

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

**Application Address:** Shop and Premises, 400 The Ridge, Hastings, TN34 2RR  
**Proposal:** Proposed demolition of existing buildings and redevelopment of site with 3no. detached 3 bed dwellings.  
**Application No:** HS/FA/17/00792

**Recommendation:** Grant Full Planning Permission

Ward: CONQUEST  
Conservation Area: No  
Listed Building: No

Applicant: Prestige Homes (South East) Ltd per Michael D Hall Building Design Services Studio A 339 London Road BEXHILL-ON-SEA, East Sussex. TN39 4AJ

#### **Public Consultation**

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	6
Petitions of Objection Received:	0
Letters of Support:	7
Petitions of Support Received:	0
Neutral comments received	2

Application Status: Not delegated - 5 or more letters of objection received

### **1. Site and Surrounding Area**

The site comprises a single and two-storey building with yard area and is used as a garden centre and for the sale of building supplies. An uncovered yard area to the rear and west of the building is used for storage associated with the sale of gardening and building related materials. The two-storey shop building has a pitched roof, the single storey extension has a flat roof and represents a significant extension to the front and east side. To the west, within the site there is an existing vehicle access onto The Ridge and to the east within the site there is an existing vehicle access from Park Wood Road. No. 400 The Ridge is situated by the corner of The Ridge and Park Wood Road (unadopted no-through road).

The site measures approximately 850sqm, some 0.085 hectares and the gross internal floor space of the existing building is approximately 152sqm. The building footprint takes up approximately 20% of the site. The site is bounded to the front and east by a low brick boundary wall with wooden fencing above. The rear and west boundaries are enclosed by high wooden fencing.

There is a wide grass road verge to the front and side of the site. A public telephone box, telegraph pole and public waste bin are situated on the grass verge to the front of the site and there is a bus stop at the front. There are double yellow no parking lines around the corner from the bus stop into Park Wood Road.

To the rear and immediately adjacent to the site is no. 1A Park Wood Road, a detached two-storey dwelling dating from the 1960s. To the west, no. 402 the Ridge has commercial use, 'A1 Quality Homecare Ltd' and beyond that are large detached two-storey dwellings set back from the road. On the opposite side of The Ridge there are large detached two-storey dwellings while Park Wood Road is characterised by detached bungalows and chalet style dwellings. The area is tree-lined and predominantly residential.

The Ridge is a busy traffic route.

### Constraints

None

SSSI Impact Risk Zone No. 21 N/A

Distance from Special Areas of Conservation: Ashdown Forest 36.5Km, Pevensey Levels 12Km and Lewes Downs 37Km.

## **2. Proposed development**

The proposed development comprises the demolition of all buildings on site and redevelopment of the site with three new detached 3no. bedroom dwellings. Each dwelling would be three storeys with the second floor within the roof space, facilitated by two small dormer windows to the front and roof lights in the rear roof slope. The dwellings would measure approximately 8.48m in height from finished ground level (to roof ridge height); 5.1m to roof eaves height; width 7.02m x depth 7.2m. Each would have rear folding glazed doors opening to rear garden curtilage. The proposed materials are slate roof, Cedral fibre-cement weatherboarding (colour white) at first floor level, face brickwork at ground floor level. Windows / joinery UPVC white and UPVC rainwater goods (colour black).

Internally the layout would be open plan dining/kitchen and living space, hallway, cloakroom and cupboard to ground floor. First floor there would be 2 bedrooms, bathroom and cupboard space. At second floor level (roof space) there would be a third bedroom with en-suite. The dwellings would have internal floor area of approximately 108sqm.

Externally all three dwellings would have a rear garden curtilage area at least 10m in length. Each would have a cycle shed and bin store and off-street parking for two cars. For two of the properties (to the west of the site) the car parking spaces would be accessed from The Ridge with turning area between the dwellings. The third property to the east of the site would have two parking spaces accessed from Park Wood Road.

The application is supported by the following documents:

Planning Design Statement including Waste Management Statement

Preliminary Bat Roost Assessment by PJC Consultancy

### **Relevant Planning History**

- HS/FA/17/00510 Proposed demolition of existing buildings and redevelopment of site with 4 terraced 3 bed houses. Withdrawn.
- HS/FA/86/00924 Erection of single storey side extension to shop. Granted 23.02.1987
- HS/FA/83/00623 Erection of storage building. Granted 09.11.1983
- HS/FA/77/00464 Formation of new vehicular access to The Ridge, Hastings. Granted 30.11.1977
- HS/FA/76/00349 Extension to front of shop and internal alterations. Granted 07.07.1976
- HS/OA/75/0211 400-403 The Ridge - Redevelopment by the erection of a mini-market, with living accommodation over. Granted 09.09.1975
- HS/OA/74/0540 400 and 402 The Ridge - Redevelopment by the erection of a supermarket with living accommodation over. Refused 21.08.1974
- HS/OA/74/0123 400 & 402 The Ridge- Redevelopment by the erection of 7 shops with living accommodation. Refused 14.02.1974
- HS/63/00434 Installation of new shop front and conversion of first floor to self-contained flat. Granted 31.05.1963
- HS/61/00594 Formation of bathroom and addition of bedroom. Granted

### **National and Local Policies**

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

Policy FA2 - Strategic Policy for Central Area

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

Policy SC2: Design and Access Statements

Policy SC3: Promoting Sustainable and Green Design

Policy SC4: Working Towards Zero Carbon Development

Policy H1: Housing Density

Policy H2: Housing Mix

Policy T3: Sustainable Transport

Policy EN3 - Nature Conservation and Improvement of Biodiversity

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

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM2 – Telecommunications Technology

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy SA3 - Shops & Services outside the shopping areas.

#### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

Supplementary Planning Document: Parking Provision in New Developments

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

### 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. Paragraph 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.

### **3. Consultations comments**

#### Forward Planning Policy Team - **No Objection**

The Policy Team has commented that Policy SA3 in the Hastings Development Management Plan resists any change of use or redevelopment that would result in the loss of a local shop or service outside the defined commercial areas. In their view the current operation has a much wider catchment area and is not considered to be providing the retail function of policy SA3 that specifically addresses shops catering to immediate local needs. Therefore subject to compliance with other policies in the Plan, The Policy Team have no objection to the proposed development.

ESCC Communities, Economy & Transport Directorate – **No objection**. The response from the Directorate is that the Parkwood Road access is considered to be an ‘unadopted public highway’ – a way over which the public have full rights of access but is not maintainable at the public expense. The responsibility for maintenance lies with the owner of the road or the frontagers. They comment that this status may be open to challenge (information (no.8) added regarding responsibility for maintenance).

Highways (within the ESCC Communities, Economy & Transport Directorate) – **No objection** subject to planning conditions regarding pedestrian visibility splays (condition no.12) , details of vehicle access (condition no. 5) ,surface water drainage (condition no. 11) and a construction management plan (condition no. 8) and an informative as regards Highways planned bus stop works (informative no.7).

ESCC Sustainable Urban Drainage Authority (SUDs) – **No objection** subject to condition no.3 regarding surface water run-off

Southern Water (SW) Comments – **No Objection**. Informative no.4 added noting requirement for connections to public foul and surface water sewers

#### Natural England (NE) - **No Comment**

"Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice. Natural England

and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>."

HBC Environment and Natural Resources – **No Objection** subject to condition no.13

British Telecoms – **No comment received**

Waste Management - **No comment received**

#### **4. Representations**

15 representations have been received from 12 different properties. Of the 15 letters of representation, 6 letters of objection have been received raising the following concerns:

- Loss of / scarcity of small retail outlets
- Highways access – Park Wood Road is an unadopted and private road and it is uncertain that there is permission or legal right for the current access from Park Wood Road or for users of the proposed development to access or egress Park Wood Road – The Council nor the applicant have the right to grant access to future owner of a dwelling on the Ridge to use Park Wood Road. It is essential that access and egress at this development for all three dwellings is from The Ridge.
- Highways safety – visibility site lines for access and egress onto The Ridge.
- Impact of additional traffic on The Ridge (congestion).
- Parking – there must be no parking on Park Wood Road by residents of The Ridge or their visitors.
- Developer must ensure that grass verge and tree stump on Park Wood Road are kept tidy.
- The development would obstruct the entrance to Park Wood Road.
- Lack of provision of contribution to Park Wood Road maintenance or making good any damage caused by construction vehicles.
- Environmental Impact on St Helens Woods.
- Building of dwellings is welcome but it is unfortunate that the proposed dwellings will not be for social or affordable housing.
- The scale of the proposed dwellings (three storey houses) will not be in-keeping with the single storey character of the area (bungalows).

One of the letters of objection has been received from Wealden District Council and raises the following concerns:

- It is unproven, at this stage that in combination impacts on the Ashdown Forest Special Area of Conservation (SAC), Lewes Downs SAC and Pevensey Levels SAC will not arise from the development proposal. It is not possible to grant planning permission and WDC formally objects to this planning application.

Of the 15 letters of representation, 7 letters of support have been received supporting the following:

- Development will complement and enhance the area - Improvement to area compared to current run-down shop;
- Lovely development, good quality, prestige development new homes an asset to area;
- Improve residential amenity - currently lorries arrive early morning (6.30am) and cause traffic noise nuisance to local residents plus the shop has traffic coming and going all day. This will be an improvement.
- The site in its current run-down state causes dust nuisance to local residents from storage of loose aggregates.

Of the 15 letters of representation, 2 letters of general comment have been received regarding maintenance contributions towards maintenance of Park Wood (unadopted) Road.as follows:

- Park Wood Road is unadopted and the residents pay an annual subscription to maintain the road in a satisfactory condition. It is therefore essential that any purchaser of the Plot 3 dwelling is aware of this responsibility to the Park Wood Road Residents' Association, even though the address of the proposed property will be The Ridge. Funds for maintenance of Park Wood Road are raised by a yearly contribution from residents and various other activities. I notice on the plan of the new proposed development that plot 3 shows parking facilities accessible only from Park Wood Road and I would suggest that this would encourage not only further traffic to Park Wood Road, but parking of any visitors to the new residents would further increase congestion. Furthermore and in my view, once the site is ready for development, numerous heavy delivery lorries (bricks, timber, sand, ballast etc) would no doubt be directed into Park Wood road for unloading purposes. It must be made very clear to developers that any vehicular entry to the site should be from The Ridge only. The same must apply to all onsite contractors.

## **5. Determining Issues**

The main issues in determining this application are the impact on highways safety, access and parking; impact on neighbouring residential amenity; loss of existing shop use; design - quality of residential development; ecology - any loss of habitat / harm to protected species; impact on Special Areas of Conservation (SAC). These issues are discussed below.

### 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 sustainable location with reasonable access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies. Sainsbury's supermarket is approximately 1.3 miles distant, the Conquest Hospital

is nearby and there is a bus stop to the front of the site with regular bus service. The proposal will add three new family dwellings to Hastings Housing stock and the Local Plan (Planning Strategy, chapter 8 paragraph 8.7) states that the Council wishes to encourage in particular the development of larger homes (3 or more bedrooms) in suburban areas given the bias in the housing stock towards smaller dwellings and flats.

#### b) Impact on Character and appearance of area

Policy DM1 of Hastings Development Management Plan sets out the Council's design principles including that all proposals must reach a good standard of design and take into account protecting and enhancing local character. In this case the proposal will improve the visual appearance of the site by replacing the existing relatively run-down shop and building materials yard with new residential development with garden curtilage that will enhance the local residential character. The layout and siting of the buildings will make efficient use of the land while providing each new dwelling with suitable external amenity space and appropriate off-street parking. There has been objection received that the proposal will not be in-keeping with the single storey character of the bungalows along Park Wood Road, but in this case the new dwellings would front The Ridge which is characterised by larger two-storey detached dwellings and the existing neighbouring dwelling situated immediately to the rear of the site on Park Wood Road is a two-storey dwelling. The scale and form of the proposed dwellings is considered to be appropriate in this location by respecting the detached layout of the area and the orientation of street frontages with all three new dwellings facing forward onto The Ridge. The proposed traditional style of the new dwellings and proposed materials show a good appreciation of the surrounding historic context. It is noted that there is local support that the new homes would be an asset to area. The proposal is considered to comply with policy DM1 and the dwellings are considered to add appropriately to a balanced housing mix in compliance with policy H2 of Hastings Planning Strategy.

#### c) Layout

The proposed site layout as shown on drawing No. 4509.2B is acceptable. It shows each new dwelling would meet the national space standards for 3 bedroom dwellings over 3 storeys (layout details provided above at paragraph 2) and each dwelling would have adequate private external amenity space as required by policy DM3 of Hastings Development Management Plan which expects to see the provision of private garden space (normally at the rear), of at least 10 metres in length. There would be on site turning for vehicles for the two dwellings that would have access from The Ridge to ensure that cars would not need to reverse out of the site. The third dwelling would have car parking accessed from Park Wood Road and all the car parking spaces would meet ESCC guidance for size of car parking spaces. The new dwellings would follow the existing building line for properties facing onto The Ridge respecting the street pattern.

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and the means of its removal. The submitted plans show bin stores for the two dwellings that front onto The Ridge situated by the shared vehicle turning area. For the third dwelling, a bin store is shown adjacent to the car parking spaces on Parkwood Road and this is considered a suitable storage arrangement. Waste Management have been consulted and comment that the bins are collected from along The Ridge and Park Wood Road and that bins should be presented by the property access to the road on collection days and this would be an informative (informative No.10)

The proposed layout for the site is considered acceptable.

#### d) Loss of existing use

Policy SA3 of Hastings Development Management Plan permits redevelopment that would result in loss of a local shop or service outside the defined commercial areas when there is an alternative within reasonable walking distance or it is demonstrated that the existing use is no longer viable. Policy SA3 is intended for shops and services that generally have a small catchment area and whose customers and visitors are less likely to arrive by car and neither of these criteria apply in this case. In this case the shop is a gardening and building supplies business and therefore does not cater for customers less likely to arrive by car or necessarily has a small catchment area.

There has been objection received regarding the loss of the existing shop and general scarcity of small retail outlets, however the site is not within an allocated local shopping area in the Local Plan and the submitted Planning Design Statement explains that the existing family-run shop business has been overtaken by business developments in the retail industry and the current business use of the site has little prospect of being continued upon the retirement of the current proprietors. They point out that retail gardening and building supplies business is now better served by larger national chains within the local area and increasingly by online retailers.

While there are no local shops within reasonable walking distance of the site, the policy team have commented that Policy SA3 in the Hastings Development Management Plan resists any change of use or redevelopment that would result in the loss of a local shop or service outside the defined commercial areas. In their view the current operation has a much wider catchment area and is not considered to be providing the retail function of policy SA3 that specifically addresses shops catering to immediate local needs. Therefore, subject to compliance with other policies in the Plan, the Policy Team have no objection to the proposed development.

The loss of the existing gardening and building supplies shop in this case is considered to be acceptable.

#### e) Impact on Neighbouring Residential Amenities

Policy DM3 of Hastings Development Management Plan requires new development to avoid any adverse impact on the amenity of neighbouring properties. There has been support for this development that the proposed new houses will add to residential amenity compared to the existing shop use of the site that reportedly gives rise to dust nuisance to neighbouring residents from the storage of loose aggregates and the noise nuisance from traffic delivering to the shop and customers visiting the shop.

The proposed dwellings are considered to be appropriate to the residential character and amenity of the area. The new dwellings will cause no unacceptable over-looking or over-shadowing to neighbouring dwellings. The small first floor window proposed in the new dwellings north-west (side) elevation serve a stair landing rather than a main habitable room and therefore cause no unacceptable overlooking to neighbouring property.

The rear elevation of the proposed new dwellings will be situated only 11.8m and 13.5m from the side elevation of neighbouring dwelling No.1A Park Wood Road which dwelling has windows at ground floor level and a window at first floor level, however the proposed windows at first floor level in the new dwellings will be further away from No.1A than the first floor windows of the existing building (that is to be demolished) and thereby are considered acceptable in this case. It is considered that the amenity of the neighbouring property No.1A will be improved by being situated next to residential rear garden curtilage, whereas as existing it is adjacent to the building material storage yard and access. The proposal is considered to enhance the amenity of neighbouring properties.

#### f) Highway Safety/Parking

Policy DM4 of Hastings Development Management Plan addresses general access and parking standards for new development and requires safe access into and within development for all users. ESCC Highways Authority has been consulted and while initially they had some concerns their further received comments are that the plans have been revised with the number of units reduced and on site turning provided and so the majority of issues they highlighted have been addressed and they raise no objection to the proposal subject to recommended planning conditions (condition nos 5, 6, 7 and 9).

ESCC note that the position of the telephone box on plan No.4509.2A obstructs pedestrian visibility and in order to maintain pedestrian, vehicular inter-visibility and make the position of the new access acceptable an amended plan would need to be secured showing a 2m visibility splay can be achieved either side of the access. This would be a condition of any planning approval (condition 12).

ESCC have no objection to the car parking provision proposed (6 spaces in total (2 per dwelling)) but recommend that the applicant contact ESCC Highways Authority before implementing any planning permission as regards planned bus stop works to ensure that works will not conflict with pedestrian access. This would be an informative (informative no.7).

Other planning conditions have been recommended to ensure there would not be run-off from surface water onto the road and for the submission of a construction management plan to ensure highway safety throughout the development phase (conditions 8 and 11).

The access to the site and proposed parking layout are considered acceptable subject to the conditions recommended by ESCC.

There have been objections received and general comments submitted regarding the use and maintenance of the unadopted highway Park Wood Road; that it is uncertain that there is permission or legal right for the current access from Park Wood Road or for users of the proposed development to access or egress Park Wood Road. However, it is noted that the existing shop business has been operating from the site for many years with vehicle access from Park Wood Road. For this proposal, only one of the proposed new dwellings would have car parking spaces adjacent to Park Wood Road and this is considered to reduce traffic for this site using the unadopted road. The existing access arrangements from Park Wood Road are open to traffic entering the shop and building materials yard site, whereas the proposal will have only two off-street car parking spaces situated immediately adjacent to Park Wood Road at the location of the existing access.

ESCC Communities, Economy & Transport Department were consulted on this issue and their received comment is that Park Wood Road is an 'unadopted public highway' – a way over which the public have full rights of access but is not maintainable at the public expense. The responsibility for maintenance lies with the owner of the road or the frontagers. ESCC advise that this status may be open to challenge but it is considered that the existing access

arrangement from Park Wood Road which is where the car parking spaces would be situated is acceptable in planning terms and that the proposed development will be a reduction on the current vehicle use of Park Wood Road thereby reducing local concern over road maintenance. An informative would be attached to any planning decision advising of ESCC Communities, Economy & Transport Department comments and that it is the responsibility of the developer to ensure that the new dwelling has lawful access from Park Wood Road (informative no.8).

The two other new dwellings would have vehicle access and off-street parking only from The Ridge.

A local resident has raised concern at cumulative traffic congestion along The Ridge from new developments, but the proposal dwellinghouse use will mean there will no longer be customer and delivery traffic to this site and thereby help to reduce traffic congestion. The gross floor area for the shop alone is some 165sqm which is estimated to generate parking demand for 6 car parking spaces plus provision for usable space for loading and unloading. The 3 proposed new dwellings between them will have car parking for only 6 spaces (2 spaces per dwelling). Existing customer visits to the shop are likely to be taking place throughout the day plus there are delivery vehicles to the site. The proposal is therefore not considered to add to traffic levels or congestion along The Ridge but rather to result in a reduction compared to the existing vehicle use of the site.

The proposal is considered to be acceptable as regards parking, access and highway safety.

#### g) Ecology

The proposal includes the demolition of the existing buildings on site and the applicant has submitted a Preliminary Bat Roost Assessment by PJC Consultancy. Bats are a protected species. The ecology assessment found no evidence of bats on the site, however the report states that a full internal inspection of the existing buildings roof space was not possible, therefore, further surveys will be required to ascertain the presence or likely absence of bats utilising the building(s). PJC Consultancy recommended further surveys consisting of one dusk emergence survey and one dawn re-entry survey to be conducted by two ecologists during the bat active season of May-August inclusive. Given this report a further survey would be a condition attached to any planning approval decision to ensure that no bats or their habitats would be harmed (condition 13). No other protected species or habitats are considered likely to be present on this site as the site as existing is a fully utilised hardstanding area with no trees or hedgerows and thus is not considered to provide likely habitat for wildlife.

For consideration of possible impact on the Ashdown Forest SAC see (i) below.

#### h) 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.

i) Consideration of possible impact on Special Areas of Conservation SACs:

Wealden District Council have raised objections in respect of this planning application in that the additional vehicle movements created by the proposed development would harm the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. Specifically concern is raised that additional vehicle movements could give rise to use of acid deposition and eutrophication by nitrogen deposition that would directly affect the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. The objection also refers to Pevensey Levels and Lewes Downs. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensey Levels or Lewes Downs SACs and, therefore, it is necessary to determine if the proposal has a likely significant effect on the conservation objective or special integrity of the SACs. As such an Appropriate Assessment has been undertaken and in this case it is determined that the proposal will not have a likely significant effect based on the following:

The Pevensey Levels Special Area of Conservation is located 12km from the site and is designated for its population of Ramshorn Snail (*Anisus vorticulus*). Provided the water is unpolluted and has a fairly diverse flora (without much emergent vegetation e.g. reeds) this species doesn't have very precise habitat structure or botanical requirements.

While eutrophication (excessive vegetation growth from nutrient enrichment) is a risk, the ditches of the Pevensey Levels (like most freshwater bodies) are understood to be 'phosphate-limited', meaning that phosphate is the most important nutrient to control. Phosphate does not derive from atmosphere but does come in large volumes from agricultural runoff and treated sewage effluent. Provided phosphate levels can be controlled then nitrogen inputs (even through the water column) are unlikely to have a material effect on plant growth/habitat structure in the ditches. This is why, in most freshwater Special Areas of Conservation, the attention is focussed on controlling phosphate inputs rather than nitrogen inputs.

In any case, since there are no applicable critical loads or NO<sub>x</sub> critical levels for the interest features of this SAC there are no appropriate reference levels/damage thresholds for any impact assessment. It is also noted that the Site Improvement Plan produced by Natural England does not mention air quality as a concern.

Lewes Downs SAC and Ashdown Forest SAC are located 37Km and 36.5Km from the site respectively. The site is so far removed from these SACs that it is not considered a proportionate approach to prevent development that would give rise to no additional traffic. There is no clear evidence to show that traffic movement associated with this proposal in Hastings Borough would result in an increase in traffic movement on roads nearby these SACs, including the A26 and A22, above expected variance to the Annual Average Daily Traffic Movement (AADT). The Ashdown Forest Visitor Survey 2016 produced by Footprint Ecology shows that both in 2008 and 2016 there were no visitors to Ashdown Forest recorded as coming from Hastings. Whilst it is reasonable to assume that that data may change slightly on different survey days, the variance arising could not reasonably be assumed to be above the expected variance levels of the AADT.

In addition it is noted that while each of the 3 new dwellings would have parking spaces for 2 cars, this, as discussed above under (f) Highway Safety & Parking it is not considered to increase the existing parking levels required for shop use. ESCC Guidance for parking at non-residential development provides that parking for garden centres up to 5,000sqm overall display area inside and out is 1 space per 25sqm plus provision of usable space for loading and unloading. The application form gives the shops net tradeable area as 152sqm (6 car parking spaces) and there is in addition the external yard where building supplies are displayed. There would be no increase in the number of parking spaces required and it is considered that the proposed three dwellings would rather reduce parking demand when taking the outside display area and the loading space into account. In addition visitor numbers to the site compared to the existing garden centre and building supplies shop use for customers are likely to be fewer thereby reducing traffic journeys to and from the site.

It is considered that the proposal is likely to reduce the traffic emissions considered to be impacting on the Ashdown Forest in respect of nitrogen disposition rather than add to them. The development is considered to contribute to an overall net loss of traffic movement compared to the existing traffic level generated by the shop use of the site.

Natural England (NE) was consulted following receipt of representation of objection from Wealden District Council regarding whether the proposed development would have a significant adverse effect on Special Areas of Conservation (SACs) and their response was that they have no comment to make on this application.

Hastings Borough Council ecology officer has commented in respect of this issue that, 'There is no clear evidence to show that increased traffic movement in the borough as a result of this development would result in an increase in traffic movements on roads nearby the designated sites and therefore present an adverse impact on the special features of the designated sites.'

For the reasons noted it is considered that the proposed development would not harm the special integrity of the Ashdown Forest, Pevensey Levels and Lewes Downs Special Areas of Conservation and their conservation objectives. Finally, without prejudice to the above assessment and conclusion, it is noted that Wealden District Council precautionary approach is not proportionate in that they have raised a blanket objection to developments giving rise to additional traffic movements without considering how mitigation could allow development to come forward.

The appropriate assessment concludes that the development is not likely to have a significant impact on the Ashdown Forest, Lewes Downs or Pevensey Levels SACs in respect of nitrogen disposition as a result of this application, in combination with other relevant development, as it will result in an overall reduction in vehicle movement arising from the proposed dwelling use of the site.

#### j) Sustainable Construction

Policies SC1 - SC3 of Hastings Planning Strategy provide the overall strategy for managing change in a sustainable way. The submitted Planning Design Statement (PDS) shows that the new dwellings will be designed to have an improved energy efficiency compared to that required under the current 2013 Building Regulations, this will be achieved by improving the thermal efficiency of the walls, windows, and roof as far as is practically possible. The proposed climate change mitigation and adaptation measures proposed in the PDS are considered to support the move to low carbon economy.

The PDS also provides details of proposed waste management including pre-demolition audit to classify reclaimable and recyclable materials that should form the basis of a more

detailed waste management strategy and a more detailed waste management strategy would be a condition of any decision to approve. The new building structures are to be designed to minimise waste in construction.

Policy SC1 requires new development to make provision for fibre-based broadband infrastructure and this would be a condition of any planning approval.

The development is considered to propose the incorporation of necessary mitigation and adaptation measures with regard to climate change.

#### k) Sustainable Urban Drainage SUDs

Foul water drainage will be to the main sewer subject to the relevant statutory authority approval. Southern Water has been consulted and they raise no objection to this proposal. They require a formal application for the connections to separate public foul and surface water sewers to be made by the applicant or developer.

Surface water drainage – the existing site has a total impermeable area of approximately 850m<sup>2</sup> (ie 100% site area). The proposed site development would result in a reduction of site impermeable area to 423m<sup>2</sup>. Surface water drainage for the proposed development would either be to the main sewer, if existing discharge from the site can be established and subject to the relevant statutory authority approvals, or to soakaways and on-site attenuation subject to ground conditions. ESCC SUDs Authority has been consulted and has commented that they have no objection to the proposal. They request planning conditions be attached to any approval decision to ensure surface water run-off from the development is managed safely. Southern Water has no objection to the proposal but request that an informative be attached for formal application for the connections to separate public foul and surface water sewers to be made by the applicant or developer.

## **6. Conclusion**

The proposal will provide three new family dwellings in a sustainable location that will make efficient land use of the site and add positively to Hastings housing mix and stock of larger family dwellings. The design of the new dwellings will enhance the appearance of the residential area and respect the historic street pattern. The proposal is considered to improve the residential amenity of neighbouring dwellings. The proposal will reduce vehicle movement and traffic visiting the site and so help to reduce traffic congestion along The Ridge and the reduction in overall traffic use signifies no significant increased impact to vehicle emissions affecting the Ashdown Forest Special Areas of Conservation SAC. The location of vehicle entry points to the site will change little from the existing position of openings and planning conditions would ensure improved visibility splays. The proposal is recommended for approval subject to planning conditions.

## **7. Recommendation**

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
4509.1A, 4509.2E
3.
  - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
  - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings hereby approved shall occur until those works have been completed.
  - (iii) No occupation of any of the dwellings hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity has been made available to adequately service the development.
  - (iv) Construction evidence (including photographs) must be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
4. Notwithstanding any indication of materials that may have been given in the application, no development above slab level shall take place on site until samples including manufacturers details of all the materials to be used for external facing and roofing for the development hereby approved have been submitted to or provided on site, and approved in writing by the Local Planning Authority. The development works shall be carried out in accordance with the approved details.
5. No development shall be occupied until the vehicular access serving the development has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
6. No part of the development shall be occupied until such time as the existing vehicular access onto The Ridge has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
7. The site access shall have maximum gradients of 2.5% (1 in 40) for the whole width of the footway and continuing for 5m into the site and 11% (1 in 9) thereafter.

8. No development including the demolition of the existing unit shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
- the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and egress and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.
9. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
10. No part of the development shall be occupied until cycle parking storage spaces have been provided in accordance with the approved details. The cycle storage shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
11. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.
12. No part of the development shall be first occupied until pedestrian visibility splays of 2 metres by 2 metres have been provided either side of the proposed site vehicular access onto The Ridge in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm.
13. Prior to commencement of development a further bat survey as recommended by the PJC Consultancy's Preliminary Bat Roost Assessment must be undertaken. Where the further ecological survey identifies the presence of roosting bats, no activities that could result in disturbance (such as demolition, roof stripping, excavations or building works or associated

operations) shall be carried out between the dates of 1st May and 1st August in any year. Any works undertaken during the specified periods should only be carried out under the direction of a licensed bat ecologist to ensure that an offence is not committed.

14. Details of the measures to be undertaken to minimise and manage waste generated by the construction and demolition works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall only be carried out in accordance with the approved details.
15. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
16. No development above ground shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
17. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include means of enclosure / boundary treatment and hard surfacing materials to be compatible with approved drainage details for the site.
18. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

#### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure adequate provision for drainage and to mitigate flood risk to neighbouring land and properties. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.
4. In the interests of the visual amenity of the area.

5. In the interests of highway safety.
6. In the interests of highway safety
7. In the interests of highway safety.
8. In the interests of highway safety and the amenities of the area.
9. To provide car-parking space for the development.
10. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
11. In the interests of highway safety.
12. In the interests of highway safety.
13. In the interests of safeguarding protected species.
14. To minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
15. To ensure the development complies with policy SC1 part (f) of the Hastings Local Plan: The Hastings Planning Strategy 2011-2028.
16. In the interests of the visual amenity and sustainable development.
17. To safeguard residential amenity and help to prevent flood risk.
18. To safeguard the amenity of adjoining residents.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. ESCC Sustainable Urban Drainage Authority request and advise that prior to construction of the proposed development:
  - a suitable ground investigation is undertaken to establish the infiltration rates and the depth of groundwater at the site. Any soakage testing should be undertaken to the BRE365 methodology. These should be used to confirm the design of the proposed surface water drainage network.
  - if connection to adjacent surface water public sewer is proposed, evidence that Southern Water have agreed to the principle of connection to the public sewer should be submitted to the Local Planning Authority.

A maintenance and management plan for the entire drainage system should be submitted to the Local Planning Authority as part of the pre-commencement drainage scheme details for the site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and include evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided.

4. Southern Water inform that "A formal application for connection to the public foul sewerage and surface water system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

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

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

Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

5. Southern Gas Network (SGN) should be contacted direct for information on gas pipes that may possibly be crossing the site. Please contact SGN - Plant Location Team telephone: 0800 912 1722.

Up-to date SGN plans and information booklet "General safety measures to avoid injury and damage to gas plant" are available from SG web-site [www.sgn.co.uk](http://www.sgn.co.uk) or email: [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk). Please note that privately owned gas pipes or ones owned by or other GTs may be present in this area and information regarding those pipes needs to be requested from the owners.

<https://www.linesearchbeforeudig.co.uk/> is recommended as a helpful web facility for carrying out a line search.

Please note that it is the responsibility of the owner / developer to identify the presence of any underground/aboveground assets in and around your proposed site.

6. The applicant will be required to enter into a Licence with East Sussex Highways, for the provision of a new vehicular access and the stopping up of the existing access. The applicant is requested to contact East Sussex County Council on 01273 482254 to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

7. The applicant should liaise with East Sussex Highways on 0345 60 80 193 before implementation of any planning permission to ensure the bus stop works and pedestrian access to the site do not conflict.
8. ESCC Communities, Economy & Transport Department inform that Park Wood Road is an 'unadopted public highway' – a way over which the public have full rights of access but is not maintainable at the public expense. The responsibility for maintenance lies with the owner of the road or the frontagers. ESCC advise that this status may be open to challenge. It is the responsibility of the developer to ensure that the new dwelling has lawful access from Park Wood Road.
9. Your attention is drawn to the requirements of the Party Wall etc. Act 1996. This planning permission does not convey the right for the development to encroach over, under or on land which is not within your ownership without the consent of the landowner.
10. This site has a weekly waste and recycling collection. The collections are taken from the kerbside and so occupants will need to present their bins at a bin collection point by the entrance to the site on collection days. Further details can be found at: [https://www.hastings.gov.uk/waste\\_recycling/](https://www.hastings.gov.uk/waste_recycling/)

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### **Officer to Contact**

Ms N Ranson, Telephone 01424 783253

### **Background Papers**

Application No: HS/FA/17/00792 including all letters and documents