

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 10 October 2018

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

**Application Address:** Land at Church Street

**Proposal:** Development of site to provide a terrace of 4 dwellings and 2 detached dwelling.

**Application No:** HS/FA/18/00110

**Recommendation:** REFUSE

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

Applicant: Forte Bailey LTD per STUDIO ENGLEBACK 245  
Upper Grosvenor Road Tunbridge Wells TN1 2EJ

**Public Consultation**

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	7
Petitions of Objection Received:	1
Letters of Support:	1
Petitions of Support Received:	0
Neutral comments received	0

Application Status: Not delegated - Petition received

## 1. Site and Surrounding Area

The application site is an irregular area of land located to the east of Clifton Road, on both sides of Church Street. Church Street itself is an informally maintained, single-track road that provides access to the rear of a number of properties fronting Greville Road. A triangular section of the site is on the north side of Church Street, bounded to the north-west by Clifton Road and on the other side by the curtilage of 2 Greville Road. The surrounding area is predominantly residential with two-storey houses to the north, south and west. To the south are the properties in Speckled Wood and to the south east is an area of undeveloped land, known locally as 'Speckled Wood'. Church Street provides access to Speckled Wood.

The site slopes from north to south, with the properties in Greville Road being at a much higher land level than those to the rear in Speckled Wood. The highest point of the site is denoted as 85.000 and the lowest 78.000. This is typical of the topography of the surrounding area.

### Constraints

Flooding Surface Water 1 in 100

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Flooding Groundwater

Historic Landfill Buffer 250m Buffer

Asset of Community Value - Unsuccessful

SSSI Impact Risk Zone

## **2. Proposed development**

This application seeks permission for the erection of a terrace of four, two storey dwellings and two detached, two storey dwellings. The terrace is located within Church Street, with one detached dwelling located on the parcel of land adjacent to No.2 Greville Road. The other detached dwelling is also located on Church Street and sits behind Nos. 12-16 Greville Road.

For clarification purposes the proposed dwellings are referred to as the following in the report below:

- Detached dwelling on the corner of Church Street and Clifton Road - **Plot 1**
- Terrace of four dwellings - **Plots 2-5**
- Detached dwelling to the east of the terrace - **Plot 6**

The units on site are as follows:

### **The Terrace** (Plots 2-5):

10.5 Metres in depth, 32.8 metres in length, eaves height 5.37m (front elevation), eaves height 5.37m (rear elevation), 7.1m to ridge, 8.8m to top of chimney.

### **Detached Dwellings** (Plots 1 and 6):

10.5 metres in depth, 8.3 metres in width, eaves height 5.2m (front elevation), eaves height 5.6m (rear elevation), 7.4m to ridge, 8.7m to top of chimney.

Internal Dimensions:

Ground Floor- 35.4m<sup>2</sup>

First Floor- 54m<sup>2</sup>

Bedroom 1 - 14.3m<sup>2</sup>

Bedroom 2 - 10.6m<sup>2</sup>

Lounge - 17.4m<sup>2</sup>

Each property has a single, integral parking space with 5 guest spaces across the site, one of which is a wider, accessible space. Each property also has a double, internal bin store.

The application is supported by the following documents:

- Design and Access Statement
- Supporting Planning Statement
- Transport Statement
- Phase 1 Habitat Survey
- Ecology Report
- Badger mitigation Strategy
- Suds Report
- Waste Management Plan

### **Relevant Planning History**

- |   |                |  |
|---|----------------|--|
| - | HS/OA/80/00794 | Residential development comprising two houses and thirty-eight flats and garages   |
|   | Granted        | 18/02/1981   |
| - | HS/OA/87/00488 | Erection of five houses and new access road  |
|   | Granted        | 03/08/1987   |
| - | HS/DS/87/00783 | Erection of houses, 5 parking spaces and new access road in pursuance of outline consent (HS/OA/87/00488)  |
|   | Granted        | 13/11/1987   |
| - | HS/OA/14/00876 | Development of site to provide five dwellings  |
|   | Granted        | 05/02/2015   |
| - | HS/FA/16/01013 | Development of site to provide 5 dwellings.  |
|   | Withdrawn      | 27/02/2017   |
| - | HS/DS/17/00194 | Approval of reserved matters, scale, external appearance of the buildings and the landscaping of the site, following Outline Approval HS/OA/14/00876 - Development of site to provide five dwellings |
|   | Approved       | 20/07/2017   |

### **National and Local Policies**

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

Policy FA5 - Strategic Policy for Eastern Area

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

Policy SC3 - Promoting Sustainable and Green Design

Policy SC4 - Working Towards Zero Carbon Development

Policy EN2 - Green Infrastructure Network

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy H1 - Housing Density

Policy H2 - Housing Mix

Policy T3 - Sustainable Transport

## Policy DS1 - New Housing Development

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

Policy LP1 - Considering planning applications

Policy LP2 - Overall Approach to Site Allocations

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN7- Green Infrastructure in New Developments

Policy HN8 - Biodiversity and Green Space

Policy CVO4 - Church Street

### National Planning Policy Framework (NPPF)

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

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

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

Paragraph 127. states that Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local Planning Authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).

### National Planning Policy Guidance (PPG)

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

## **3. Consultations comments**

Environment and Natural Resources Manager - **Objection**

*I do not feel the suggested covered decking approach is therefore acceptable as a mitigation proposal to ensure the long term viability of the badger corridor.*

ESCC Flood Risk Management (Suds) - **Objection, due to insufficient information.**

*The applicant has failed to meet the requirements to assess its acceptability in flood risk terms.*

Environmental Health Pollution - **No objection**, subject to conditions

Environment Agency - **No objection received**

Southern Water - **Neither objects to or supports the application**

Borough Arboriculturalist - **No objection**, subject to robust planting scheme.

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

Waste and Refuse - **No objection**

Hastings and Rother Disability Forum - **No objection received**

Natural England - **No objection received**

#### **4. Representations**

In respect of this application three site notices were displayed at various locations in and around the site. In response to this, 15 letters were received from 9 different properties. Of these letters, 1 was a general comment neither objecting to or supporting the application with the others raising objections to the proposal. The matters raised in these letters are listed below:

General comment:

- Only two properties in Greville Road have right of access to the rear of the properties along Church Street, is this taken in to account?

Objections:

- Detrimental impact on wildlife that live in the woodland
- Impact on protected species, particularly badgers
- The previous approved application is unlawful in respect of land ownership
- The current application is unlawful in respect of land ownership
- The application should not have been validated
- The area of land is part of a leasehold
- Public Right of Way through the site
- Now three entrances to the Badger Sett
- Illegal acts to wildlife
- Wildlife roaming across the entire site
- Japanese Knot Weed on the site
- Breach of Planning Law
- Local residents are entitled to walk on the site
- License required from Natural England
- Lack of Ecology details
- Lack of regard to neighbouring residents and their gardens
- Contamination and disruption to local residents
- Impact on Access from heavy goods vehicles

- Impact of proposed decking on badger corridor
- Access for Emergency Services
- Access for Refuse vehicles
- Access to Church Street is already restricted with parked cars
- Danger to persons walking past the entrance to the site due to vehicles
- Constant access is needed by the properties in Greville Road to the rear of the properties via Church Street
- Where will site machinery/vehicles park
- Flooding with excess water running down the road
- Bluebells across the site
- Dust, dirt and debris travelling from the site by the wind from the English Channel
- Impact on the health of local residents from dust, dirt and debris
- Local residents having to stay indoors during development phase
- Resultant increase in mental health issues for local residents not being able to use their gardens during development
- impact on 'ever stretched' public health service
- Would there be a need for contract between existing and proposed resident to maintain access to the properties in Greville Road
- Could development be restricted to only 1 car per new dwelling
- Half-hearted approach to eco-friendly design

A petition containing 40 signatures was also submitted in opposition to the proposal.

The planning matters raised by the petition include:

- Ownership query's
- Impact on the Badgers on site.

Within the submissions from local residents there is reference to suggested fraud and criminal activity in relation to the site. This is not a material planning consideration and as such does not form part of the assessment of the application as submitted.

## **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.

The application site is allocated within the Development Management Plan (2015) under Policy CVO4. This policy states that the site at Church Street could accommodate a residential development with a possible net capacity of 6 dwellings. It should also be acknowledged that background documents associated with the local plan, identify the site as brownfield.

It should also be acknowledged that outline planning permission for 5 dwellings on the site was approved in 2014, with the reserved matters being approved in 2017. As a result of this, the principle of residential development of this site has previously been approved.

#### b) Impact on Character and Appearance of the Area

##### **Scale and Appearance:**

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials. This is supported by the guidance produced by the Housing and Community Agency (HCA) titled 'Urban Design Lesson - Housing Layout and Neighbourhood Quality' published January 2014. The guidance in section 2, 'Active Frontage' states that 'A street or space is formed by the buildings that surround it, much like a room is formed by the walls around it. Well-defined streets and spaces are created by relatively continuous building frontage. Active frontage made up of front doors and windows (especially to ground floor habitable rooms) create lively and well-supervised streets. This is a key requirement for creating safe and attractive public spaces. Keeping gaps between buildings limited and avoiding blank walls and garden fences which face the street are important considerations. To achieve this, long perimeter blocks, wide frontage dwellings and bespoke dual-fronted corner dwellings can all contribute to active frontage.' and notes under the heading Lessons the advice, 'Minimising blank walls and garden fences: Buildings fronting onto streets and spaces are key to quality of place and the animation of the public realm'.

##### **Plot 1:**

Plot 1, located on the corner plot of Church Street and Clifton Road, is two storey, with a small portion of the dwelling being set down within the site. The dwelling is roughly L shaped with the largest expanse of elevation facing towards No.2 Greville Road. This dwelling does not follow the existing building line of the properties in Greville Road or Clifton Road and as such, while forming part of the 'Church Street' development, appears as a stand-alone dwelling. The neighbouring properties, in Greville Road, are set back from the highway and sat at a lower level to the highway, with stepped access down to their front doors. When stood at the rear of these properties the dwellings appear taller, with the full two storeys visible and the garden areas sloping down to Church Street. This follows the topography of the area.

The detached dwelling, Plot 1, while also being set back from highway and the front elevations of the Greville Road properties, is much taller. The proposed eaves height of Plot 1 is shown to be 0.85 metres higher than the properties in Greville road, with the chimney being 1.9 metres above the existing ridge of the immediately adjacent property. As a result of this height difference, it is considered that Plot 1 would appear overly dominant within the streetscene, particularly when travelling north or south along Clifton Road. This is exacerbated by the most prominent elevation of this dwelling, fronting on to Clifton Road, has minimum detailing with a single window opening. While it is acknowledged that the existing property at No. 2 Greville Road has an existing blank elevation, it is considered that Plot 1, due to the limited detailing combined with the expanse of elevation, fails to take the opportunities available for improving the character and quality of an area as required by paragraph 130 of the NPPF.

### **Plot 2-5:**

The terrace of four dwellings is set further within the site, approximately 15.8 metres from entrance to the junction of Church Street with Clifton Road, 11.7 metres from the rear of No. 8-10 Clifton Road and 16 metres from the rear of those in Speckled Wood. The proposed dwellings within the terrace are again roughly L shaped, each with integral garages. These properties have pitched roofs and large expanses of glazing in the front and rear elevations. The terrace is shown to sit at a lower ground level to the properties in Greville Road but are approximately 4 metres higher than those in Speckled Wood. While the difference of land levels is reflective of the topography of the area, it is considered that, due to height of the proposed terrace, and the limited degree of space between the front of the houses and the road, when combined with the total length, would result in a development that would appear overbearing and visually intrusive to the properties to the rear in Speckled Wood. It is also noted the extent of soft landscaping proposed is not sufficient to balance the extent of hard landscaping and built form proposed.

The proposed terraced dwellings are located approximately 2 metres from the road way of Church Street with a small area of soft landscaping to the front of each dwelling. Whilst this area would provide some softening of the appearance of the terrace, due to the proximity of the dwellings to the edge of the highway, combined with the scale of the dwellings, the minimal landscaping does little to lessen the impact of the terrace on the street scene. As a result of this, it is considered that the development would appear overly dominant and visually overbearing when travelling along Church Street and would be out of keeping with the 'green and leafy' entrance to speckled Wood.

Taking this above in to account, it is considered that the proposed dwellings, by virtue of their scale and massing, would have a detrimental impact on the character of the area and the residential amenities of the residents in Speckled Wood to the rear of the site. The proposal is therefore considered to conflict with the requirements of policies SC1 and DM1.

### **Plot 6:**

Plot 6 is located to the east of the proposed terrace of properties, to the rear of No. 12-16 Greville Road. The dwelling is two storey and follows the L shape design of the other proposed dwellings, however, is orientated differently facing more to the west than the proposed terrace. Plot 6 is also set further back from the Church Street, with an area of parking to the front of the integral garage large enough for a single vehicle. While the front elevation is set back from Church Street. Due to the natural curve of Church Street, the front corner of the Plot 6 abuts the site boundary with less than 1 metre separation distance. The elevation of Plot 6 facing toward the woodland is to be a blank, two storey elevation with limited detailing to soften the appearance of the built form. As a result of the design of this property, along with the orientation within the site and the likely boundary treatment along this side, it is considered that the relationship between this dwelling and the woodland is not acceptable. This in turn is considered to have a detrimental impact on the character of the area and as such, fails to comply with Policies SC1 and DM1 a quoted above.

### **Overall impact on the character of the area.**

Taking the above in to account, it is considered that the proposed dwellings, by virtue of the site layout, design, scale and massing would result in an overly dominant and incongruous development that is out of keeping with the established character of the area. The proposal therefore fails to comply with Polices DM1 of the Hastings Development Management Plan, Policy SC1 of the Hastings Planning Strategy and Paragraph 127 of the National Planning Policy Framework.

#### d) Impact on Neighbouring Residential Amenities

As stated above, the site is surrounded by existing built form to the north, south and west and as such the potential for the development to impact on neighbouring amenities must be considered. 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.

#### **Plot 1:**

Plot 1 is the closest property to the neighbouring residential units in Greville Road, with a separation distance of approximately 3.6 metres. The proposed dwelling is shown to be set back from the rear elevation of No. 2 Greville Road by 1.2 metres. Unlike the previously approved scheme (HS/DS/17/00194) the proposed dwelling is now shown to be taller than 2 Greville Road, as detailed above. While this dwelling is relatively close to No. 2 Greville Road, due to the dwelling being set back from the rear elevation of No. 2 and the elevation facing towards No. 2 being blank, there would be minimal impact on the amenities of the residents within.

#### **Plots 2-5:**

The terrace of dwellings are approximately 15.5 metres from the rear of the properties in Speckled Wood and 19.2 metres from the properties in Clifton Road. These properties are shown to sit at a slightly lower ground level to the properties in Greville Road, however, the ground level at the application site is 5.4 metres higher than the ground level at the Speckled Wood properties. As a result of this, the eaves of the proposed terrace are 0.6 metres higher than the ridge of the Speckled Wood properties. The ridge of the proposed terrace is 2.5 metres above the ridge of Speckled Wood Properties, increasing to 4 metres to the top of the proposed chimneys.

In the rear elevations of the terraced properties, there are two upper floor windows, one serving a bedroom and the other a lounge. These windows are large openings, ranging from 1.5 metres to 2 metres in height and approximately 2 metres in width. While the lounge window is set back, due to the L shape of the property, there are concerns that, due to the difference in land levels and the proposed height of the terrace, these windows and in particular the bedroom window would result in an unacceptable level of overlooking to the properties in Speckled Wood.

#### **Plot 6:**

This property is located 19.2 metres from the rear of the properties in Greville Road and 20.6 metres from the properties in Speckled Wood. As detailed above, this dwelling is also orientated differently to the terrace properties, facing north west. While the separation distance of this property are comparable to terrace, it is considered that, due to the orientation and the areas of garden between the site and the surrounding built form, there would not be an unacceptable impact on the neighbouring residential amenities from this property.

#### **Overall impact on residential amenities:**

Taking the above in to account, it is considered that, while the relationship between Plots 1 and 6 and the neighbouring residential properties is acceptable in principle, the relationship between the terrace of dwellings at Plots 2-5 and those at Speckled Wood to the rear are

not. As a result of this, it is considered that the development would have an unacceptable impact on the residential amenities of the properties in Speckled Wood in terms of overlooking and loss of privacy. As a result of this, the proposal fails to fully comply with Policy DM3 of the Hastings Development Management Plan 2015.

#### e) Future Residential Amenities

The Department for Communities and Local Government (DCLG) has produced Technical Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. This document states that the minimum internal floor area for a two bedroom, two-storey unit is 58m<sup>2</sup> and for a three-bedroom, two-storey unit is 84m<sup>2</sup>.

Having calculated the floor area of the dwellings, it is apparent that the proposed units meet these figures and therefore comply with the requirements of the DCLG. As a result of this, the internal living accommodation provided by the dwellings is considered acceptable.

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.

Two of proposed properties, Plots 1 and 6, exceed the requirement for 10m gardens and Plot 5, due to the width of the proposed garden is, on balance considered acceptable. However, Plots 2, 3 and 4 are not considered to meet the requirement of Policy DM3 (g). It is acknowledged that, due to the properties being L shaped, the portion of the garden to the rear of garages does appear to achieve the 10 metres length, however, this is then vastly reduced to 5 metres in length. While a portion of the garden of these properties does appear to meet the requirements of this policy, there are concerns that the usability of this portion of the garden would be somewhat limited due to the installation of a screen at the rear of the garage, allowing views through from Church Street to the rear garden.

There are also concerns, regarding the proposed landscaping for the gardens of Plots 2-5. Due to the constraints of the site and the requirement to provide a Badger corridor along the southern boundary of the site, it is proposed to install a Badger tunnel beneath the gardens of Plots 2-5. It is then proposed to install timber decking above this, covering the gardens, with narrow strips of planting along the side boundaries between the properties. The Badger tunnel is discussed in more detail under paragraph (g) Ecology and Biodiversity below, however, it must be acknowledged that, over time, a decked area will degrade and will not be sufficient for the lifetime of the development. As a result of this, it is likely that in the future, residents of the properties will wish to upgrade, replace or remove the decking within the rear gardens. Due to the requirement to provide a Badger corridor, this vastly reduces the options for the residents of the properties in terms of altering their gardens and has the potential to impact upon the Badger tunnel beneath the garden. It should also be acknowledged that it is not possible for the Local Planning Authority to impose a condition requiring that only decking be installed within the garden for the lifetime for the consent as this would be onerous to residents of the properties and could not easily be monitored by the Local Planning Authority.

Taking the above in to account, it is considered that while the external amenity space for Plots 1, 5 and 6 is considered acceptable, Plots 2, 3 and 4 fail to provide adequate external

amenity space for use by future residents. As a result the proposal is considered contrary to Policy DM3(g) of the Hastings Development Management Plan 2015.

#### f) Trees and Landscaping

On site, despite being in close proximity to the entrance to Speckled Wood, there are only a few small trees present. No formal Arboricultural Report has been submitted, as part of the previous applications submitted, the trees within the site have been identified as not being 'of any particular landscape value'.

Within the National Planning Policy Guidance it states that the opportunity for high quality hard and soft landscape design that helps to successfully integrate development into the wider environment should be carefully considered from the outset, to ensure it complements the architecture of the proposals and improves the overall quality of townscape or landscape. Good landscape design can help the natural surveillance of an area, creatively help differentiate public and private space and, where appropriate, enhance security.

An indicative plan has been submitted as part of the design and access statement, however, no formal planting proposals have been submitted. This indicative plan provides details of the suggested plants and trees, which include native, low maintenance species. Other non-native species are also shown as part of the 'rain gardens'.

The Council's Arboricultural Officer has reviewed the information and has raised no objection to the illustrative plan, however, has advised that conditions are required to secure the full hard and soft landscaping details, prior to commencement of development on the site.

#### g) Ecology and Biodiversity

Policy HN8 of the Hastings Development Management Plan states that development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be demonstrated that:

- a.the need for the development would outweigh the nature conservation interests;
- b.adverse impacts can be satisfactorily minimised through mitigation and compensation measures.

In respect of the application site an ecological report and a Badger Mitigation Strategy have been submitted, along with a copy of a letter from Dr Lincoln Garland from Biodiversity and Design. These documents identify that, to maximise the residential garden space, it is proposed to remove the existing fencing along the Badger corridor, which runs along the southern boundary of the site, and install a tunnel beneath the gardens of Plots 2-5. This tunnel is proposed to allow access for Badgers to and from Sett A in the west portion of the site. Paragraph 3.3.2 identifies Sett A as an annexe sett due to the 'reasonably high level of activity recorded'.

Having reviewed the ecological information submitted it is apparent that it is of the opinion of the applicant's ecologist that the installation of a Badger tunnel beneath the gardens of Plots 2-5 is excessive and a 'bells and whistles' design feature. While this is acknowledged, no alternative options have been provided and as such, the tunnel as currently proposed must be formally considered.

As stated above, the tunnel is shown to travel underneath the gardens of Plots 2-5, giving access from Sett A to the wider area. While the installation of a badger tunnel is in itself considered acceptable, the resultant relationship with the residential gardens of the terraced dwellings is not. As detailed under paragraph (e) 'Future Residential Amenities', due to the installation of the tunnel beneath the gardens, it is proposed to cover the gardens with raised decking. The responsibility to retain the badger tunnel beneath the decking will then fall with the residents of Plots 2-5. This is confirmed by the letter from Dr Lincoln Garland dated 9th May 2018, which states 'residents would be obligated under the sale agreement to retain in situ'. While this approach is acknowledged, it is not possible for the Local Planning Authority to impose a condition to secure the retention of the tunnel for the lifetime of the consent as this would be onerous to residents of the properties and could not easily be monitored by the Local Planning Authority. There are also concerns that should damage be caused to the tunnel, whether intentional or not, it would not be possible to the Local Planning Authority to monitor this or to require the tunnel be reinstated.

As a result of this, while the principle of the tunnel is acceptable, the ramifications to the amenities of the residents within the terraced properties is not. No alternative methods for securing access to Sett A has been provided and as such, it is considered that the development has the potential to detrimentally impact upon a protected species and therefore fails to comply with both Local and National Planning Policy.

The Environment & Natural Resources Manager has also reviewed the proposal and has advised that the proposed tunnel and decking approach is not acceptable as a mitigation proposal to ensure the long term viability of the badger corridor. It is also noted that to remove the Badger corridor from the harden areas of the terrace, would further reduce the amenity area for residents which is already small.

#### h) Refuse Storage

Within the integral garage of each dwelling is an area allocated for the storage for two wheeled bins. This provision is considered acceptable, with the garage opening large enough to allow easy access to the bin store when a vehicle is parked inside.

Part H of the Building Regulations sets out that waste containers should be sited so that residents don't have to push the container more than 30m (so any collection points for bins should be within that distance) and no more than 25m from the point where the refuse vehicle stops to collect the bin. Within the Design and Access Statement it indicates that a communal refuse collection point is to be located opposite Plots 4 and 5, on the opposite side of Church Street. This collection point is 22 metres from Plot 6 and 18 metres from Plot 2. The bin store proposed as part of the current development is located further in to the site, with a turning area having now been provided adjacent to plot 2. The Waste and Refuse Team have reviewed the proposal and advised that the refuse stores and collection points are acceptable. They have however advised that waste in this area is collected fortnightly on a Monday, alternating between recycling and general waste. This is a twin bin area, so bins supplied would need to be one domestic waste 180litre wheeled bin and one 180litre wheeled recycle bin per property. These bins would be provided by the developer and stored at the designated storage area or on the property that it relates to.

In light of the above, it is considered that the refuse storage provision is acceptable, however, it is noted that the tracking diagram for a refuse vehicle would require that there was no on-street parking outside Plots 2 and 3. A Traffic Regulation Order (TRO) could require double yellow lines to be placed here, however, these would not be enforced by East

Sussex County Council as the access road is not proposed to be adopted. As such a question is raised as to whether in real terms, this development will be capable of functioning properly and therefore fit for purpose. Highways, however, have not raised this as a reason for refusal or required a TRO, therefore no reason for refusal is added on this point.

#### i) Highway Safety/Parking

##### **Parking Provision:**

The expected car parking demand as estimated by the East Sussex County Council parking demand calculator is ten vehicles, of which six allocated and four unallocated.

The Transport Statement provided indicates that there will be 12 parking spaces across the site. Seven of these are in-curtilage private parking spaces, of which, six are located in open-ended car ports, with one private drive guest space that is large enough for disabled access. Four un-allocated guest spaces and a single disabled parking bay will also be provided. The County Highways Authority have advised that the parking provision is acceptable and in line with ESCC guidance. The visitor parking spaces proposed also allow for more than the 5m x 2.5m dimensions set out in ESCC Guidance and are therefore also considered acceptable.

##### **Access on to Clifton Road:**

It is proposed to redesign the Clifton Road/Church Street junction creating a 7m wide access that then narrows to a minimum width of 4.8m. This is set out in the Design and Access Statement as well as drawing CSO-111-P6.

The site access road does not feature footways, essentially proposing a shared use of the internal road (i.e. with no separation of road space between pedestrians and vehicles). The Highway Authority have advised that generally they would have been supportive of such layouts where appropriate, but advise that the Department for Transport (DfT) has temporarily suspended LTN 1/11 and published a strategy document on the suitability of shared space in relation to its use by mobility impaired users "The Inclusive Transport Strategy" July 2018. The DfT is recommending that shared spaces are not taken forward at this time until they have completed a thorough review of such layouts/schemes. As a result of this, the Highway Authority have advised that the applicant reconsider the site layout in light of this report seeking advice, justifying their approach and amending plans as necessary. While this could have been considered as part of the application and amended plans requested, due to the overriding concerns in relation to the development this was not requested from the applicant.

The applicant has shown that the required visibility splay of 2.4m x 43m in accordance with guidance in Manual for Streets can be achieved at the access. Any reconstruction of the access within the adopted highway will need to meet ESCC specifications, and works undertaken within the highway must be carried out by an approved contractor under an appropriate licence.

##### **Trip Generation and Impact**

The applicant has used the TRICS database to estimate the expected vehicle trip rate. The assessment method is considered acceptable, and the expected trip rate of 36 vehicle movements per 12h period is unlikely to have a significant impact on the local highway network.

### **Access for Emergency Vehicles:**

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle 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 proposal shows the narrowest point of Church Street being 3.6 metres, approximately 36.8 metres in to the site, at the front of Plot 5. As part of the Design and Access Statement submitted, it identifies that a large emergency service vehicle (ESV) would be able to turn using the allocated turning area adjacent to Plot 2, at the western end of the street. An ESV could also reverse up to 20 metres along Church Street. The proposed layout also shows the furthest front door being a maximum of 28 metres from the point where an ESV could park and as such would still be accessible. As a result of this, it is considered that the access for emergency service vehicles is acceptable.

### **Cycle Parking:**

The Design and Access statement submitted states that cycle parking will be provided for each dwelling in the form of a secure, roofed cycle storage with space for up to three bicycles; these cycle parking spaces are shown to be located to the rear of the car ports. The proposed provision is in line with ESCC 'Guidance for Parking at New Residential Developments' and therefore considered acceptable.

### j) Sustainable Drainage

A detailed Sustainable Urban Drainage System (SUDS) report has been carried out in support of this application. The East Sussex County Council SuDS tool advises that a total attenuation storage of 22.84 cubic metres is required. As part of the information submitted it details that the design could provide around 32.34 cubic metres of attenuation (41.5% more than required).

The County Flood Risk Management Team have reviewed the information submitted and have advised that, while it is proposed to provide rain gardens/shallow basins to attenuate surface water runoff before it is infiltrated into the ground, the British Geological Survey they hold shows the application site within poorly draining bedrock and within a site with high groundwater levels (less than 3m below the ground). As a result of this, the SUDs Officer has advised that soakaway testing in accordance with the BRE 365 methodology and a groundwater monitoring between autumn and spring would be required to demonstrate that infiltration is feasible at the application site.

With regards to the linked rain gardens, these have been identified within the Environment Agency's updated Flood Map for surface water, this will compromise the volume of the whole drainage system. As a result of this, the SUDs Officer has requested that these structures are relocated or removed to ensure sufficient capacity of the proposed drainage system.

In addition to this, the SUDs officer has advised that the public sewer network shows a combined sewer adjacent to the development site. However, as infiltration is likely to be unfeasible at the application site, if the connection to the combined sewer is proposed, evidence from Southern Water would be required to demonstrate that they agree to the surface water discharging into their system.

As a result of the above along with the lack of infiltration testing result, the County Flood Risk Authority Object to the proposal. In light of this, it is considered the proposal fails to demonstrate that sustainable drainage systems can be adequately incorporated in to the site.

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

The Council undertook an Air Quality Impact Assessment in 2018. The purpose of the assessment was to identify likely significant effects of planned housing and employment growth in Hastings Borough on the conservation objectives of Ashdown Forest Special Area of Conservation (SAC) from 2017 to 2033. The assessment took account of the traffic growth expected on roads within the vicinity of the Ashdown Forest SAC/Special Protection Area (SPA), not just arising from development within Hastings, but also, compliant with the requirement of the Conservation of Habitats and Species Regulations 2017, in combination with the anticipated growth arising from the development plans of other neighbouring authorities. The focus of the Assessment was on Ashdown Forest SAC and SPA.

It was not considered necessary to consider air quality implications of growth in Hastings Borough on the Pevensy Levels SAC and Ramsar site or the Lewes Downs SAC. In respect of Pevensy Levels SAC/Ramsar site the interest feature of this SAC (*Anisus vorticulus* - aka. a snail) is not affected by nitrogen from vehicle emissions. Lewes Downs SAC is too far removed to be affected. Nitrogen deposition from additional traffic beyond that modelled would have to be four times that currently expected from all traffic to exceed critical load at this location.

The Council has modelled the expected growth in Hastings to 2033 including the Local Plan, existing planning permissions and the emerging Area Action Plan and demonstrated that development will not result in an adverse effect on the integrity of Ashdown Forest either alone or in combination with other plans or projects. As such the proposed development is considered to be within the allowances made within the strategic modelling and is not considered to harm the special conservation objectives of Ashdown Forest, Pevensy Levels or Lewes Downs Special Areas of Conservation.

#### l) Site Constraints

##### **Historic Landfill Buffer 250m Buffer:**

Due to the site being within a Historic Landfill Buffer Zone guidance has previously been sought from the Environmental Health Team. While the Environmental Health Officer has raised no objection in principle towards the scheme, conditions in relation to impact on human health from migrating landfill gas have been suggested. These conditions include remedial measures should land gas be identified, but have not been added in this instance as the application is recommended for refusal.

##### **SSSI Impact Risk Zone:**

The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

## 6. Conclusion

The proposal fails to comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

## 7. Recommendation

### Refuse for the following reasons:

1. The proposed development, by virtue of the site layout, design, scale and massing would result in an overly dominant and incongruous development that is out of keeping with the established character of the area. The proposal therefore fails to comply with Policies DM1 of the Hastings Development Management Plan, Policy SC1 of the Hastings Planning Strategy and Paragraph 127 of the National Planning Policy Framework.
2. The proposed development by virtue of its height, mass, proximity to its boundaries and having regard to variations in land level, would result in a dominating form of development that would detrimentally affect the residential amenities of the properties in Speckled Wood to the rear in terms of loss of outlook and overshadowing, the proposal therefore fails to comply with Policy DM3 of the Hastings Development Management Plan 2015.
3. The development fails to provide sufficient external amenity space for Plots 2-5 and as such is contrary to Policy DM3 of the Hastings Development Management Plan 2015.
4. Insufficient information has been submitted to demonstrate that the proposed infiltrations system can be accommodated on site and as a result, formal assessment of the proposal by the Lead Flood Risk Authority has not been possible. The proposal therefore fails to provide adequate information to ensure all material considerations are taken into account, and is considered contrary to Policy DM6 of the Hastings Development Management Plan 2015 and Policy SC7 of the Hastings Planning Strategy 2014.
5. The proposed mitigation measures included within the Ecological Report are not considered sufficiently robust to ensure the functionality and continued usability of the proposed Badger tunnel for the lifetime of the consent as required by Paragraph 127(a) of the National Planning Policy Framework. The proposed development is therefore contrary to paragraph 175 of the National Planning Policy Frameworks along with Policy EN3 of the Hastings Planning Strategy 2014.

6. Insufficient soft landscaping is provided to balance the extent of hard landscaping and built form proposed. As such the proposed development is considered to be contrary to Policy DM1 of the Hastings Development Management Plan 2015 and Paragraphs 127 and 130 of the National Planning Policy Framework.

#### **Note to the Applicant**

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

Mrs E Meppem, Telephone 01424 783288

#### **Background Papers**

Application No: HS/FA/18/00110 including all letters and documents