

Report to: PLANNING COMMITTEE
Date of Meeting: 23 May 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: 12 Beaufort Road & Land Rear of 4-20 Beaufort Road, St Leonards-on-sea, TN37 6QA
Proposal: Outline application with all matters reserved for 3 x 3 bedroom detached and 3 x 4 bedroom detached dwellings with associated parking.
Application No: HS/OA/17/00558

Recommendation: REFUSE

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

Applicant: Mr Dunford per D R & J M Bailey Crossways The Roundel St Leonards onSea, East Sussex. TN37 7HD

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - General Interest
Letters of Objection: 24
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 an inverted T shape with access located between No.s 10-14 Beaufort Road. The site widens and spans the land behind Nos. 4-20 Beaufort Road, which has historically been used as allotments, albeit not formally allocated as such within the Local Plan. The site slopes down towards and encroaches into an area of protected woodland (TPO109 W1) with Alexandra Park (Grade II*) and the Shornden Reservoir beyond. The site is currently overgrown and appears not to have been maintained for some time. Within the site are derelict outbuildings and the remnants of the demolished dwelling, No. 12 Beaufort Road.

The application site dimensions are as follows:

0.3 hectares in size
97.6 metres in width
29.8 metres in depth
75 metres from the access on Beaufort Road to the rear boundary of the site

The surrounding area contains a mix of residential dwellings and industrial units including a bus depot on Beaufort Road and York Road Business Centre. The site is within walking distance of the Silverhill shopping area with good connections to the wider area.

Constraints

SSSI Impact Risk Zone
Tree Preservation Order - TPO109 - W1
Close Proximity to Grade II* Listed Park.

2. Proposed development

This application seeks outline permission for 6 detached dwellings, with all matters reserved. Reserved matters relating to the appearance, access, layout, scale and landscaping of the proposed scheme are to be submitted as part of a subsequent application, however, some indicative plans have been submitted as part of this application.

The indicative plans show the following units:

Style A Dwelling: 3 bedrooms, 2 storey - 100.5m² (Plots 1-3)

Ground floor
Living/dining room
Kitchen
WC

First Floor - 50.25m²
Bedroom 1 - 13m²
Bedroom 2 - 12m²
Bedroom 3 - 7.5m²
Bathroom

Style B Dwelling: 4 bedrooms, 2 storey - 119m² (Plots 4-6)

Ground floor
Kitchen
Living room
Bedroom - 15.8m²
Wc
Garage

First Floor
Bedroom 1 - 11.25m²
Bedroom 2 - 13m²
Bedroom 3 - 16.25m²
Bathroom

Parking

7 spaces located parallel to the entrance road

3 spaces end on to the entrance road

1 space at the front of each of the Plots 1-3

2 spaces to the front of each of the Plots 4-6

The application is supported by the following documents:

- Ecology appraisal from Wildthing Wildlife Consultants (November 2014 - Updated 2017)
- Soakaway Calculation

Relevant Planning History

HS/OA/73/00890 Erection of a seven storey block of 78 units (38 single bedroom flats and 40 maisonette) with vehicular access
Refused 23.07.1973

HS/OA/74/00815 Use of land for residential development and open space
Granted 14.01.1975

HS/OA/77/00306 Part residential development (2 and 3 storey building)
Withdrawn 31.12.1977

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 EN3 - Nature Conservation and Improvement of Biodiversity (Woodland)

Hastings Local Plan - Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN8 - Biodiversity and Green Space (Woodland)

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 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 109 requires the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Paragraph 113 requires local planning authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by ensuring that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

National Planning Policy Guidance (NPPG)

Planning should promote local character (including landscape setting) - Paragraph: 007
Reference ID: 26-007-20140306

Considering layout - Paragraph: 024 Reference ID: 26-024-20140306

Considering form - Paragraph: 025 Reference ID: 26-025-20140306

Considering scale - Paragraph: 026 Reference ID: 26-026-20140306

Housing design issues - Paragraph: 040 Reference ID: 26-040-20140306

Other Guidance

Urban design lessons: Housing layout and neighbourhood quality - 2014

DCLG - Technical Housing Standards - Nationally Described Space Standards (March 2015)

Government Circulars

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

British Standards

BS42020 Biodiversity - code of Practice for Planning and Development explains that where European Protected Species are affected, planning conditions are only used to secure method statement and/or controls and restrictions in situations where protected species are present and where it can be demonstrated that the construction can proceed without an offence being committed.

3. Consultations comments

Sussex Gardens Trust - **Objection**

Refuse and Waste - **No objection**, subject to conditions

Highways - **No objection**, subject to conditions

ESCC Flood Risk Management - **No objection**, subject to conditions

Southern Water - **No objection**, subject to conditions

Borough Arboriculturalist - **Insufficient information to assess the proposal**

Environment and Natural Resources manager - **Insufficient information to assess the proposal**

Hastings & Rother Disability Forum - **No comment received**

Historic England - **Referred to standing advice**

4. Representations

In respect of this application site notices were displayed and an advert placed in the local paper. In response to this 23 letters were received from 22 properties. The concerns within these letters include:

- Impact on the existing levels of parking
- Impact on wildlife/ecology
- Impact on Alexandra Park
- Impact on visual amenity
- Development not being in keeping
- Impact on infrastructure
- Impact in terms of traffic volume
- Reduction in visibility
- Overcrowding on site
- Increase in pollution (noise, light and air)
- Impact on drainage and sewerage
- Conflict with local policy
- Loss of security

A petition in opposition to the proposal has also been received with 302 signatures. The concerns raised within the petition include:

- Effects on landscape
- The development not being in keeping
- Loss of wildlife and biodiversity
- Impact on the highway

- Impact on Infrastructure

An objection has also been received from Wealden District Council in respect of this application. This is discussed further below. Lastly a letter of objection to the proposal has been received from Councillor Fitzgerald

Councillor Scott has declared a prejudicial interest in the scheme.

5. Determining Issues

a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan - Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

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

b) Layout and Design

The applicant has indicated that the appearance, access, layout, scale and landscaping of the development are reserved matters for consideration as part of a future application. The plan submitted are therefore indicative, however, they do show suggestive detailing which has been assessed as follows:

The dwelling at Plot 1 is shown to be located 1.5 metres from the rear boundary of Nos. 14-16 Beaufort Road. Whilst it is acknowledged the proposed plans are indicative, there are concerns that due to the proximity of proposed dwelling to the side boundary treatment, which would be likely to be 2m in height, the development would appear congested and cramped. There appears to be little room within the indicative layout to address this without creating, or exacerbating, similar problems elsewhere.

Similarly, the positioning of Plot 3, partially within the protected woodland and Plot 4, located on the woodland boundary, are considered unacceptable due to the potential impact on the root system of these protected trees. The proximity of these dwellings to the protected woodland also has the potential to result in pressure for works to these trees to be carried out by future residents, further impacting upon the woodland. This is discussed in more detail below in paragraph (h).

The access road is shown to lead from Beaufort Road south towards the rear boundary of the site with the woodland. At the furthest point of the site it is proposed to provide a turning head. Either side of the access, that runs between No. 10 and 14, it is proposed to provide

parking bays, both parallel and end-on to the road. Adjacent to the boundary with No.14 it is proposed to provide a pedestrian access. Some soft landscaping is shown on the indicative plan, however, minimal details have been provided in terms of the level of landscaping proposed.

Designing out crime is an important factor and should be taken in to consideration as part of an application to ensure proposed dwellings and their boundaries are secure. Having reviewed the indicative layout, it is considered that the development has not shown full consideration of this, due to the distance between the proposed dwelling and their parking spaces. The current parking layout fails to follow the 'Guidance for Parking at New Residential Development' produced by Transport Development Control in October 2017 which states that, car parking also needs to be designed with security in mind. Therefore, parking for each dwelling is often best located on plot, preferably at the front or side of the dwelling where it can be overlooked by the owner. Parking provided off plot should be provided as close as is practicable to the property it will be serving and should be overlooked to encourage its use.

c) Impact on the Character of the Area

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness. This is supported by Point (c) of Policy DM3 of the development Management Plan, which states that, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where there is a means of landscaping that contributes to crime prevention, a permeable and legible green infrastructure network of routes and spaces to create a public realm that is attractive, overlooked and safe.

The indicative plan submitted shows the proposed dwellings located at the rear of the properties in Beaufort Road. As a result of this, they would be screened, in the majority, from the highway by the existing built form. Some views would be possible from Beaufort Road, however, due to the difference in land levels and width of the access to the site, these views would be angled and far removed. Due to the topography of the area, there are also distance views possible from the properties in Salisbury Road, over 350 meters away (as the crow flies) across the valley of Alexandra Park.

While it is considered that the impact on the street scene would be acceptable, there are concerns regarding the impact on the development on the Grade II* Listed park. As discussed in more detail below, the steeply sloping site is located immediately adjacent to Shornden Reservoir to the rear (south) of the site. The site serves as part of a landscape buffer between the park and the built-up area. This also contributes positively to the green enclosed setting of the park. Insufficient information has been submitted to demonstrate the impact on the woodland and as such, it is not clear what trees may be removed. As a result of this, it is not possible to fully assess the impact of the development on the wider character of the area. Despite this lack of information, there is significant concern that the proximity of the proposed development to the wooded area would result in a form of suburbanisation, which would be harmful to the setting of the park. A greater gap between the wooded area

and any built form should be provided to allow a more gentle transition between the green space and any built form.

In light of these factors, it is considered that the development as proposed, is contrary to Policies SC1 of the Hastings Planning Strategy (2014), Policies DM1, DM3, EN3, HN8 of the Hastings Local Plan - Development Management (2015) which requires that all proposals reach a good standard of design and protect and enhance local character, along with preserving biodiversity and green space within the Borough. The development is also considered to be contrary to Paragraphs 58 and 64 of the NPPF and Paragraph 26 of the NPPG (reference ID: 26-026-20140306) - which seeks to ensure that open space in and around the site should have regard to the character of the area and function and efficiency of design.

d) Impact on Neighbouring Residential Amenities

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

Full assessment of the potential impact on the neighbouring residential amenities cannot be carried out until reserved matters are submitted. However, having reviewed the plans submitted, it is considered that development of the site for residential purposes could likely be achieved, without causing detrimental harm to residential amenities of those in Beaufort Road in terms of overlooking, overshadowing and loss of natural light.

The indicative plan submitted shows a separation distance of approximately 25 metres from the properties in Beaufort Road to the nearest proposed dwelling, with minimal windows shown in the side elevations of the proposed dwellings, facing towards the existing properties. Those shown at first floor level serve bathrooms and stairwells and as such a condition could be imposed requiring these be obscure glazed. It is also considered that, due to the difference in land levels on the site, the proposed properties will not sit 'window to window' with the properties in Beaufort Road and as such the existing outlook from these properties would not be unduly affected.

e) Future Residential Amenities

Internal Floor space:

An assessment on the internal space will form part of the reserved matters application, however, the submitted indicative plans submitted identify the potential internal floor areas for the 6 units. Plots 1-3 are detailed to be 3 bedroom, two storey units with an internal floor area of 100.5m². Plots 4-6 are detailed to be 4 bedroom, two storey units with an internal floor area of 119m².

These floor areas meet the minimum requirements of the "Technical housing standards - nationally described space standard" (DCLG, May 2015) for the sizes of units proposed, and as such are considered acceptable.

External Amenity Space:

Point (g) of Policy DM3 of the Hastings DM Plan states that appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. The indicative plan shows that all 6 of the plots exceed this size requirement and as such the level of external amenity space is considered acceptable. While the overall size of the gardens exceed the minimum requirements of the above quoted policy, there are concerns in relation to the garden of Plot 3. Over half of the residential curtilage of this dwelling falls within the boundary of the protected woodland. This is discussed in more detail under paragraph (h) below.

f) Ecology

Policy HN8 of the Hastings DM plan requires that an Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include:

- a) information of existing on-site ecology;
- b) opportunities for connectivity between spaces and improved accessibility to them;
- c) green space and biodiversity improvements on and off-site as appropriate;
- d) opportunities for the retention or creation of green infrastructure;
- e) measures for the protection and management of ecology, where appropriate;
- f) an Arboricultural assessment.

A preliminary ecological appraisal, carried out by Wildthing Wildlife Consultants, has been submitted to accompany this application. This report identifies the following:

- The site has three habitat types present within the site at the time of the site visit in August 2017.
- Further survey effort is required for reptiles in relation to the site.
- Due to the close proximity of adjoining gardens slow worm is likely to be present and common lizard is possible.
- Activity surveys may be required if the tree screen along the southern boundary is removed or significantly altered by any proposed development
- The trees along the S and SE boundary potentially provide Medium to High feeding and foraging opportunities for most locally recorded bat species, therefore this habitat has existing value and the retention of these trees is recommended.

No additional surveys have been provided in relation to reptiles and bat activity on site and as a result of this, the Borough Ecologist has been unable to formally assess the proposal and the potential impact of the development on ecology or biodiversity on the site. This information has been requested from the applicant, however, has not been provided.

No proposed mitigation measures have been provided to demonstrate how the loss of the tree screen along the southern boundary, due to the positioning of Plot 3 and 4, could be addressed with compensation measures, and no evidence has been provided to demonstrate that the need for the development would outweigh the nature conservation interests. As a result of this, it is considered that the development as proposed fails to comply with Policies HN8 of the Hastings Development Management Plan, Policy EN3 of the Hastings Planning Strategy and Paragraphs 109, 114, 118 of the National Planning Policy Framework.

g) Impact on Landscape

In respect of this application The Sussex Gardens Trust were formally consulted, due to the proximity of the site to Alexandra Park which is Grade II* listed. The Gardens Trust have formally objected to the proposal stating that, the enjoyment and appreciation of the wooded part of the park depends upon the preservation of its sense of isolation and seclusion, without any suburban intrusion.

The steeply sloping land immediately adjacent to the reservoir, serves as a vital landscape buffer zone between the park and the built-up area and in wider views across the park. It also contributes positively to the green enclosed setting of the park. The importance of this woodland has been acknowledged by the making of a TPO and within the designation report it explains that the TPO has been made 'to reinforce the screening this land provides between the park and the built-up area'. Without adequate additional tree screen planting to preserve this landscape buffer and in the absence of any 'visual landscape assessment' the development is considered to cause visual harm to the grade II* registered Alexandra Park.

The application also appears to have no regard to the significance of the registered park, and does not include any assessment of the impact upon the setting of Alexandra Park. It is therefore considered to fail to comply with policy HN1 of the Local Plan's Development Management Plan and EN1 of the Hastings Planning Strategy.

h) Impact on Trees

The indicative layout as shown on plan 1698(88)-1, when overlaid with Tree Preservation Order TPO-109, clearly shows a portion of the development being within the protected woodland (W1). W1 is described as a woodland of mixed deciduous and coniferous trees of approximately 0.5ha, situated on land between Alexandra Park and the old allotments at the rear of 4-20 Beaufort Road.

No arboricultural report has been provided in support of this application and as a result, the Borough Arboriculturalist has been unable to formally assess the proposal and the potential impact of the development on the protected woodland. This information has been requested from the applicant, however, has not been provided.

While insufficient information to fully assess the impact of the development has been provided, it is possible to comment on the potential relationship between the proposed residential dwellings and the woodland. The indicative plan shows, the turning head of the road and a large portion of Plot 3 within the woodland. Plot 4 is also in close proximity to the woodland, however less so when compared to Plot 3. Due to the positioning of Plot 3, it is not unreasonable to assume that some works to the protected trees would need to be carried out to facilitate the development. It must also be acknowledged, that, should the development be approved, due to the proximity of Plot 3 to the woodland, there would likely

be future pressure for further works to the protected trees from residents of the new dwellings, to ensure adequate levels of light to the property and garden. Such pressure to carryout works to protected trees has previously been identified by the Planning Inspectorate as a justifiable reason for refusal. As part of the appeal decision - 2015 APP/B1415/A/14/2228840 - HS/FA/14/00273 - Land adjacent to 115 Ghyllside Avenue, Hastings, East Sussex, TN37 7HH, the Inspector stated that 'whilst the amenity area would be sufficient for the two/three bedroom house I consider that the proposal would result in pressure to reduce or remove the TPO trees nearest the dwelling which would potentially result in further harm to the character and appearance of the area'.

Taking this, and the level of information submitted in to account, it is considered that the proposal fails to comply with Policies, DM1, DM3, HN8 of the Hastings Development Management Plan and Policy EN3 of the Hastings Planning Strategy.

i) Highway Safety/Parking

Access and Layout:

The Highways Authority have reviewed the proposal and have confirmed there is an existing access to the site, however, this is to be relocated with an increased width of 5.5m. The Highways Officer has advised that this is suitable in terms of width and could accommodate two way flow of traffic. Driver visibility at the accesses should be 43m in each direction from a set back point of 2.4m. It is considered that this can be achieved within the land enclosed in the red site boundary or within the highway.

Parking Provision:

The Parking Demand Calculator indicates that the parking provision required for a development of this type in this location is 14 spaces if 2 allocated per unit. The 19 on-site parking spaces proposed exceed this requirement although it is not clear if these meet with the minimum dimensions of 2.5m x 5m (2.5m x 6m in a parallel arrangement) or what level of allocation will be provided.

The current parking layout shows the majority of the parking spaces being located either side of the entrance road in to the site, with some parking outside the proposed dwellings. The layout of the parking spaces as shown on the indicative plan is considered to result in a cluttered street scene and has the potential to result in highway obstruction. The Highways Officer has advised that the allocated spaces should be located outside each dwelling with only visitor spaces provided off the access. This would aid in reducing the number of spaces along the entrance road, but, would only relocate the visual clutter and potential obstruction of cars.

Had this application been recommended for approval, a reduction in parking could have been sought to increase the landscaping opportunities between Nos. 10-14 Beaufort Road and thereby improving the appearance of the development.

Impact on the Existing Highway Network:

The submitted information does not detail the number of trips associated with the proposed development, however, the likely traffic to be generated by this development is approximately 30-36 trips daily; with 3-4 trips in the peak hour periods [0800-0900hrs; 1700-1800hrs] as such the development is unlikely to have a severe impact on the highway and therefore the proposal is in accordance with the transport requirements of the NPPF.

Access for Emergency Vehicles:

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

According to Manual for Streets a 3.7m carriage way is needed, however, this can be reduced to 2.75 over short distances. The access to the site from Beaufort Road is approximately 14.9 metres in width, reducing to 5.5 metres (at the narrowest point) further in to the site. The width of the access is therefore considered acceptable for the new units, however there are concerns in relation to the potential access for Emergency Service Vehicles as it appears that Plots 3 and 4 (those closest to the woodland) may exceed the acceptable distances quoted above. The information submitted does adequately demonstrate that there is sufficient turning space on site for Emergency Services Vehicles to overcome this.

Accessibility:

The site is located within close proximity to local goods and services; this site offers travel choices other than that of the private car. Bus services are within walking distance of the site providing connections to Hastings Town Centre, Eastbourne and the wider area.

j) Drainage

The proposed foul and surface water drainage details will form part of the reserved matters application, however, Southern Water and the County Flood Risk Department (SUDs) have provided comments on the proposal. Southern Water have raised no objection to the proposal but have provided guidance and suggested several informatives. Similarly, the SUDs team have also raised no objection to the proposal, subject to conditions.

k) Refuse and Cycle Storage

The Local Planning Authority would need to be satisfied that suitable means of waste collection has been provided as part of this proposal, ideally a tracking drawing should be submitted with vehicle dimensions included. If it is considered that the a refuse collection point would be preferable this would need to meet the requirements set out in refuse and recycling storage at new residential development guidelines the collection point should be no more than 25m walking distance of the access.

In accordance with the East Sussex County Council's adopted parking standards 2 cycle parking spaces should be provided per dwelling. No details have been provided in relation to the cycle storage provision on site, however this could be secured by condition and as part of any reserved matters application, should this application be approved.

l) Sustainable Construction

Any future application should adhere to Policy SC3 of the Hastings Planning Strategy which requires that all schemes promote sustainable and green design. This should be achieved by:

a) incorporating appropriate climate change mitigation and adaptation measures such as green roofs and walls, sustainable drainage systems, multi-functional green space,

protecting and enhancing biodiversity, waste reduction and recycling facilities, water efficiency, flood risk management, and the use of recycled materials in new development
b) enable a low carbon future in a changing climate

Innovative design proposals that enhance and attractively contrast local surroundings will be supported.

m) Screening of Application under Habitats Regulations 2017 - Impact of Development on Ashdown Forest Special Area Conservation (SAC)

Wealden District Council have raised objections in respect 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 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, in combination with other relevant development, would have a likely significant effect on the conservation objective or special integrity of the SACs. As such an Appropriate Assessment has been undertaken which notes the following:

The Pevensey Levels SAC is located 10.5 km 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 SACs, the attention is focussed on controlling phosphate inputs rather than nitrogen inputs.

In any case, since there are no applicable critical loads or NO_x 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 35.5 km and 36.5 km from the site respectively. The site is so far removed from the these SACs that it is not considered a proportionate approach to prevent development that would give rise to additional traffic. There is no clear evidence to show that increased traffic movement in this borough would result in an increase in traffic movement on roads nearby these SACs, including the A26 and A22, above an 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 no visitors to Ashdown Forest were recorded as coming from Hastings. Whilst it is reasonable to assume 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 ADDT.

Natural England (NE) was consulted [following receipt of representation of objection from Wealdon 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.'

The applicant has failed to demonstrate that the additional vehicle movements generated by the development would not harm the special integrity and conservation objections of the Ashdown Forest Special Area of Conservation. As such the application is contrary to The Conservation of Habitats and Species Regulations 2017, which only permits the grant of planning permission where it is certain that the development would not have a significant adverse effect on the integrity of the Special Area of Conservation and Policy EN3 criterion c of the Hastings Planning Strategy Local Plan (2014).

6. Conclusion

Taking the above in to account, it is considered that, whilst the development of the site for residential purposes is acceptable in principle, it is considered that 6, 2 storey dwellings could not be accommodated on site. The layout as shown, due to the proximity of plot 1 to the rear boundary of the properties in Beaufort Road along with plot 3 being within the protected woodland and plot 4, being located on the woodland boundary would result in a development that would appear congested and cramped, not allowing for a sufficient transition between built form and the wooded area. The proposed parking layout is also considered to result in a cluttered and congested street scene. The proposal is therefore considered contrary to Policies DM1, DM3 of the Hastings Development Management Plan (2015), Policy SC1 of the Hastings Planning Strategy (2014). Along with Paragraphs 58 and 64 of the National Planning Policy Framework and Paragraph 007 of National Planning Policy Guidance which requires development to promote character in townscape and landscape. Reference ID: 26-007-20140306

Insufficient information has been submitted in order to assess the impact of the development on the protected woodland (TPO-109-W1) or the Grade II* Listed Park beyond. The application is therefore contrary to Policies, DM1, DM3, HN8 of the Hastings Development Management Plan (2015) and Policy EN1 and EN3 of the Hastings Planning Strategy(2014).

Insufficient information has been submitted in order to assess whether proposed development would harmfully affect any 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) and Paragraphs 109, 114, 118 of the National Planning Policy Framework.

Insufficient information has also been submitted in relation to demonstrate that additional vehicle movements generated by the development would not harm the special integrity and conservation objections of the Ashdown Forest Special Area of Conservation. As such the application is contrary to The Conservation of Habitats and Species Regulations 2017, which only permits the grant of planning permission where it is certain that the development would not have a significant adverse effect on the integrity of the Special Area of Conservation in line with Policy EN3 of the Hastings Planning Strategy Local Plan (2014).

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

7. Recommendation

Refuse for the following reasons:

1. The proposed development by virtue of its design, scale, bulk and proximity to its boundaries would result in cramped and incongruous form of development that would be out of keeping with, and harmful to, the character of the area and neighbouring residential amenity. The proposal is therefore considered contrary to policy DM1 and DM3 of the Hastings Development Management Plan (2015) and SC1(i) of the Hastings Planning Strategy (2014), along with Paragraphs 58 and 64 of the National Planning Policy Framework and Paragraphs 007 (Reference ID: 26-007-20140306) and 024 (Reference ID: 26-024-20140306) of National Planning Policy Guidance which requires development to promote character in townscape and landscape.
2. The proposal fails to demonstrate the site's capability of accommodating the level of residential development proposed without potentially causing harm to European protected species. Further information is required to determine the presence or absence of reptiles within the application site, in order to determine the full extent of habitat loss and potential measures for mitigation if necessary. The application therefore fails to provide adequate information to ensure all material considerations are taken into account, demonstrate the population of protected species is strengthened, or that there will be no net loss of biodiversity, contrary to Policies HN8 and HN10 of the Hastings Local Plan - Development Management (2015) and policy EN3 of the Hastings Planning Strategy (2014) and Paragraphs 109, 114, 118 of the National Planning Policy Framework.
3. The proposal fails to demonstrate the site's capability of accommodating the level of residential development proposed without potentially causing harm to the protected woodland (TPO-109-W1) or the setting of the Grade II* Listed Park beyond. The application therefore fails to provide adequate information to ensure all material considerations are taken into account, and is considered contrary to Policies EN1, EN3 of the Hastings Planning Strategy 2014 and Policies, DM1, DM3, HN8 of the Hastings Development Management Plan (2015).
4. Insufficient information has also been submitted in relation to demonstrate that additional vehicle movements generated by the development would not harm the special integrity and conservation objections of the Ashdown Forest Special Area of Conservation. As such the application is contrary to The Conservation of Habitats and Species Regulations 2017, which only permits the grant of planning permission where it is certain that the development would not have a significant adverse effect on the integrity of the Special Area of Conservation in line with Policy EN3 of the Hastings Planning Strategy Local Plan (2014).

Note to the Applicant

1. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/OA/17/00558 including all letters and documents