

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 07 February 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Land to the South of, Barley Lane, Hastings, TN35 5NX  
**Proposal:** Outline application for the erection of 3 detached dwellings and 3 pairs of semi-detached dwellings (9 total)  
**Application No:** HS/OA/17/00709

**Recommendation:** REFUSE

Ward: OLD HASTINGS  
Conservation Area: No  
Listed Building: No

Applicant: BBCn per WS Planning & Architecture Europe  
House Bancroft Road Reigate RH2 7RP

**Public Consultation**

Site Notice: Yes  
Press Advertisement: Yes - General Interest  
Letters of Objection: 51  
Petitions of Objection Received: 1  
Letters of Support: 0  
Petitions of Support Received: 0  
Neutral comments received 0

Application Status: Not delegated - Petition received

**1. Site and Surrounding Area**

The site is located to the south of Barley Lane, comprises 0.25ha and measures 69m in width and 19.39m in depth. The site slopes up from the road towards the rear boundary. No cross section is submitted to demonstrate the change in existing land levels across the site however the Archaeological Geophysical Survey submitted in support of this application refers to the land levels ranging 'between 62m and 68m AOD' and the Drainage Strategy Report includes a topographical survey and notes that 'The site falls from the south east to the north west. The levels on site vary between 68.52m AOD and 62.08m AOD'.

The site sits within an undeveloped area and is heavily overgrown with a few trees and vegetation. Barley Lane is a narrow single width road and, with some small exceptions, represents the edge of the built form within Hastings and the beginning of the Hastings County Park, although not quite within the park itself. Exceptions to this are Rocklands Caravan Park (to the south), nos. 2 to 42 Barley Lane (located towards the junction with Harold Road), Bay Tree Barn, Ecclesbourne Lodge, Glen Cottage, Gate House (to east of the site).

Opposite and north of the application site are nos. 25 to 31 Barley Lane, two pairs of semi-detached two-storey dwellings. These properties are located at a lower ground level than Barley Lane and as such their impact is relatively low key and adds to the sense of 'edge of built form'. The remainder of built form, north of Barley Lane, is set back further than nos. 25 to 31 mainly by virtue of long front or rear gardens.

Although not designated as countryside, the site, being undeveloped located adjacent to a single width lane and having regard to the above noted points regarding built form, has a very rural character which continues to the cliff edge, south of the site. None of these properties noted above impinge on this rural character, of which the site and immediate surrounding area contributes significantly.

A public right of way, 'Hastings 363b' runs from Barley Lane, adjacent to no. 42 Barley Lane through the Country Park to Rocklands Lane. The footpath connects to a series of other footpaths at that point. Although submitted plans do not clearly identify the location of this footpath relative to the application site, it is located close to, and west of, the application site.

### Constraints

The site is within:

- Archaeological Notification Area 'Hastings Historic Core'
- SSSI Impact Risk Zone (relevant for residential developments of 50 or more dwellings)
- Private Open Space
- Within 600m of a playground

An extended culvert runs through the western part of the site.

An oak tree, covered by a Tree Preservation Order, is located within the site.

Further afield is:

- Old Town Conservation Area (immediately west)
- Hastings Country Park, a Local Nature Reserve (south, east and west)
- Footpath 363b (immediately west)
- High Weald Area of Outstanding Natural Beauty (AONB) (south, east and west)
- Ashdown Forest Special Protection Area (SPA)

## **2. Proposed development**

### **Description of Proposal**

The application is outline with matters of access and layout for consideration only. Appearance, landscaping and scale are all reserved and are not, therefore, considered in detail here. The application proposes the erection of 9 dwellings, 3 of which are to be detached and the remainder semi-detached. 18 car parking spaces are proposed, which would allow two parking spaces per dwelling. The mix of housing is set out in the application form as being 1 x two bedroom, 5 x three bedrooms and 3 x four + bedrooms. It is reasonable, therefore, to assume the proposed dwellings will be two-storey and the Design

and Access Statement states at paragraph 4.10, *'It is anticipated that the form of the dwellings proposed will be two-storey and of traditional design in keeping with those in the vicinity of the site.'*

The proposed layout shows each dwelling located between 5.9m and 13.5m from Barley Lane and orientated to front onto the lane. Each plot benefits from two parking spaces accessed immediately off Barley Lane. Parking spaces vary in depth from 5 to 7.5m. Rear gardens range in depth from 6m at its shortest point (plot 1) and 23.5m, gardens with the shortest depth being plots 1 and 2. Spacing between properties is noted as ranging between 2m and 3.5m. The side elevation of the dwelling at plot 1 is located 1.5m from the edge of the application site. The side elevation of the dwelling at plot 9 is located 0.25m from the site boundary.

The application is supported by the following documents:

Archaeological Geophysical Survey  
Badger Survey  
Transportation Statement  
Design and Access Statement  
Ecological Assessment  
Tree Schedule  
Design and Access Statement  
Drainage Strategy Report  
Geoenvironmental Assessment  
Heritage Statement  
Reptile Survey and Mitigation Report  
Updated Arboricultural Assessment

### **Relevant Planning History**

HS/OA/60/00497 Erection of 6 detached dwellings with garages. Refused 26/7/1960.

HS/OA/72/00288 Development for erection of private dwellings for human habitation. Refused 28/4/

HS/OA/89/00256 Erection of 12 houses and associated estate road. Refused 20/6/1989

HS/OA/03/00134 Erection of 21 houses. Refused 27/3/2003

### **SURROUNDING AREA**

HS/FA/13/00380 Demolition of 7 No. garages and erection of two detached dwellings with parking

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy (2014)

Policy DS1: (New Housing Development)

Policy FA5: (Strategic policy for Eastern 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 EN1: (Built and Historic Environment)

Policy EN3: (Nature Conservation and Improvement of Biodiversity)

Policy EN5: (Local Nature Reserves (LNR))

Policy EN7: (Conservation and Enhancement of Landscape)

Policy EN8: (Open Spaces – Enhancement, Provision and Protection)

Policy H1: (Housing Density)

Policy H2: (Housing Mix)

Policy H3: (Provision of Affordable Housing)

Policy C11: (Infrastructure and Development Contributions)

Policy CI3: (Children's Play Provision)  
Policy T3: (Sustainable Transport)

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

Policy LP1: (Considering Planning Applications)  
Policy DM1: (Design Principles)  
Policy DM3: (General Amenity)  
Policy DM4: (General Access)  
Policy DM6: (Pollution and Hazards)  
Policy HN1: (Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas))  
Policy HN4: (Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest)  
Policy HN7: (Green Infrastructure in New Developments)  
Policy HN8: (Biodiversity and Green Space)  
Policy HN10: (Amenity Green Spaces)

#### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

#### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 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.

Three dimensions of sustainability given in paragraph 7 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 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites. Where policies are considered out-of-date planning permission should be granted unless the adverse impact significantly and demonstrably outweighs the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted (paragraph 14).

Paragraph 58 of the National Planning Policy Framework States, "Planning policies and decisions should aim to ensure that developments:

- 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;
- establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping."

Paragraph 64 of the National Planning Policy Framework States, “Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”

Paragraph 187 of the NPPF states that, “Local planning authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.”

Paragraph 197 of the NPPF states that “in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.”

## **National Planning Practice Guidance (NPPG)**

### **Planning should promote local character (including landscape setting)**

Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.

Paragraph: 007 Reference ID: 26-007-20140306

How should buildings and the spaces between them be considered?

#### **Consider layout**

There should be a clear definition between public and private space. A buffer zone, such as a front garden, can successfully be used between public outdoor space and private internal space to support privacy and security.

Paragraph: 024 Reference ID: 26-024-20140306

#### **Consider form**

Buildings can be formed in many ways, for example tall towers, individual stand alone units, long and low blocks, terraces. They can all be successful, or unsuccessful, depending on where they are placed, how they relate to their surroundings, their use and their architectural and design quality.

Paragraph: 025 Reference ID: 26-025-20140306

#### **Housing design issues**

Well-designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants.

In well-designed places, affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site.

Consideration should be given to the servicing of dwellings such as the storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries. Such items should be carefully considered and well designed to ensure they are discrete and can be easily used in a safe way.

Unightly bins can damage the visual amenity of an area. Carefully planned bin storage is, therefore, particularly important. Local authorities should ensure that each dwelling is carefully planned to ensure there is enough discretely designed and accessible storage space for all the different types of bin used in the local authority area (for example landfill, recycling, food waste).

In terms of parking, there are many different approaches that can support successful outcomes, such as on-street parking, in-curtilage parking and basement parking. Natural surveillance of parked cars is an important consideration. Car parking and service areas should be considered in context to ensure the most successful outcome can be delivered in each case.

Paragraph: 040 Reference ID: 26-040-20140306

### **Design/Importance of Good Design**

Good design should:

- ensure that development can deliver a wide range of planning objectives
- enhance the quality buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on well being

Paragraph: 002 Reference ID: 26-002-20140306

### **How should buildings and the spaces between them be considered? Consider Scale**

Decisions on building size and mass, and the scale of open spaces around and between them, will influence the character, functioning and efficiency of an area. In general terms, too much building mass compared with open space may feel overly cramped and oppressive, with access and amenity spaces being asked to do more than they feasibly can; too little and neither land as a resource or monetary investment will be put to best use.

Paragraph: 026 Reference ID: 26-026-20140306

## **3. Consultations comments**

**County Archaeologist: No objection** subject to conditions regarding a programme of archaeological works.

**Refuse Storage – Leisure and Amenities: no objections** provided bins can be located next to the highway.

### **Historic England: No comment**

‘We do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.’

### **Highways: Objection**

The application as submitted attracts a recommendation for refusal for the following reason:

1. Due to the narrow width of the road serving the site, the car parking spaces are not set back sufficiently to enable vehicles to enter and leave the site in a safe and convenient manner. The car parking layout is, therefore, considered to be unacceptable.

I have no major concerns regarding the development in principle; however, due to the narrow width of Barley Lane the proposed layout as submitted (Drawing No. J002462 / PL 02) does not provide sufficient space for vehicles to be able to manoeuvre in and out of the parking spaces in a safe and convenient manner. This turning manoeuvre would be made more difficult by on-street parking on this stretch of road. With this in mind the proposed layout is considered to be unacceptable and I, therefore, recommend that the application as submitted is refused.

### **Note**

My concerns would be allayed and my objection withdrawn if the car parking spaces can be set back further into the site to provide additional space for vehicles to turn in a safe and convenient manner. It may also be beneficial to increase the width of the parking spaces.

Tracking drawings will be required to confirm that vehicles are able to enter and leave the site. I would not wish for the proposal to result in a loss of on-street parking in the area; the tracking drawings should therefore presume that cars will be parked on the north side of Barley Lane opposite the site

### **Planning Policy: Objection**

Comments relate primarily to the current housing land supply situation, in particular the 5-year housing land supply position, and adopted Local Plan Policies EN8 and HN10. Other Local Plan policies will also be relevant but I consider these policy areas to be central to the consideration of this application.

The applicant contends that the Council is not currently meeting its 5-year housing land supply requirement (paragraphs 1.4, 3.25, 4.2 and 6.2 of the applicants Design & Access Statement). The soon to be published, February 2018, monitoring report (Local Plan Monitoring Report (LPMR)) shows that 1,603 dwellings are capable of being completed in the next 5 years, and that this figure is meeting and indeed exceeding the Council's 5-year requirement of 1,248 units 2018-2023. The 5-year supply is thereby provided. Contrary to points made by the applicant at paragraph 3.25 of the Design & Access statement, HBC's 5-year housing land supply is not in any way linked with Rother District Council's 5-year supply. RDC's 5-year housing land position is not therefore relevant to this application. Latest monitoring data (soon to be published in the February LPMR) indicates that the 5 year supply target will continue to be met and indeed is exceeded for the 5 year period beginning 2017/18.

Given the primacy of the Local Plan as referenced within both the Planning Act and at paragraph 11 of the NPPF, in view of the fact that this is not an allocated housing site but rather is a site afforded protection under DMP Policy HN10 and that the Council is meeting its 5-year housing land supply requirement, a key consideration is therefore, to what extent the applicant has addressed the requirements of Policy HN10.

The application site lies within a wider area designated as 'Private Open Space' and is covered by DMP Policy HN10. This designation affords the site protection from development that would harm the visual, recreational, amenity or ecological value of the land unless an area equivalent in size and value is provided in the locality in compensation.

There is a long history of resisting residential development at this location in view of the area's visual and amenity value. Barley Lane itself provides a clear physical division between the urban area of Hastings Old Town and the transition to the open undeveloped countryside which leads in to Hastings Country Park. The application site is part of a wider, steeply sloping attractive open field on the south side of Barley Lane which complements the nearby Area of Outstanding Natural Beauty (AONB). I am concerned that the erection of 9 dwellings would result in a prominent development, and an unjustified encroachment and loss of open space in to what is essentially a rural location. The potential for residential development in this locality was considered by the Council as part of the Strategic Housing Land Availability Assessment (SHLAA) process, (site reference C24 in the SHLAA 2014 update) in which it was concluded that for strong landscape impact reasons, the land is not suitable for residential development. Subsequently, following on from an earlier Local Plan designation, the wider area including the application site continues to be designated as Private Open Space in the recently adopted (2015) Development Management Plan. In spite of the applicant's reference to a recent appeal decision in the locality, I do not consider that there has been any significant change here to suggest that the protection afforded by policy HN10 is unwarranted.

In summary, I consider this application to be contrary to Policy HN10 and, in view of the fact that the Council has an up-to-date and recently adopted development plan together with a 5-year housing land supply which is comfortably exceeding the 5-year requirement, I cannot support this application.

**Southern Water: Partial Objection with conditions-** The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission. "Development shall not commence until a drainage strategy detailing the proposed means of waste water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

Our initial investigations indicate that there are no dedicated public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order:

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

**Environment and Natural Resources Manager: Objection**

The submitted ecology information is insufficient in detailing the implications on protected species such as slow worms and common lizards from any development. Further there is no evidence the layout has been informed by the constraints imposed by protected species. The application is contrary to policies HN8, HN10 and EN3 of the Hastings Local Plan.

**Borough Arboriculturalist: Objection**

The preserved Oak (TPO No.291) is prominent within the landscape and offers significant amenity value. It is at present relatively young and should be expected to continue to mature conveying amenity benefits to the local environment well into the future. The development proposal must consider present and future requirements of the Oak. The arboriculturalist considers the loss of the oak would have a negative impact on the local landscape, as a result they do not support the development.



### **Conservation Officer: Objection**

This development site sits on the boundary with the Old Town Conservation Area and so potentially affects its setting. The Conservation Officer confirmed that comments on the previous application remain relevant, as summarised below.

The existing green and open aspect of this part of the conservation area setting makes a significant contribution to the general feel of this part of the conservation area and how we experience it. The landscape quality of this area provides a transition or buffer zone between the more urban development of the conservation area and Hastings Country Park beyond.

The development of housing on this site will potentially erode the green backdrop to this part of the conservation area, thus harming the setting of the conservation area. The harm caused would be less than substantial under the definitions in the NPPF.

It is therefore recommended that planning permission should be refused for this development, for the following reasons :

The proposed development will harm the setting of the Old Town Conservation Area by introducing incongruous urban development into the existing green landscape setting of the conservation area. The development would thus be contrary to the requirements of sections 131-138 of the NPPF, which relate to the need to conserve heritage assets and their setting, and also contrary to policies EN1 and HN1 of the adopted local plans.

### **Building Control: No comment received**

The developer has submitted a comprehensive drainage strategy report dated August 16 and they seem to have concluded that the site could be drained satisfactorily.

### **Environmental Health- Contamination: No Objection in principle**

Having checked the Borough's GIS system there is no known contaminated land, no comment or objection made to the proposed development.

### **Wealden District Council: Objection**

The application proposals do not consider the effect of traffic arising from the proposed development crossing the Ashdown Forest SAC, Lewes Downs SAC and Pevensy Levels SAC. A likely significant effect should not be ruled out as an appropriate assessment has not been undertaken to identify the current situation and impact arising from the development with regards to pollutants and site integrity of the SAC areas. An objection to the application has therefore been made.

## **4. Representations**

52 representations received from 47 different properties all of which object to the application. Of these representations, 1 letter is from Hastings Old Town Residents Association, 1 letter is from Old Hastings Preservation Society and 1 letter is from Friends of Hastings Country Park Nature Reserve. The groups object to the application. One petition, comprising 89 signatures has been received. The letters of objection raise the following concerns:

- Setting of precedent
- Site outside built up area

- Site is greenfield, within SSSI and is located in land designated as private open space and has considerable recreational and amenity value and is therefore contrary to Policy HN10 of the Hastings Development Management Local Plan (2015)
- Site is haven for wildlife and ecological value of the land has been harmfully affected by site clearance and will be further harmed by proposed development.
- Inaccurate Ecology survey
- Intermittent hedge due to its removal which impacted upon wildlife habitats.
- Loss of trees and shrubs
- Site forms part of the historic landscape that includes a scheduled ancient monument as set out in the Heritage Statement and the Archaeological Geophysical Survey submitted with the application.
- Site reads as part of High Wield AONB and borders the AONB and the Old Town Preservation Area, providing a protecting threshold.
- Harm to the character of Clive Vale
- Proposed development does not respect the local context or street pattern, the scale and proportions of the surrounding buildings. The development would be out of keeping with the character of the area to the detriment of the local environment,
- Historic trackway over and along the north western edge of the site has not been included in the assessment of the historic value of the site
- The site has public value by virtue of the adjacent footpath and visibility of the site which contradicts statements within the Design and Access Statement
- Heritage consultants/statement not properly considered archaeological features within the site such as the Roman encampment however are pleased to note the further investigation required by the County Archaeologist and applicant's Archaeologist
- Field is waterlogged, and the site is with known aquifers, and such lends itself to a propensity for landslips and is unsuitable for housing. Southern Water has advised that sewerage disposal cannot cope with much more.
- Development of site would lead to increased risk of flooding.
- There is no capacity in Barley Lane to accommodate the additional traffic this proposal would generate.
- Insufficient on site and street parking on Barley land to accommodate development.
- Additional traffic generated by development including deliveries would create traffic hazard to existing users including cyclists and congestion in road. Concern regarding consequential impact upon emergency vehicles.
- Barley Lane is a narrow, one way road with no footpaths and a heavily corroded surface and not suitable for caravans or heavy vehicles
- If approved conditions should be attached to control hours of construction and access for construction vehicles
- The appeal site (28-42 Barley Lane) is not comparable to the application site
- The area already has issues of parking, access and instability and seems unsuitable for further development. The area is known for landslips and subsidence.
- Site is located adjacent to narrowest part of the lane
- No contributions as below threshold however piecemeal development of wider land in same manner would mean local community don't benefit
- Parking bay opposite 25-29 Barley Lane accommodates 5 cars and will be lost as a result of the scheme
- Harm to properties and road during construction process
- Building on site would not be in keeping with the character of the surrounding rural area and would be harmful to landscape setting of the Old Town.
- Harm to scenic views harmful to tourism of Hastings
- Harm to neighbouring residential amenities by reason of overshadowing, loss of light, privacy, noise, pollution and air quality, also harmful to the surrounding environment.

- Several residents use front garden adjacent to road for leisure, as opposed to the rear garden making the impact of the proposed development more significant in respect of residential amenities
- Land sold off in over 100 parcels

The petition raises the following points:

- Site outside the area for housing in the Local Development Plan
- Site does not meet the requirements of policy HN10 and would be a severe loss of visual amenity.
- Land is unstable with several springs running through it
- Loss of parking spaces
- No road access shown on plans
- Insufficient capacity of sewerage system
- August 2016 reptile survey, carried out post scraping clean of site, shows slow worms on site and presence of adders

## 5. Determining Issues

A number of planning policy considerations will determine whether the proposed development is acceptable, these are assessed below and include: Suitability of location and development on open space, suggested layout, impact on neighbouring residential amenities, future residential amenity, heritage and archaeology impacts, contamination, land stability, ecology, highway safety/parking, housing supply/affordable and sustainability.

### 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 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a reasonably sustainable location having reasonable/good access to public transport (approximately 245m to the nearest bus stops on Harold Road, close to the junction of Girth Road), shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

Although the site is located in the urban edge in policy terms, it, and land within which it sits, has a very clear and distinct rural character. As noted in the 'Site and surroundings' section of this report, Barley Lane effectively represents edge of the built form within the town and the beginning of countryside. The land provides a significant and important contribution to the rural character and appearance of the area and its development would detrimentally undermine this character and have little regard to the context of the site and pattern of development in this area. Moreover the layout, which is discussed in greater detail below, is considered to be very urban in nature, having little regard to its context, and would be more suited within an area that is already fully developed on all sides.

The site is allocated as private open space within the proposals map attached to the local plan and as such Policy HN10 of the Hastings Development Management Local Plan (2015) is relevant. This policy states that the loss of such land will only be acceptable in two circumstances:

- a - Where it can be demonstrated that it no longer has any visual, recreational, amenity or ecological value OR
- b- An area of equivalent size and value is provided in the locality in compensation.

The application does not meet the requirements of points noted above and as such is considered to be contrary to policy HN10 however, even without this, the development of this

land and its impact is considered to harmfully affect the character and appearance of the area and represent an incongruous form of urban development in this more rural location. The development is therefore considered to be contrary to all aspects of policy DM1 of the Development Management Plan in its own right. As such, even if another area of land of equivalent size and value were offered as private open space, the development of this site is still not considered to be acceptable and should be left undeveloped. It is noted, as an aside, that the proposal is made worse by its entire lack of regard to its context in that it should attempt to provide a layout which creates a gentle transition between built form and the countryside. Issues of layout are discussed in the section below.

It is noted that the site slopes upwards from Barley Lane towards the rear boundary of the site. The change in levels is approximately 6m. No cross section is submitted to show the proposed development in relation to the land levels on and adjacent to the site. As matters of appearance and scale are reserved, the cross section is not essential to the assessment of this application. Nevertheless it is clear that concerns raised above in respect of the impact development on the character of the area will only be exacerbated and made more prominent by virtue of the level changes and consequential height of the dwellings on site relative to the road and development opposite the site.

The application is therefore considered to be contrary to Policies FA5 (seeks to protect manage and enhance open spaces), SC1 (criterion i), EN1 and EN7 of the Hastings Planning Strategy (2014) and policies DM1 (all criteria), DM3 (criterion d), HN1 and HN10 of the Hastings Local Plan – Development Management (2015). The development is also considered to be contrary in this respect to:

- 1) Paragraph 58 of the NPPF which requires development to 'add to the overall quality of the area, not just for the short term but over the lifetime of the development', 'create attractive and comfortable places to live', 'respond to local character and history, and reflect the identity of local surroundings and materials' and 'are visually attractive as a result of good architecture and appropriate landscaping'.
  - Paragraph 64 of the NPPF which requires development of poor design to be refused
  - Paragraph: 007 of NPPG which requires development to promote character in townscape and landscape. Reference ID: 26-007-20140306

Reference has been made with the Design and Access Statement to an allowed appeal (APP/B1415/A/13/2210361 and HS/FA/13/00380) which permitted two dwellings on land to the rear of 28 to 32 Barley Lane. It is suggested that this appeal decision supports and justifies the development of the application site currently under consideration. The inspector notes in paragraph 4 that the site in question is clearly within the built up limits of the settlement with garages and areas of hardstanding. In paragraph 6 the inspector notes that the removal of the garages and clearance of the land would enhance the character of the conservation area at that point.

Comparing the two sites, although on the same road, there are clear differences between the two and so it is not considered that the appeal decision can justify development of the application site.

Firstly the site is located in amongst existing built form with two-storey terraced housing to the front, a row of 11 garages located on the western boundary of the site, outbuildings located within the field to the south of the site and dwellings immediately to the east, namely no. 12 Barley Lane. This makes the site's location very much within land that has been previously developed. As such its impact is notably different to the application site now under consideration in that it is not located at the end of established built form but rather in the middle of designated private open land.

Secondly the rear boundary of the site fell in line with the rear boundary of the neighbouring property, no, 12 Barley Lane and did not therefore project out of the confines of existing built up land.

Thirdly, land adjacent to the garages on site was laid as hardstanding and this was clearly visible as viewed from Barley Lane. The proposed vehicular access into the site, being in the same position, would not have therefore represented such a change to the character area. Given the buildings would partially be screened from view by the existing dwellings to the north of the site, the overall impact on the character of the area would be substantially less than that currently proposed. Furthermore the change between what is on site and what is proposed would be much more significant and have a much greater impact upon the character of the area for the application site now under consideration than the development proposed, now approved at 28-32 Barley Lane.

Finally, it is noted that the degree of soft landscaping within the approved layout and specifically on the eastern boundary would be far greater than that proposed with this application. The degree of landscaping for the 28 to 32 Barley Lane site would represent an improvement to the garages currently in situ and would provide a much needed soft setting between the built form of the site and undeveloped countryside east of that site.

#### b)Layout

Although the application is outline, it includes layout as a matter under consideration. The proposed layout should be informed by the context of the surrounding area and its character. In this case, the site being located within an undeveloped parcel of land with no development either side or to the rear, to develop the land as proposed has no regard to its context. The layout is very urban in nature with two thirds of the frontage of each plot comprising hard standing areas and presumably a pathway to the rear, the backdrop to the hardstanding being the housing itself. The continuation of this theme along the frontage of the 9 plots creates an overwhelmingly hard appearance and form. Such a layout could well be appropriate in a more urban location, but in this more rural location, would appear as an incongruous feature out of keeping with the character and appearance of the area.

Plots 1 and 9 show the built form close to the side boundaries of the application site. In order to make developments secure and provide a clear separation between public and private space, the side boundary treatments would be likely to be 2m in height and the proximity between the proposed houses and the side boundaries is such that the development would appear congested and cramped and this would harmfully affect the character of the area at this point and have little regard to the sense of space that the site and surrounding currently provides. In addition insufficient room is shown for landscaping around the site, both to the front and especially to the sides. The landscaping would be necessary to soften the impact of the site and to reflect the more spacious nature of the land within the site is located.

In light of the above the application would be contrary Policies FA5 (seeks to protect manage and enhance open spaces), SC1 (criterion i), EN1 and EN7 of the Hastings Planning Strategy (2014) and policies DM1 (all criteria), DM3 (criterion d), HN1 and HN10 of the Hastings Local Plan – Development Management (2015). The development is also considered to be contrary in this respect of:

Paragraphs 58 and 64 of the NPPF and

Paragraph 007 of the NPPG (reference ID: 26-007-20140306) - which seeks to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns,

Paragraph 26 of the NPPG (reference ID: 26-026-20140306) - which seeks that open space in and around the site should have regard to the character of the area and function and efficiency of design.

#### c) Impact on Neighbouring Residential Amenities

The only dwellings located close to the site are those opposite the site at 25 to 35 Barley Lane and nos. 48 to 54 Belmont Road. The closest distance between front elevations of the proposed dwellings and nos. 25 to 35 Barley Lane would be approximately 19.5m. The closest distance between the front elevations as proposed on site and the rear boundaries of no. 48 to 54 Belmont Road would be approximately 12m. In both cases, the distance is considered sufficient to avoid harm in terms of overlooking, outlook, daylight, overshadowing and other residential amenities. The application is therefore considered to be acceptable in terms of policy DM3 of Development Management Local Plan (2015).

#### d) Future Residential Amenities

The proposed layout appears to offer a good living environment for occupants. The scale of the development does not form part of this application and as such the size of each unit is not a matter for consideration in determining this application however for information only, the identified floor areas for plots would be below local and national policy requirements. The shortfall however is very marginal.

- Plot 1 - 2 bed 3 person (70.8sq/m) (Type A)  
This meets the national and local policy requirement and is therefore acceptable.
- Plots 2, 3, 6, 7, & 8 - 3 bed 5 person (89.6sq/m) (Type B)  
This falls below the national and local policy requirement (93m<sup>2</sup>) for a two storey dwelling.
- Plots 4, 5 & 9 - 4 bed 7 person (113.3sq/m) (Type C)  
Council policy does not refer to a 4 bed 7 person dwelling however the national standard requires a space of 115m<sup>2</sup> for a 4 bedroom/7 person two storey dwelling.

National guidance noted above refers to the 'Technical housing standards – nationally described space standard (2015) sets out national space standards' for dwellings.

#### e) Heritage

##### *Conservation Areas*

Old Town Conservation Area is located immediately west of the site and as such the proposed development has potential to affect its setting.

The Conservation Officer has objected to this application noting that the existing green and open aspect of this part of the conservation area makes a significant contribution to the setting of this part of the conservation area. Furthermore, that the landscape quality of this area provides a transition or buffer zone between the more urban development of the conservation area and Hastings Country Park beyond. The Conservation Officer states that the development of housing on this site will potentially erode the green backdrop to this part of the conservation area, thus harming the setting of the conservation area. The harm caused would be less than substantial under the definitions in the NPPF.

It is, therefore, recommended that planning permission should be refused for this development, being contrary to the requirements of sections 131-138 of the NPPF, which relate to the need to conserve heritage assets and their setting, and also contrary to policies EN1 and HN1 of the adopted local plans.

#### *Archaeology*

The site is located close to a Scheduled Ancient Monument and is within an Archaeological Notification Area 'Hastings Historic Core'. The application is supported by an Archaeological Geophysical Survey which concludes that,

*'the site has no potential archaeological features present, however a large portion of the site, especially along the side of the road, appears to have been contaminated, making useful results impossible to achieve with magnetometry.... archaeological features may exist below the contamination shown in Plate 4, however,.... this appears unlikely. The lack of archaeological features found during the survey does not exclude the possibility of archaeology being present, especially artefacts and discrete prehistoric activity, and it is recommended that a further programme of archaeological work is carried out to confirm the presence or absence of any archaeology.'*

Historic England has made no comment in respect of this application other than to consult with the County Archaeologist and Conservation Officer. East Sussex County Council Archaeologist also has no objection to the scheme subject to conditions regarding a programme of archaeological works. As such the application is considered acceptable in this respect and in accordance with the relevant policies in the local plan.

#### f)Contamination

No contamination identified on the site, no objection from Environmental Health.

#### g)Land Stability

The application is supported by an initial Geoenvironmental assessment produced by an engineering company to look at the issue of land stability. The report is not in depth and is based on information provided by geological mapping on the British Geological Survey website. The statement concludes that an engineering solution could be achieved to ensure ground stability. Given the advice is provided by the relevant professional some weight should be afforded to it. However, the report is not in depth and appears to be a desk top assessment. In light of possible drainage issues on site, it is considered that had the application been acceptable in other respects, further information would have been required to investigate the impact of land stability arising from the site specific drainage issues and in this particular instance such information would have been deemed necessary prior to the issue of consent to be satisfied that development as proposed was possible.

#### h)Ecology

The application is supported by an Ecological Assessment (March 2016), Badger Survey (March 2016) Reptile Survey and Mitigation Survey (August 2016) all by David Archer Associates. The report is a desk based study and notes the site has been recently disturbed and states,

*'The site lies approximately 100m from European and nationally designated sites; Hastings Cliffs Special Area of Conservation, Hastings Cliffs to Pett Beach Site of Special Scientific Interest and Hastings Country Park Local Nature Reserve. Important ecological features identified on, adjacent or near to the site are statutory designated sites, scrub habitat and badger. There is potential for other important ecological features on, adjacent or near to the site including reptiles, dormouse, nesting birds and small mammals.'*

The report recommends a badger survey is carried out and further consideration in respect of dormice may be required. *Protection Measures* such as method statement is

recommended and *Biodiversity Enhancements* once details of the proposal are known, biodiversity enhancement features should be incorporated.

The report also noted that the time of year at which the survey was carried out was suboptimal for identifying botanical species of note. As such, *'the survey is not able to record plants or animals that may appear on the site at other times of the year and were therefore not evident at the time of the survey.'*

It is noted that the report's assessment of the suitability of habitat for dormice being limited could be affected by the site's recent clearance and as recommended by the report, further assessment in this respect could be needed.

The Environment and Natural Resources Manager has objected to this application noting that the submitted ecology information is insufficient in detailing the implications on protected species such as slow worms and common lizards from any development. Further there is no evidence the layout has been informed by the constraints imposed by protected species. The application is contrary to policies HN8, HN10 and EN3 of the Hastings Local Plan.

#### i) Highway Safety/Parking

The proposed development shows 18 car parking spaces to serve the 9 dwellings which would equate to two parking spaces per dwelling. The parking spaces would be located directly adjacent and at right angles to Barley Lane and as such no dedicated access road is proposed to serve the development.

The County Highways Officer has objected to the application noting that whilst development of the site for housing is acceptable in principle from a highways perspective, the proposed layout is unacceptable. This concern arises from the depth and width of the proposed parking spaces which are not sufficient to allow vehicles to enter and leave the site in a safe and convenient manner given the limited width of Barley Lane at this point. The car parking layout is therefore considered to be unacceptable. The officer also notes concern in respect of the loss of on street parking.

As the application is considered unacceptable on other grounds, amendments have not been sought to address the highway officer's concerns. It is noted however, that the additional hardstanding that would be created as a result of the suggested amendment would exacerbate concerns raised above in respect of the degree of hardstanding on site, the urban character it would bring and the inappropriate contrast it would create in respect of its more rural and greenfield context.

#### j) Housing Supply

Policy DS1 of the Hastings Planning Strategy Local Plan (2014) identifies a housing target of 3,400 houses to be provided in the plan period, 2011 to 2028. The applicant considers that the Council is not currently meeting its 5-year housing land supply requirement and as such considers that this is justification to allow the proposed development.

Paragraph 49 of the National Planning Policy Framework (NPPF) states that housing applications should be considered in the context of the presumption in favour of sustainable development. The policy states that where local planning authority cannot demonstrate a five year supply of deliverable sites planning permission should be granted unless the adverse impact significantly and demonstrably outweighs the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted (paragraph 14). As set out earlier in this report, the proposed development is considered to be unacceptable on a number of grounds which outweigh the benefits of providing additional housing. Nevertheless, the Council has demonstrated through the February 2018 monitoring report (Local Plan Monitoring Report (LPMR)) that 1,603 dwellings



are capable of being completed in the next 5 years and that this figure is meeting and indeed exceeding the Council's 5-year requirement. The 5- year supply is thereby provided.

Contrary to points made by the applicant at paragraph 3.25 of the Design & Access statement, HBC's 5-year housing land supply is not in any way linked with Rother District Council's 5-year supply. RDC's 5-year housing land position is not therefore relevant to this application.

Latest monitoring data (soon to be published in the February 2018 LPMR) indicates that the 5-year supply target will continue to be met and indeed is exceeded for the 5-year period beginning 2017/18. Completions are currently projected at 1,603 units, which is over and above the requirement of 1,248 units for the 5-year period 2018-2023.

#### k)Affordable Housing and other contributions

The application is for 9 dwellings and does not exceed the threshold set out in the National Planning Policy Framework for taking of contributions or provision of affordable housing. As such no contributions are required and the application is considered acceptable in this respect.

#### l)Sustainable Construction

No information is provided to show how the proposed development would comply with policies SC3 and SC4 which promote sustainable and green design and reduce the carbon footprint however this application is outline only and such matters would be dealt with in a reserved matters application.

#### m)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 and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

#### n)Screening of Application under Habitats Regulations 2010 - Impact of Development on Ashdown Forest Special Area Conservation ( SAC)

The proposed development is located approximately 39 km from the Ashdown Forest Special Area of Conservation (SAC), 38.5 km from the Lewes Downs SAC and 13 km from the Pevensy Levels SAC. The proposal is not directly connected with or necessary to the management of the Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and the Pevensy Levels SAC and, therefore, it is necessary to determine if the proposal has a likely significant effect on those special areas of conservation. As such an Appropriate Assessment has been undertaken to consider the impact of the proposed development. No evidence has been provided by the developer in respect of this matter. Had the application been recommended for granting permission, the applicant would have been invited to submit additional evidence. As the application is recommended for refusal this has not been progressed. The findings of the appropriate assessment are that it is not possible to conclude the development will not result in nitrogen disposition from additional vehicle movements as a result of the proposed development.

## 6. Conclusion

The application is recommended for refusal:

The proposed development is considered to be out of keeping with and harmful to the character and appearance of the area, introducing an incongruous and urban form of congested overdevelopment that does not have sufficient regard to its context. The proposed development would result in the loss of a designated private open space that positively contributes to the character and amenity of the area. The loss of this private open space and the poor design associated with the proposed development is considered to harm the character of the immediate area and the setting of the Old Town Conservation Area. The application is therefore considered to be contrary to Policies FA5 (seeks to protect manage and enhance open spaces), SC1 (criterion i), EN1 and EN7 of the Hastings Planning Strategy (2014) and policies DM1 (all criteria), DM3 (criterion d), HN1 and HN10 of the Hastings Local Plan – Development Management (2015). The development is also considered to be contrary in this respect to:

- Paragraph 58 of the NPPF which requires development to ‘add to the overall quality of the area, not just for the short term but over the lifetime of the development’, ‘create attractive and comfortable places to live’, ‘respond to local character and history, and reflect the identity of local surroundings and materials’ and ‘are visually attractive as a result of good architecture and appropriate landscaping’.
- Paragraph 64 of the NPPF which requires development of poor design to be refused
- Paragraph: 007 of NPPG which requires development to promote character in townscape and landscape. Reference ID: 26-007-20140306

The proposed layout would not allow vehicles to enter and leave the site in a safe and convenient manner. The car parking layout is therefore considered to be contrary to policies DM4 of the Hastings Local Plan – Development Management (2015).

The proposed development would result in the loss of an Oak tree subject of a Tree Preservation Order (291). The preserved Oak is prominent within the landscape and offers significant amenity value. It is at present relatively young and should be expected to continue to mature conveying amenity benefits to the local environment well into the future. The loss of this tree would harmfully affect the character of the area and is therefore considered unacceptable. The application is therefore contrary to policy EN3 of the Hastings Planning Strategy (2014).

Insufficient information has been provided in respect of drainage and land stability and the inter connection between the two to be able to assess whether the development in the manner proposed could be achieved. The application is therefore contrary to policy DM5 of the Hastings Local Plan – Development Management (2015).

Insufficient information has been submitted in order to assess whether proposed development would harmfully affect protected species. The application is therefore contrary to policies HN8 and HN10 of the Hastings Local Plan – Development Management (2015) and policy EN3 of the Hastings Planning Strategy (2014).

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

## 7. Recommendation

### Refuse for the following reasons:

1. Due to the narrow width of Barley Lane the proposed layout as submitted would not allow for sufficient room for vehicles to be able to manoeuvre in and out in and out of the parking spaces in a safe and convenient manner. The proposed layout is, therefore, considered unacceptable by East Sussex County Highways.
2. The application site lies within a wider area designated as 'Private Open Space', DMP Policy HN10, the designation affords the site protection and the proposed development would cause the erosion and harm of this open space asset. The site is a transition zone from the Hastings urban area to the countryside that includes an Area of Outstanding Natural Beauty (AONB), its loss is contrary to Policy HN10.
3. The submitted ecology information is insufficient in detailing the implications on protected species such as slow worms and common lizards from any development. Further there is no evidence the layout has been informed by the constraints imposed by protected species. The application is contrary to policies HN8, HN10 and EN3 of the Hastings Local Plan.
4. Unacceptable loss of protected oak tree (No.291), this is prominent in the landscape and provides significant amenity value.
5. The proposed development will harm the setting of the Old Town Conservation Area by introducing incongruous urban development into the existing green landscape setting of the conservation area. The development would thus be contrary to the requirements of sections 131-138 of the NPPF, which relate to the need to conserve heritage assets and their setting, and also contrary to policies EN1 and HN1 of the adopted local plans.
6. Insufficient information has been provided in respect of drainage and land stability and the inter connection between the two to be able to assess whether the development in the manner proposed could be achieved. The application is therefore contrary to policy DM5 of the Hastings Local Plan – Development Management (2015).
7. The application proposals do not consider the effect of traffic arising from the proposed development crossing the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC. A likely significant effect could not be ruled out as an appropriate assessment has not been undertaken to identify the current situation and impact arising from the development with regards to pollutants and site integrity of the SAC areas. An objection to the application has therefore been made by Wealden DC, without the required assessments the planning application cannot be supported.

8. The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

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**Officer to Contact**

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**Background Papers**

Application No: HS/OA/17/00709 including all letters and documents