicle path analysis which shows that the existing approved layout did not function well and that cars would not be able to safely or easily manoeuvre in or out of the site. The alteration to the driveway to allow improved functionality of the development has resulted in part of the existing bank being altered, and as a result of this has exposed more of the north and west elevations. Whilst some regard has been had for refusal reason (1) and the impact the reduction in levels has on the overall character of the area and AONB; in light of the evidence provided by the applicant, which demonstrates why the removal of the bank was necessary, another refusal on this matter cannot be justified. Further to this, in light of the legal opinion on the revocation of the hard landscaping condition approved under application reference HS/CD/18/00197 (as explained above in section b), great weight is attributed to this as a possible fall-back position. The applicant has a lawful consent to remove the banked area from the front (north) elevation and in accordance with the hard landscaping details show under application HS/CD/18/00197 and this has a similar visual impact to that being applied for in this application.

To help soften and mitigate the change in levels which has led to the exposure of the north and west elevations, the applicant has proposed additional evergreen planting close to the building along these elevations (secured by condition 6). These further measures in combination with the additional planting (when compared to the original application) along

the frontage and hedging to the side boundaries help to mitigate the change in levels and give a similar visual appearance to that of the originally approved application.

The addition of windows in the north and west elevations do draw attention to the games room, however they also help to avoid large expanses of blank wall. The floor plans show that the lower ground floor has a games room. Originally this space was shown as part of the foundations. This additional habitable space does not increase the footprint of the building nor its overall bulk, and therefore it cannot be reasonably considered to have a significant impact on the character and appearance of the area. For these reasons, the changes are considered to be acceptable.

Increase in curtilage

The submitted site location plan shows that the curtilage associated with the dwelling has been increased in size when compared to the previously approved application. The increase in size of the residential curtilage is not considered to be significant and does not create a garden area that appears excessive.

Materials

The dwelling has been constructed using materials that were approved under discharge of condition application HS/CD/19/00437. Whilst this cannot be wholly relied upon as this is a whole new application for planning permission, the details contained within this application are exactly as shown in the approved condition for the previous approved application. The materials originally approved for the site were considered to be acceptable and that remains the case for this application.

In light of the above, the alterations assessed within this application are acceptable and would not, as a result, have a detrimental impact on the character and appearance of the area, nor harm the setting of the High Weald AONB.

e) Impact on neighbouring residential amenity

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

The impact of the development on daylight, sunlight and outlook in relation to neighbouring properties was fully assessed under application HS/FA/17/00468 and considered to be acceptable; there is no reason to dispute this. However, this scheme includes alterations to the fenestration to the north, west and south elevations. The windows are relatively minor alterations and do not face towards windows in neighbouring properties or into their private amenity space. For this reason, the alterations are not considered to impact on the privacy of nearby residential properties.

f) Future residential amenities

Internal Accommodation

The Department for Communities and Local Government (DCLG) has produced Technical

Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. The built out scheme far exceeds the minimum floor space requirements for a dwelling of this type. The TGSS also stipulates the minimum size for individual bedrooms, being 11.5m² for a double and 7.5m² for a single. All bedrooms comply with the minimum floor space requirements. It is considered that the dwelling offers an acceptable level of internal living accommodation for future residents.

External Accommodation

Point (g) of Policy DM3 of the Hastings DM Plan states that appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. The outside garden space associated with this development exceeds the minimum requirements, and is therefore acceptable.

g) Ecology

A small part of the application site is within the High Weald AONB. The application is supported by a Preliminary Ecological Appraisal by The Mayhew Consultancy Ltd Dated June 2020 and was conducted during the construction phase of the works. It states the site has the following habitat areas; Cultivated/disturbed land containing amenity grassland. No evidence of protected species were found on site. It concluded that the development would not cause harm to protected species or habitats.

h) Trees

The trees on site were surveyed in April 2017 and November 2020. The trees that were removed to accommodate the development were not considered to be important landscape trees and their removal considered acceptable under approved application HS/FA/17/00468. The current application seeks the regularisation of changes made to the layout of the development which include; alterations to the hardstanding at the front of the site and levels. The arboricultural report states that existing trees to be retained would not be harmed as a result of the alterations made within this application. Furthermore, the Borough Arboriculturist has raised no objection. Given the development has now been completed it is not necessary, as part of this permission, to impose a condition requesting tree protection barriers to be erected.

i) Drainage

Policy SC7 of the Hastings Planning Strategy 2014 requires that development avoids areas of current or future flood risk and development that would increase flood risk elsewhere. The application site is not located within a flood zone, nor is it in an area subject to ground water flooding.

Foul Sewerage

The application form states that foul sewage will be disposed of by a connection to the existing foul sewer. Drainage Plan 5520/A1/01 G shows this. Southern Water have raised no objection to this but have reminded the applicant that a formal application is required to do this. Condition 4 has been imposed to ensure that the means of foul sewerage disposal is carried out prior to occupation of the dwelling.

Surface Water

The application form states that surface water management and disposal will be via soakaway. East Sussex County Council, who are the Local Lead Flood Authority (LLFA) commented that insufficient information had been provided and they initially raised an objection. After discussing the application with the LLFA and explaining the drainage details are in accordance with the details they previously approved, their objection was removed. Condition 4 has been imposed to ensure that the means of surface water management and disposal is carried out prior to occupation of the dwelling.

j) Highway safety

Policy DM4 of Hastings Development Management Plan requires that development that would generate additional traffic on an un-metalled carriageway should bring the road up to an acceptable standard for it either to remain a private road or be brought up to an adoptable standard by the Highway Authority.

Mill Lane is an un-metalled lane and is a Public Right of Way (byway). The previous approved application on the site (HS/FA/17/00468) had a condition attached which requested junction improvement works where Mill Lane and Martineau Lane meet. Subsequently, a discharge of condition application (HS/CD/18/00548) was submitted and the highway report and junction improvement works approved. These approved documents have been included within this submission and are still considered to be acceptable. Condition 3 has been imposed to ensure that prior to occupation of the dwelling the junction improvement works between Mill Lane and Martineau Lane are carried out in accordance with drawing number 5520/A2/01.

This application shows that the access driveway into the site has been altered (when compared to the originally approved application) by cutting into an existing bank and pushing the application site further west into part of the adjoining AONB. The applicant has supported this application with a vehicle path analysis which shows the line of the driveway had to be altered to enable cars to safely and easily manoeuvre in and out of the site. These changes improve the functionality of the development and are considered acceptable in terms of highway safety.

k) Ground Conditions

Policy DM5 of the Development Management Plan states that on land potentially subject to instability (such as steeply sloping sites or in areas with a history of land instability), convincing supporting evidence (from a relevant and suitably qualified professional) must be supplied before planning permission is granted. This evidence is to show that any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures.

This application has been supported by a Geotechnical Report on Slope Stability by John Kettle & Associates (MBA, BSc(Eng), CEng, MStructE, MICE) dated 30th September 2020. It includes slip circle analysis which demonstrates, 'there is adequate factor of safety against a slip failure and the weight of the soil removed is greater than the weight of the building'. It concludes that the slope and therefore the dwelling are stable.

l) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of

NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

m) Removal of Permitted Development Rights

Condition 7 removes permitted development rights in relation to extensions and alterations to the building, additions to the roof, outbuildings and boundary treatments (walls, fences etc) with the curtilage. The application site is located on the edge of the built up area of Hastings and has a close relationship with the High Weald AONB, of which part of the site is now within. To preserve the rural character of the area it is necessary to remove permitted development rights for extensions, additions to the roof and outbuildings to prevent the dwelling from increasing in size and the sprawl of outbuildings into undeveloped land, away from the existing built form on the site. Any further development on the site could detract from the rural setting of the AONB. In addition, the removal of permitted development rights in relation to the erection of gates, fences, walls or other means of enclosure is also included. The site is adjacent to open countryside and the High Weald AONB and the erection of inappropriate fencing on the boundaries with this could harm the rural character of the area.

8. Conclusion

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

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

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

9. Recommendation

Grant Full Planning Permission subject to the following conditions:

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

1634/J, 1634/LS2 Rev J, 1634/VSA, 5520/A1/01G, 5520/A2/01, 1634/VPA Rev A, 1634/02 Rev L and 1634/01 Rev L.
2. The materials to be used must match [as closely as possible, in type, colour and texture] to those listed in Section 7 of the application form under Description of proposed material and finishes.
3. The junction improvement works between Mill Lane and Martineau Lane shall be carried out in accordance with the approved drawing number 5520/A2/01 and shall be retained thereafter.

4. No part of the development hereby approved shall be occupied until the means of foul sewerage and surface water disposal/management is carried out in accordance with drawing number 5520/A1/01 G.
5. All hard landscape works shall be carried out in accordance with drawing number 1634/LS2 Rev J and shall be carried out prior to occupation of any part of the development.
6. All soft landscaping works shall be carried out in accordance with drawing number 1634/LS2 Rev J. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. 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 to the dwelling hereby approved shall be carried out within Classes A, B, and E, Part 1 of Schedule 2 and Class A, Part 2 of Schedule 2 of the order without the prior written consent of the Local Planning Authority.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure a satisfactory visual appearance in the interest of the amenities of the area.
3. To ensure a satisfactory form of development in the interests of vehicular and pedestrian safety.
4. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
5. To secure a well planned development that functions well and in order to protect the visual amenities of the locality.
6. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
7. To protect the visual amenities of the locality.

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. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
4. To improve the access from Mill Lane into Martineau Lane a licence will be required to carry out improvements. The applicant will need to Contact East Sussex Highways to apply. East Sussex County Council, Transport Development Control Team tel. 01273 335443 and information can be found via the following web address:
<https://www.eastsussexhighways.com/our-services/licencing-and-permits>
5. This site is in a twin bin area so Hastings Borough Council provide bins for waste and recycling. Bins to be presented on the boundary of the public highway for collection on collection day and to be stored on-site at all other times.

Officer to Contact

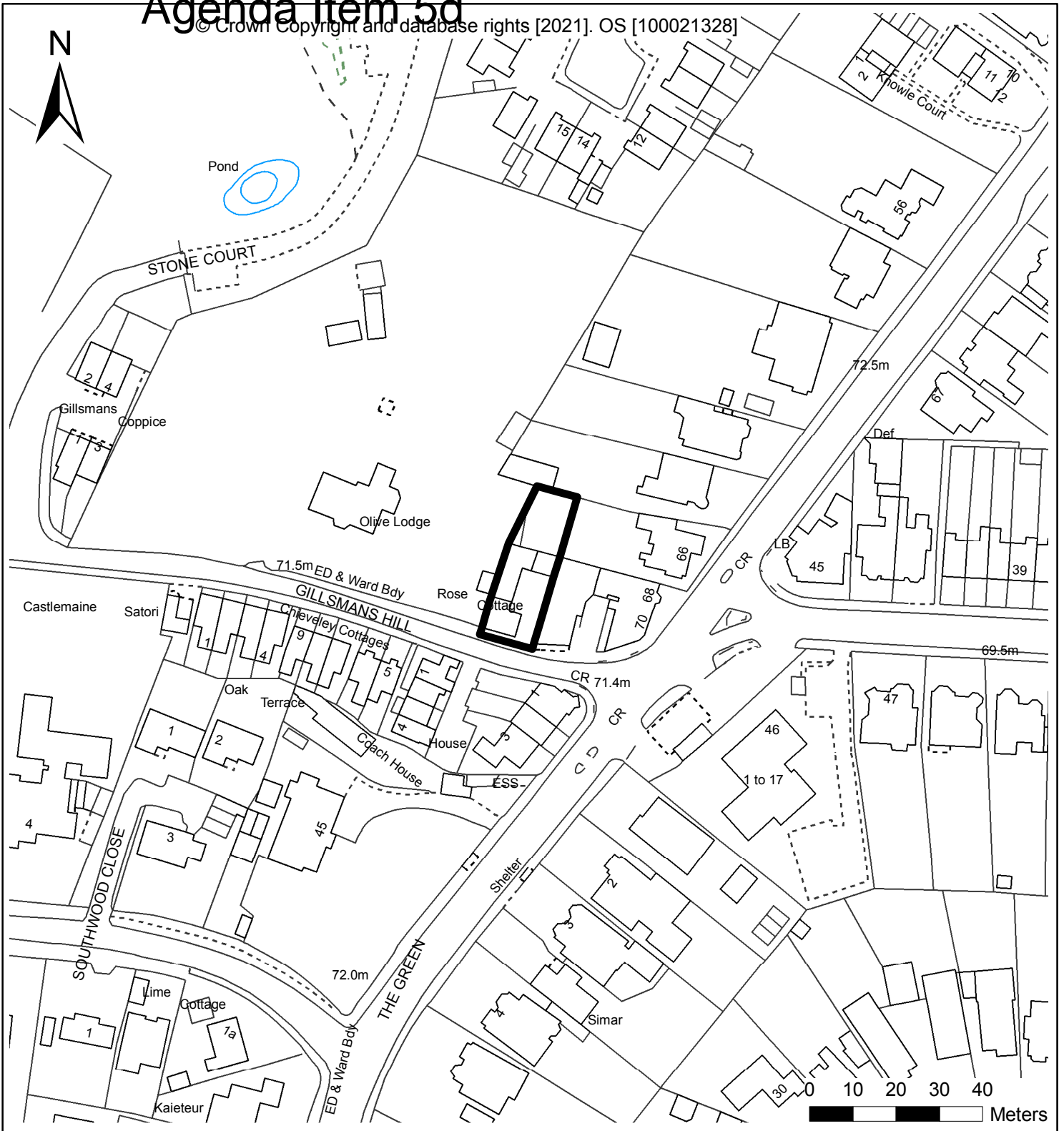
Rebecca Fellows, Telephone 01424 783253

Background Papers

Application No: HS/FA/21/00712 including all letters and documents

Agenda Item 5d

© Crown Copyright and database rights [2021]. OS [100021328]



Rose Cottage
4 Gillsmans Hill
St Leonards-on-Sea

Installation of new floor to existing basement store



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

Date: Oct 2021

Scale: 1:1,250

Application No. HS/LB/21/00664

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 10 November 2021

Report from: Assistant Director of Housing and Built Environment

Application address: **Rose Cottage, 4 Gillsmans Hill, St Leonards-on-sea**

Proposal: **Installation of new floor to existing basement store.**

Application No: **HS/LB/21/00664**

Recommendation: **Grant Listed Building Consent**

Ward: SILVERHILL 2018
Conservation Area: Yes - Springfield Road
Listed Building: Grade II

Applicant: Cochrane Design Ltd per Pump House Designs
Pump House Yard The Green Sedlescombe,
East Sussex. TN33 0QA

Public Consultation

| | |
|----------------------------------|---------------------------------|
| Site notice: | Yes |
| Press advertisement: | Yes - Affects a Listed Building |
| Neighbour Letters: | No |
| People objecting: | 6 |
| 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

Rose Cottage is located at the Eastern end of Gillsmans Hill and is in the immediate vicinity of The Green/Springfield Road junction. It is surrounded by buildings of various ages including the Grade II listed Chieveley Cottages and the Edwardian 'Olive Lodge'.

The cottage is a 2 storey construction with a small basement. It is of masonry construction to 1st floor level with a rendered finish. From 1st Floor level to the eaves the building is clad with weather boarding. The windows are traditional timber sliding sash windows. The roof is of a slate finish with a hip on the eastern end.

Of particular note is the buildings to the rear of the cottage, that are of the same period of the cottage (late 18th or early 19th Century). These buildings, which surround a rear court yard have clear evidence of agricultural or light industrial use. Considering surrounding buildings are of a later period it is reasonable to suspect that Rose Cottage may have been a farm house or farmstead, though further research would be required to confirm this.

Constraints

Conservation Area
Grade II Listed Building
SSSI Impact Risk Zone

Listing Details

GILLSMAN'S HILL 1. 5204 (North Side) Rose Cottage TQ 7910 16/595 II 2. Early C19. 2 storeys. Ground floor stuccoed. 1st floor weatherboarded. Slate hipped roof. 2 windows, sashes with vertical glazing bars. Central flush-panelled door with plain rectangular fanlight and modern rustic wood open porch. Long weather- boarded wing at rear with sash windows.

Listing NGR: TQ7958410208

2. Proposed development

The proposal seeks Listed Building Consent to install a new floor in the basement area of the building consisting of a limecrete and brick slip finish.

The application is supported by the following documents:

HER Report
Heritage Statement
Design and Access Statement
Title Plans

Relevant planning history

| | |
|------------------------|--|
| Application No. | HS/CC/95/00421 |
| Description | IMPROVEMENT OF GILLSMANS HILL BETWEEN HARLEY SHUTE ROAD AND SEDLESCOMBE ROAD SOUTH (CC/1684) |
| Decision | Permission with conditions on 05/10/95 |

| | |
|------------------------|---|
| Application No. | HS/FA/19/00119 |
| Description | Conversion of wing at rear of Rose Cottage into 2no. dwellinghouses |
| Decision | Withdrawn on 23/05/19 |

| | |
|------------------------|---|
| Application No. | HS/LB/19/00120 |
| Description | Conversion of wing at rear of Rose Cottage into 2no. dwellinghouses |

| | |
|------------------------|---|
| Decision | Withdrawn on 28/05/19 |
| Application No. | HS/LB/18/01110 |
| Description | Ground floor bathroom extension and repair of building to create a 3 bed cottage (amended description) |
| Decision | Listed Building Consent with Conditions on 15/11/19 |
| Application No. | HS/CD/19/00944 |
| Description | Discharge of condition 4 (rainwater goods) of Listed Building Consent HS/FA/18/01110 |
| Decision | Permission with conditions on 09/12/19 |
| Application No. | HS/LB/19/00756 |
| Description | Part conversion and re-building of existing wing at rear of Rose Cottage to form 2 dwellings |
| Decision | Listed Building Consent with Conditions on 17/12/19 |
| Application No. | HS/FA/19/00755 |
| Description | Part conversion and re-building of existing wing at rear of Rose Cottage to form 2 dwellings |
| Decision | Permission with conditions on 19/12/19 |
| Application No. | HS/LB/20/00077 |
| Description | Installation of wall insulation to approved building, following grant of listed building consent HS/LB/19/00756 (Part conversion and re-building of existing wing at rear of Rose Cottage to form 2 dwellings) |
| Decision | Listed Building Consent with Conditions on 27/04/20 |
| Application No. | HS/LB/20/00078 |
| Description | Installation of wall insulation to existing building, in addition to the refurbishment works granted under listed building consent HS/LB/18/01110 - (Ground floor bathroom extension and repair of building to create a 3 bed cottage) |
| Decision | Listed Building Consent with Conditions on 27/04/20 |
| Application No. | HS/CD/20/00831 |
| Description | Discharge of condition 5 (materials) of Listed Building Consent HS/LB/18/01110 - Ground floor bathroom extension and repair of building to create a 3 bed cottage |
| Decision | Permission with conditions on 26/04/21 |
| Application No. | HS/LB/21/00061 |
| Description | Re-positioned staircase and internal walls. Alterations to rear fenestration layout. (Alteration to layout approved under HS/LB/19/00756 and HS/LB/20/00077) (amended description) |
| Decision | Listed Building Consent with Conditions on 14/05/21 |
| Application No. | HS/FA/21/00062 |
| Description | Variation of condition 2 (approved plans) of Planning Permission HS/FA/19/00755 (Part conversion and re-building of existing wing at rear of Rose Cottage to form 2 dwellings) Amendment to layout and repositioned stairs to provide two fire exits from lobby. Alterations to rear fenestration layout. (amended description) |
| Decision | Permission with conditions on 08/07/21 |

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

Other policies/guidance

National Design Guide 2019

Historic England – Conservation Principles (2008)

National Planning Policy Framework (NPPF)

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 126 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 130 of the NPPF requires that decisions should ensure developments:

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

Paragraph 135 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 194 (of Section 16. "Conserving and enhancing the historic environment") states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 195 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states: "In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 198 states that in considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal

Paragraph 199 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 202 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3. Consultation comments

Conservation Officer - **not required. The Planning Officer is also a Conservation Officer (dual role)**

County Archaeology - **No Objection. Not believed that any significant archaeological remains will be affected.**

4. Representations

In respect of this application a site notice was displayed outside and an advert placed in the local paper. 6 Objections from 6 different addresses, and a petition were made to the council.

The objections cite numerous grounds for refusing Listed Building Consent including:

- land ownership
- loss of wildlife and trees
- fitness of applicant
- conduct of the council
- breaches of listed building consent
- no ecology

These grounds for objection shall be discussed in the determining issues.

5. Determining issues

In determining listed building applications consideration needs to be given to matters of heritage. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected.

The main issue for consideration is whether the proposal will cause harm to the Grade II Listed Building.

a) Background

The application site was part of a Compulsory Purchase Order in the 1990's when East Sussex County Council intended to carry out a major road project through the land to the north of Gillsmans Hill.

The road project was abandoned relatively recently and Rose Cottage returned to private ownership. Since then, various Planning Permission and Listed Building Consent applications have been granted to allow the development of the site to form 3 cottages.

Following the granting of planning permission several complaints regarding breaches of Listed Building Consent, and land ownership disputes have been made to the Council.

In respect of breaches of Listed Building Consent, the Enforcement Team are investigating the claims, and have written to the owners of Rose Cottage. The investigation is ongoing, and with reference to this particular application, the objections made regarding alleged breaches of planning control are not suitable grounds to refuse Listed Building Consent.

In respect of land ownership, it is a requirement for all applicants to either confirm they are the only party with an interest in a property or, to give notice (Certificate B) to other parties who have an ownership interest in the land of the proposed works. The area that is subject to any application is shown by a red outline on a site location plan. In this case, some of the objections cite that the red line is incorrect and that a Certificate B notice should have been issued to those other parties with an ownership interest in the land.

The Council requires all applicants to provide correct details when making an application. However, in light of the concerns raised regarding land ownership within the red line, Land Registry title plans have been obtained so that a comparison can be made between the red line drawing and the title plan. This comparison makes clear that the correct certificate (Certificate A) has been signed and that there are no other parties that have an ownership interest in the land, beyond that of the applicant. It should be noted that no evidence to the contrary has actually been presented by the objector. Therefore, the application and Certificate A (sole interest declaration) has been completed and submitted correctly and the planning application is valid in this respect. Based upon these details the Council has sufficient detail to carry out its statutory function as the Local Planning Authority in assessing the planning application.

The dispute regarding land ownership is considered a private matter and is not a valid point of objection in the case of this application.

b) Heritage

The proposal seeks consent to finish the floor in the basement area to create a usable clean space that could be utilised for various uses such as an internal workspace.

The proposed materials of limecrete floor and brick slips will allow breathability and cause no harm to the heritage asset. However, it is noted that the site is within an archaeological notification area and as such it is considered prudent that archaeological consultation was carried out. The consultation resulted in no concerns regarding this issue.

It is considered that a condition should be applied to ensure the quality and appearance of the final floor finish is acceptable and as such, Condition 3 has been applied.

The proposal will increase the viability of the basement as a usable space and will not cause significant harm. Therefore the proposal satisfies Policy HN1 of the Hastings Development Management Plan by way of enhancement as a family home.

c) Other matters

Other objections made refer to whether the applicant is fit to deal with a heritage asset, lack of ecology consultation, loss of wildlife, and loss of trees subject to tree preservation orders.

In respect of whether a person is fit to be involved in a heritage asset, this is not a requirement for either owning or applying to carry out works to a heritage asset. Breaches of the Planning (Listed Buildings and Conservation Areas) Act 1990 are in some areas, a criminal offence, that can be punishable by fines and/or imprisonment. The council also has other powers that could result in the ownership of the property being lost. But these powers are only used in exceptional circumstances. In respect of this application only, there are no grounds for taking enforcement action.

In respect of ecology, there are no constraints on the site that makes it a requirement to consult ecology. The designation as being within a conservation area solely refers to conservation of built heritage rather than wildlife. Therefore in respect of this, it is considered that the Council have conducted the assessment of the case correctly.

In respect of the potential for breaches of Tree Preservation Orders, the Council's Planning Enforcement Team is investigating

6. Conclusion

Although objections have been made, they are not considered to be specific to this application which is for a new floor in a basement. An application such as this is not a place for complaints regarding existing developments or contraventions of planning or listed building regulations.

Those issues should be raised through our Planning Enforcement Team and Hastings Borough Council shall act accordingly.

In respect of this case, the proposal satisfies Policy HN1 of the Hastings Development Management Plan in terms of demonstrating how the chosen scheme will sustain and enhance the heritage asset.

These proposals comply with the Development Plan in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

7. Recommendation

Grant Listed Building Consent subject to the following conditions:

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

5881/LBP 5881/19/5
2. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
3. Prior to installation, a sample of the floor finish (either cobble or brick slip) shall be submitted to the Local Planning Authority for approval in writing. Once approved the works will be carried out utilising the approved floor finish and retained as such thereafter.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To ensure the floor finish is reflective of the character and appearance of a Grade II Listed Building.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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.

The reason for granting this consent is:

- 1 National Planning Policy Framework Section 16 applies. The works proposed will not harm the designated heritage asset.

Officer to Contact

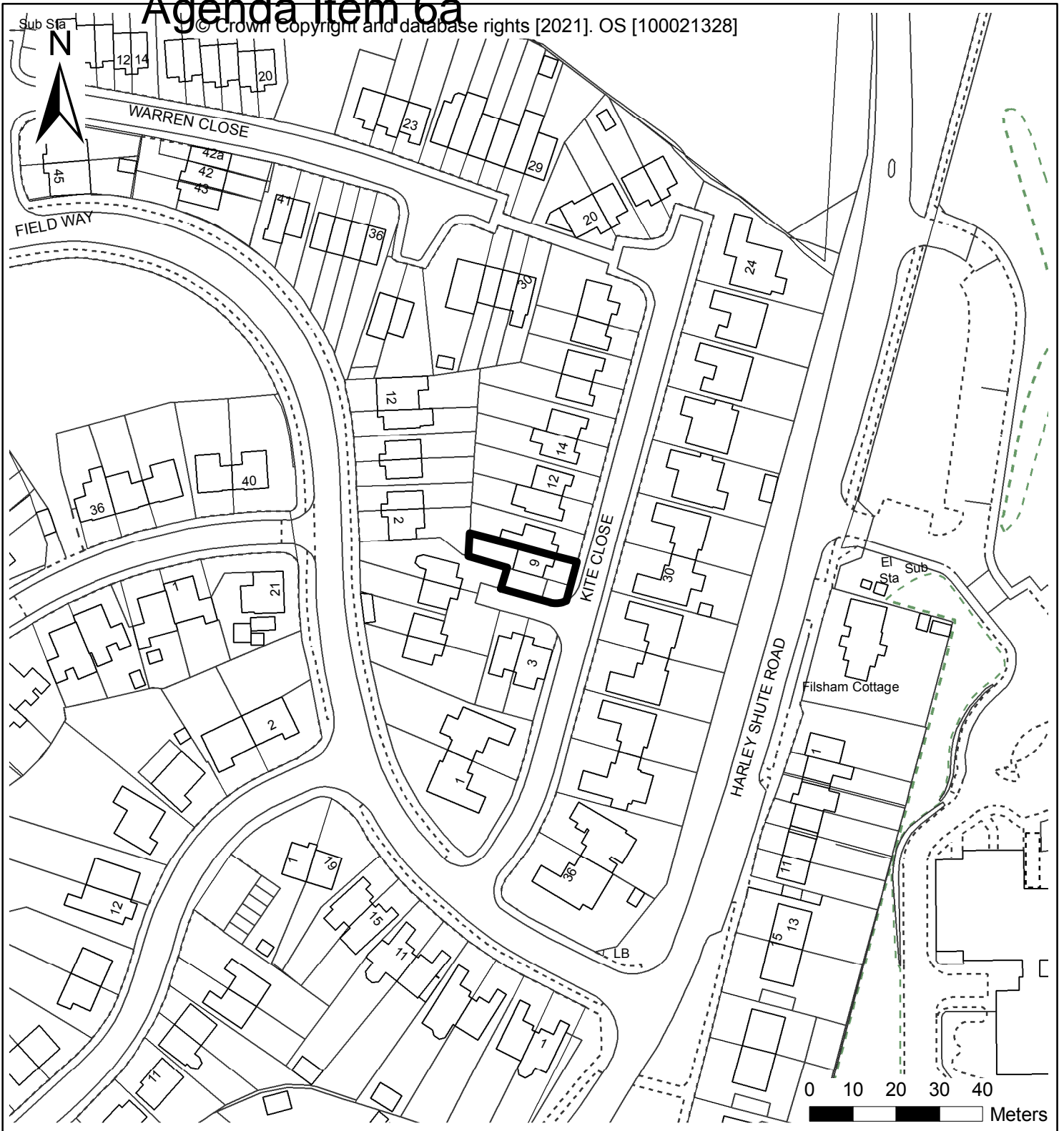
Mr Simon Richard, Telephone 01424 783320

Background Papers

Application No: HS/LB/21/00664 including all letters and documents

Agenda Item 6a

© Crown Copyright and database rights [2021]. OS [100021328]



9 Kite Close
St Leonards-on-sea
TN38 8DR

Proposed two storey side extension & alterations



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

Date: Oct 2021

Scale: 1:1,250

Application No. HS/FA/21/00615

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE
Date of Meeting: 10 November 2021
Report from: Assistant Director of Housing and Built Environment

Application address: 9 Kite Close, St Leonards-on-sea, TN38 8DR

Proposal: Proposed two storey side extension & alterations

Application No: HS/FA/21/00615

Recommendation: REFUSE

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

Applicant: Mr Barry per Avenue Architecture Industrial Units
 Unit 3 Bridge Way, St Leonards-On-Sea. TN38 8AP

Public Consultation

Site notice: Yes
 Press advertisement: No
 Neighbour Letters: No
 People objecting: 1
 Petitions of objection received: 0
 People in support: 8
 Petitions of support received: 0
 Neutral comments received: 0

Application status: Not delegated -
 More than 5 letters of representation contrary to
 Officer recommendation

1. Site and surrounding area

This application refers to a two-storey semi-detached dwelling which is located on the western side of Kite Close, some 69m metres north of the junction with Field Way. The application site is a corner plot located at the junction with the Kite Close cul-de-sac. The property is set back from the highway along the front and the return frontages. The dwelling has a private driveway and small area of soft landscaping to the front, with no screening from the public realm to this elevation. The dwelling also has the provision of a side garden along the return frontage enclosed by 1.5m close board fencing. The rear garden is enclosed by close boarded fence.

The host dwelling forms part of similar looking properties located around the cul-de-sac, with both end of terrace dwellings having a gable ended roof to the front. For the most part, these properties are unaltered and maintain their symmetries with their semis. There are some exceptions to this rule, but the area is strongly characterised by unaltered and symmetrical dwellings in this location.

Constraints

None relevant

2. Proposed development

This application is seeking planning permission for the erection of a gable ended two-storey side extension to match existing. The extension is to provide a living area, study, utility at ground floor and a bedroom, dressing area and en-suite at first-floor level.

The proposed two storey side extension would have a width of some 3.1m and a depth of some 7.2m, following the depth of the existing dwelling. Materials are to match those used in the existing property.

Background

This application is a resubmission of a previously refused scheme. The width of the proposed two storey side extension has been reduced by 1.1m, and the previously proposed front extension has been omitted.

The application is being brought to Planning Committee for determination due to the officers recommendation (refusal) being contrary to the more than 5 letters of support received, in accordance with the Council's Constitution.

Relevant planning history

- HS/FA/21/00123 Proposed two storey side extension and single storey front extension
REFUSED 26 May 2021
- HS/FA/92/00389 Erection of attached garage and erection of a 4 foot high timber fence
GRANTED 1 April 1993
- HS/OA/85/00246 Private sector housing at a density not exceeding 9 dwellings per acre
GRANTED 9 July 1980
- HS/OA/80/00293 Erection of sixty-five dwelling units on land allocated for private sector housing
GRANTED 28 May 1980
- HS/OA/71/00959 Erection of 64 dwellings (phase 1 of the development of Filsham Farm).
Construction of 2 vehicular accesses from Harley Shute Road.
GRANTED 19 June 1972

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

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

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access

Other policies/guidance

Supplementary Planning Document - Householder Development: Sustainable design
East Sussex County Council Highways Minor Application Guidance (2017)
BRE trust, Site layout planning for daylight and sunlight, second edition

National Design Guide

Paragraph 3 of the National Design Guide states, The National Planning Policy Framework makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. This design guide, the National Design Guide, illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Governments collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools (Section 12 and paragraph 126 of the NPPF).

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 planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 126 states: "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.

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 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 such as design guides and codes.

Paragraph 135 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

None required

4. Representations

A site notice was displayed at the site to publicise the application. 8 letters of representation have been received comprising 1 objection letter, and 7 letters of support. 1 additional letter of support was submitted although this was from the applicant, so cannot be counted as part of the representations received.

A summary of the representations made is set out below:

Objection comments

- Overlooking towards 8 Kite Close from additional rear windows of proposed side extension
- Loss of sunlight and daylight as a result of the extension
- Obstruction of views when using parking areas serving no's 7 and 8 Kite Close

The objection also brings attention to the potential loss of a view from 8 Kite Close, the devaluation of existing properties and existing covenants on the site. The loss of a view or devaluation are not material considerations, and as such cannot be considered here. Similarly, the imposition of covenants are a private legal matter, and outside the control of the planning system

Supporting comments

- The extension represents good design and is in-keeping with the area
- The proposal will help to rejuvenate the area
- The works will help local businesses (builders etc)
- Create an improved family home
- Improvement on originally refused scheme

5. Determining issues

The main issues to consider in respect of this application are the impact of the proposed extension on the character and appearance of the area, as well as neighbouring residential amenities.

a) Principle

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

b) Impact on character and appearance of the area

Policy DM1 of the Development Management Plan (2015) seeks to ensure a good standard of design which protects and enhances the local character, with Paragraph 52 of the National Design Guide reinforcing the aims of this policy by requiring developments to respond to the existing local character and identity of the area. The Council's adopted Supplementary Planning Document (SPD) Householder Development also requires proposals to fit in with the surrounding area, in that the appearance and scale of the proposal would not detract from the surrounding buildings.

The National Design Guide also identifies 10 key characteristics of well-designed places, of which Context, Identity and Built Form are considered applicable in this instance. These characteristics require developments to enhance their surroundings in that 'well designed places' integrate into their surroundings so that they relate well to them, are sited and designed so as to take into account patterns of built form such as layout, scale, form, appearance, and architecture that is prevalent in the area, be of a character that suits the context of the surrounding environment, and, results in a coherent pattern of development.

The application property forms part of a wider development that has a clear established pattern of mostly unaltered semi-detached dwellings fronting the main road of Kite Close. It is acknowledged that the side extension has been reduced in width since the previously refused scheme, although the effect of the extension would still undoubtedly unbalance the predominant symmetrical form between the host property and its attached neighbour at 10 Kite Close. This will be clearly visible given the prominent corner location and as a result, cause harm to the character and appearance of the area, contrary to Policy DM1 of the Development Management Plan 2015. Furthermore, the proposed two storey side extension will extend just 2m from the return/side boundary of the application site, resulting in the partial loss of a significant visually open space that leads to the cul-de-sac to the rear/side. The loss of this open and spacious character is considered to cause harm to the overall appearance of the wider area, failing to show an appreciation of existing street patterns, also contrary to Policy DM1 of the Development Management Plan.

Finally, the proposed extension only proposes one small window at ground floor level on its side elevation. Given the unique location of the dwelling on the corner, enclosed by Kite Close to the front and the cul-de-sac to the side and the rear, this makes for a visually prominent elevation, clearly viewable from the south. The lack of sufficient design detail in this elevation fails to contribute to an "active frontage", contrary to advice in the Housing and Community Agency (HCA) guidance entitled 'Urban Design Lesson - Housing Layout and Neighbourhood Quality' published January 2014. The guidance in section 2, 'Active Frontage' states that 'A street or space is formed by the buildings that surround it, much like a room is formed by the walls around it. Active frontages made up of front doors and windows

(especially to ground floor habitable rooms) create lively and well-supervised streets. This is a key requirement for creating safe and attractive public spaces.

Taking the above into account therefore, it is considered that despite the reduction in mass and scale of the proposed two storey side extension, the unique and prominent positioning of the dwelling on the corner of Kite Close and its associated cul-de-sac, means that the development will still form an overly dominant and incongruous feature in the streetscene, causing harm to the character and appearance of the area. In addition, it fails to contribute to an active frontage, causing harm to the streetscene. The development therefore fails to accord with the requirements of Policy DM1 of the Development Management Plan 2015 as well as guidance in the National Design Guide and HCA guidance.

c) Impact on neighbouring residential amenities

Policy DM3 of the Development Management Plan 2015 requires proposals to achieve a good living standard for future users of proposed development and its neighbours.

The proposed extension would provide additional windows in the front, rear and side elevations. The windows in the front elevation only present views into the public realm/highway and would not result in any issues in respect of privacy and overlooking. The windows in the rear elevation serve an en-suite and a wardrobe area and could be required to be obscure glazed and fixed shut to overcome concerns of overlooking, although given the distance of over 10m from this, and the nearest property at 8 Kite Close, this is not considered reasonable. Such orientation and layout is not uncommon in newer residential developments such as this and similar relationships already exist in the immediate vicinity. Therefore, it is not considered that there is undue harm caused to neighbouring residential amenities with regard to privacy and overlooking.

Concern has also been raised regarding the impact of the extension on views and outlook from the property to the rear, 8 Kite Close. It is regrettable that, the right to a view is not a material consideration and cannot be considered in the determination of a planning application. Whilst outlook is a key consideration, there still remains a distance of over 10m from the front of 8 Kite Close and the rear of the application property, which is reasonable in such a residential setting. The same is said with regard to the loss of daylight and sunlight to these front windows - it is not considered that given the separation distance of over 10m, any significant loss will occur. In addition, the extension has been reduced in width from the previous proposal, meaning that views towards the main road of Kite Close are still achievable, and there will be less impact in terms of sunlight and daylight. Therefore, the impact on outlook and loss of sunlight and daylight are not considered to be so significant that a refusal of permission can be justified in this instance. Policy DM3 of the Development Management Plan 2015 is therefore complied with.

d) Impact on highway safety and parking

Policy DM4 of the Development Management Plan (2015) requires safe access on to and within a site, and adequate provision for parking, taking into account guidance as set by East Sussex County Council.

East Sussex County Council Highways Minor Applications Guidance 2017, paragraph 3.8.1, states, for individual dwellings car parking should generally be provided as follows:

- 1 or 2 bedroom dwelling: 1 space
- 3 or 4 bedroom dwelling: 2 spaces

The existing dwelling is a 3 bedroom property, with the proposed extension resulting in a net increase of 1 bedroom. As per ESCC guidance, 3 or 4 bedroom properties require a total of 2 parking spaces. As such the proposed will not require an increase in parking and the proposed works are therefore considered acceptable in this respect and in accordance with Policy DM4 of the Development Management Plan 2015.

It is not considered that the addition of an extension within the curtilage of an existing building will impact on existing parking arrangements serving other properties to the rear of the dwelling. No alterations will occur to existing parking arrangements.

e) 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.

6. Conclusion

The proposed two storey side extension, by virtue of its mass, location and proximity to the side boundary, would result in the loss of the spacious character at the junction of Kite Close and the Kite Close cul-de-sac. The addition of a further side extension will undoubtedly unbalance the predominant symmetrical form between the host property and its attached neighbour at 10 Kite Close. The asymmetry will be clearly visible in this prominent corner plot location and would result in significant detriment to the character and appearance of the area, contrary to Policy DM3 of the Development Management Plan 2015. The lack of design detail in the side elevation also fails to create an active frontage, causing harm to the streetscene.

Taking the above into account, it is concluded that the proposal fails to comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

7. Recommendation

Refuse for the following reasons:

1. The proposed two storey side extension, by virtue of its mass, location and proximity to the side boundary, would result in a form of development that would result in the loss of the spacious character at the junction of Kite Close and the Kite Close cul-de-sac. The proposed development would therefore be harmful to the character and appearance of the area, contrary to Policy DM1 of the Hastings Development Management Plan 2015
2. The proposed two storey side extension will unbalance the predominant symmetrical form between the host property and its attached neighbour at 10 Kite Close. The asymmetry will be clearly visible in this prominent corner plot location and would result in significant detriment to the character and appearance of the area, contrary to Policy DM3 of the Development Management Plan 2015.
3. The unique and prominent positioning of the dwelling on the corner of Kite Close and its associated cul-de-sac, means that sufficient design detail should be included in the south side elevation, creating a focal point when travelling southwards down Kite Close. Insufficient detail is included within this proposed side elevation, and as such, it fails to create an active frontage that causes harm to the streetscene, contrary to Policy DM1 of the Development Management Plan 2015.

Note to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

Officer to Contact

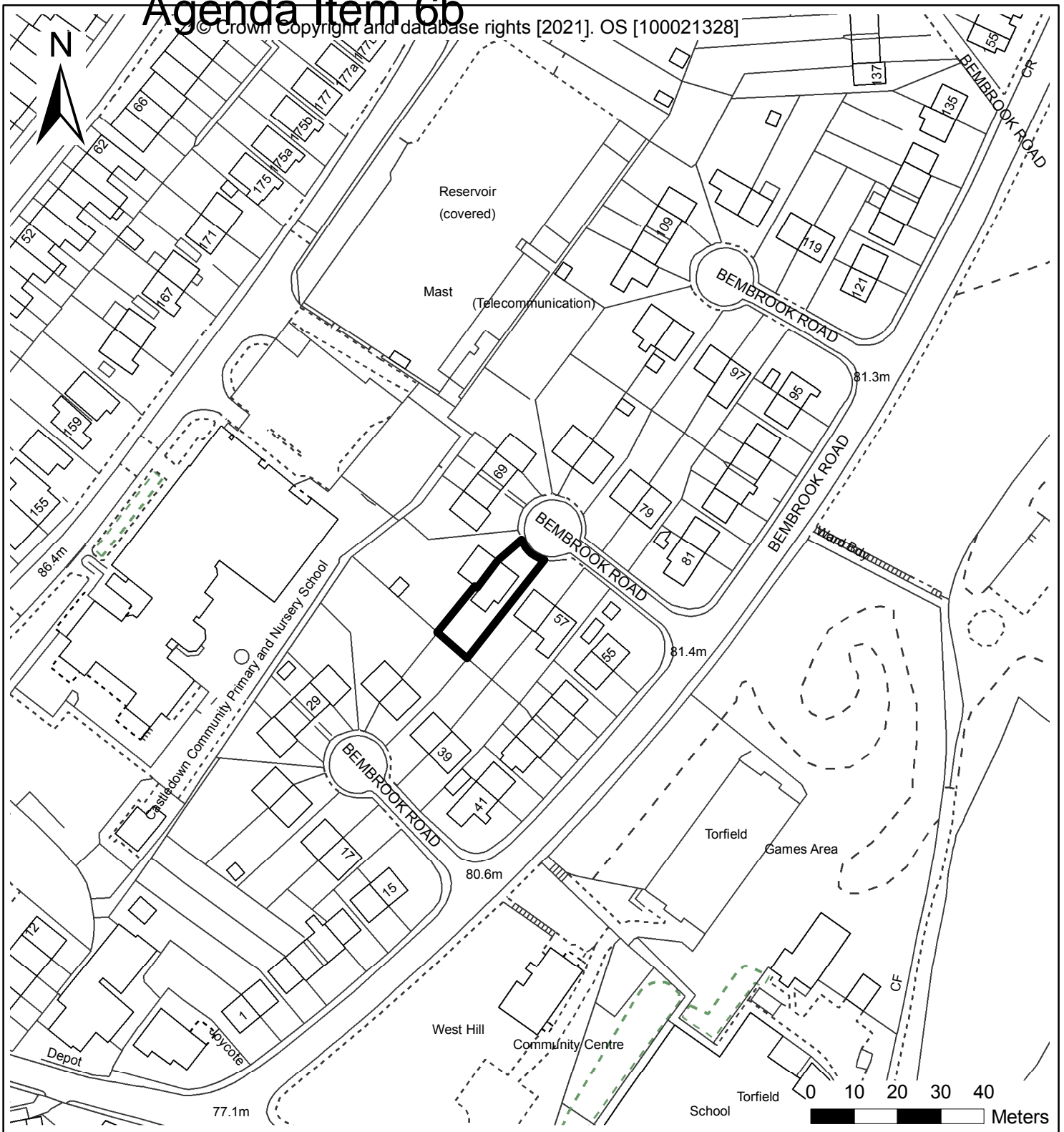
Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/FA/21/00615 including all letters and documents

Agenda Item 6b

© Crown Copyright and database rights [2021]. OS [100021328]



**61 Bembrook Road
Hastings
TN34 3PD**

Demolition of conservatory. Proposed two storey side extension, part two storey and single storey rear extension and front entrance porch



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

Date: Oct 2021

Scale: 1:1,250

Application No. HS/FA/21/00696

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 10 November 2021

Report from: Assistant Director of Housing and Built Environment

Application address: 61 Bembrook Road, Hastings, TN34 3PD

Proposal: Demolition of conservatory. Proposed two storey side extension, part two storey and single storey rear extension and front entrance porch

Application No: HS/FA/21/00696

Recommendation: Grant permission

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

Applicant: Mr & Mrs Denning - Johnson per Pump House Designs Pump House Yard The Green Sedlescombe, East Sussex. TN33 0QA

Public Consultation

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

Application status: Not delegated -
Application by serving employee in restricted post

1. Site and surrounding area

The site comprises of a two-storey semi-detached property located on the south-west side of the cul-de-sac, which leads off of Bembrook Road. Due to the topography of the area, the cul-de-sac is raised above Bembrook Road. The properties in the cul-de-sac follow the contours of the land and as a result the pair of semi-detached properties, of which the application site is one, is elevated above 59 Bembrook Road to the south-east. The site has an open frontage, accessed by a set of steps with a small area of hardstanding to the front for the parking of one vehicle.

Constraints

Low Pressure Scotia Gas Network Pipeline (to the front of the site - outside of the red line)
SSSI Impact Risk Zone, the threshold of which are not exceeded.

2. Proposed development

It is proposed to demolish the existing rear conservatory and construct a part two-storey, part single-storey rear extension which would extend the whole width of the dwelling, construct a two-storey side extension which would project from the side wall of the dwelling by 1 metre, and construct a small front entrance porch.

The external surfaces of the extensions would match the materials used on the existing dwelling.

The application is supported by the following documents:

- Site Waste Management Plan

Relevant planning history

There is no relevant planning history.

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

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 126 states: "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."

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

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- 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 134 states permission should be refused for development of poor design that fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Paragraph 135 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.

National Design Guide (October 2019) - Ministry of Housing, Communities & Local Government

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 masterplan), 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, states that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. It should also enhance positive qualities and improve negative ones.

Other policies/guidance

National Design Guide

East Sussex County Council Minor Application Guidance

3. Consultation comments

There are no consultees on this application.

4. Representations

In respect of this application a site notice was displayed directly outside the application site, on Bembrook Road. One neutral response was received which states the following;

- Did not receive a neighbour notification letter but was advised by the Council only a site notice is displayed.
- Pump House Designs confirmed the extension would extend 1 metre and sunlight would not be affected by the extension.

5. Determining issues

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 area

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

The proposed part single-storey, part two-storey rear extension would project from the rear wall by approximately 4 metres and would extend the entire width of the dwelling. The proposed two-storey element would have a hipped roof and the single-storey element would have a mono-pitch roof and two rooflights. The small two-storey side extension is positioned towards the rear of the property and would project from the side wall of the dwelling by 1 metre. The extensions, both singularly and cumulatively are considered proportionate to the scale of the host dwelling. The front porch extension is small in scale and would be also

considered to fit well with the host dwelling. The external surfaces of the extensions would be brick, render and tiles to match those on the existing property helping the extension to fit unobtrusively with the property and within the street scene.

The proposed extensions fit well with the host dwelling and therefore would not harm the character and appearance of the area. As such, the development is in accordance with DM1 of the Development Management Plan 2015.

c) Impact on neighbouring residential amenities

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

Front Porch

It is proposed to construct a small porch on the front elevation. This is well detached from the neighbouring properties and as such would not detriment neighbouring residential amenity.

Part two-storey/part single-storey rear extension

The proposed extension has the potential to impact on 63 Bembrook Road. There is no existing specific National Planning Policy relating to the prospective impacts of developments on daylight and sunlight on their surrounding environment. However, the Building Research Establishment (BRE) Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' is the established National guidance to aid the developer to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. For an unacceptable loss of light to occur the proposal would need to cause a significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or to private amenity space. In this case, the 45 degree test would be appropriate. The proposed plans show the 45 degree line on both plan and elevation form, however the 45 degree line on plan form has been drawn in the wrong place and should have been taken from the end of the extension, not the middle. Notwithstanding this, I have applied the 45 degree test and whilst it fails on plan form, when applied in elevation form (which has been applied correctly by the agent), it passes. For a significant loss of daylight to occur it would have to fail the test on both plan and elevation. As such, the proposed extension would not result in a significant impact on daylight or result in significant overshadowing.

A first-floor window is proposed in the side wall of new extension which would serve a bedroom. The two storey element of the extension is set in from the boundary with 63 Bembrook Road by approximately 3 metres, however given that the boundary between the property is open and devoid of vegetation, there are concerns this window would result in a loss of privacy and afford views into the private amenity space of this property. As such, condition 4 is imposed which requires this window to be obscure glazed.

The proposed extension has the potential to impact on 59 Bembrook Road. As discussed in detail above, the 45 degree test is appropriate in this instance to assess the impact of the development on daylight. The side elevation of 59 Bembrook Road contains two windows at first-floor level, both of which serve non-habitable rooms/spaces. As such, the proposed two-storey extension is not considered to result in a significant loss of light to any habitable rooms. In addition, the impact on outlook must be considered.

Outlook is the visual amenity afforded to a property and what somebody would look out onto, such as the prospect from a window. Primary living accommodation should not have an enclosed or oppressive outlook. The extension would extend past the rear building line of 59 Bembrook Road by 4 metres and would be located 2 metres from the boundary. The windows on the rear elevation of 59 Bembrook Road serve rooms which are considered primary living accommodation (main habitable rooms) and the main outlook from these windows is towards the rear garden area. The extension would only be visible in obscure views from the windows closest to the shared boundary with the application site, and therefore not considered to significantly change the nature of the normal outlook.

Lastly, it is important to assess whether the development would be overbearing or have a dominating impact on 59 Bembrook Road. As outlined above, the proposed extension would extend past the rear building line by 4 metres and would be located 2 metres from the boundary; it is also located on a higher ground level. It is acknowledged that the proposed extension would have some impact on 59 Bembrook Road which would be visible from the garden area. However, given the width and length of the garden and the openness created by the absence of any two-storey extensions at the adjoining 57 Bembrook Road, the introduction of this extension is not considered to create an oppressive feeling or have a significant impact on 59 Bembrook Road and therefore would not result in unacceptable living conditions.

Two-storey side extension

The proposed two-storey side extension is small in scale and positioned towards the rear of the property; projecting from the side wall by 1 metre. A 1 metre gap is retained between the side wall of the new extension and the common boundary with 59 Bembrook Road and a 3.1 metre gap is retained between the side wall of the extension and the side wall of 59 Bembrook Road. The side elevation of 59 Bembrook Road (which faces the application site) contains two first-floor windows serving a bathroom and a landing. When considering the impact on daylight these rooms/spaces are considered to be non-habitable; with the protection afforded to habitable rooms. Notwithstanding this, the plans submitted clearly demonstrate that the two-storey side extension would not have a significant impact on daylight or result in significant overshadowing.

The proposed side extension would contain a window at ground floor level serving a new shower room and a window at first-floor level serving the enlarged bathroom. The new ground floor window will introduce a window where currently there is none, and due to the height difference between the application site and 59 Bembrook Road there is the potential for overlooking. As such, condition 4 has been imposed to obscure glaze this window to protect the occupants of 59 Bembrook Road from overlooking. Typically, windows serving bathrooms, shower rooms and W.C's are obscure glazed which affords occupants privacy and therefore the imposition of this condition is considered reasonable. The existing first-floor bathroom window is already obscure glazed and condition 4 will ensure the new bathroom window in the extension is too.

63 Bembrook Road would be unaffected by this part of the development.

To conclude, the proposed extensions, subject to condition, are not considered to have a significant harmful impact on neighbouring residential amenity and as such is in accordance with Policy DM3 of the Development Management Plan 2015.

8. Conclusion

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

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

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

9. Recommendation

Grant 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:

6938/EX/A, 6938/LBP, 6938/1/A and 6938/2
3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

Monday to Friday: 08.00 - 18.00

Saturday: 08.00 - 13.00

No working on Sundays or Public Holidays.
4. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
5. The ground floor shower room window and the first-floor bathroom window on the south-east elevation and the first-floor bedroom window on north-west elevation shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level.

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 protect the amenity of the occupiers of nearby properties.
4. To ensure that the finished extension matches the appearance of the existing dwelling.
5. In order to protect the residential amenities of neighbouring properties.

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.

Officer to Contact

Rebecca Fellows, Telephone 01424 783253

Background Papers

Application No: HS/FA/21/00696 including all letters and documents

Agenda Item 7

Agenda Item:

| | |
|---------------------------|--|
| Report to: | Planning Committee |
| Date: | 10 November 2021 |
| Report from: | Planning Services Manager |
| Title of report: | PLANNING APPEALS & DELEGATED DECISIONS |
| Purpose of report: | 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 30/09/2021 to 28/10/2021 |
| Recommendations: | That the report be noted |

The following appeals have been received:

| Address/ Application Number | Proposal | PSM's Rec | Where the decision was made | Type of Appeal |
|---|---|----------------------------|--|---------------------------|
| Astec House, 10-12 Sedlescombe Road South, St Leonards-on-sea, TN38 0TA HS/FA/20/00125 | Redevelopment to provide a mixed scheme comprising 225.9sqm of business floorspace and 1x1 bed, 7x2 bed and 1x3 bed apartments together with associated parking (amended description) | Refuse Planning Permission | DELEGATED | Planning |
| 29 Nelson Road, Hastings, TN34 3RX HS/FA/20/00687 | Conversion of existing single dwelling to a lower ground floor self contained flat and 8 bedroom HMO (Sui Generis) on the upper floors | Refuse Planning Permission | DELEGATED | Planning |

The following appeals have been allowed:

N/A

The following appeals have been dismissed:

N/A

| Type of Delegated Decision | Number of Decisions |
|-----------------------------------|----------------------------|
| Granted Permission | 68 |
| Part Granted | 1 |
| Part Granted – Part Refused | 2 |
| Prior Approval Approved | 2 |
| Prior Approval Not Required | 1 |
| Refused | 8 |
| Withdrawn by Applicant | 2 |
| Total | 84 |

Report written by
Courtney Dade– Tel: (01424) 783264
Email: planning@hastings.gov.uk