

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 10 October 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Land adjoining 3 Ore Place, Hastings

**Proposal:** Outline planning permission for a residential dwelling with all matters reserved

**Application No:** HS/OA/18/00464

**Recommendation:** REFUSE

**Ward:** ST HELENS 2018  
**Conservation Area:** Yes - Ore Place  
**Listed Building:** No

**Applicant:** C & G Commercial Services Ltd per Clarion Surveyors Farmhouse Brook Way Hastings, East Sussex. TN35 4NN

#### **Public Consultation**

**Site Notice:** Yes  
**Press Advertisement:** Yes - Conservation Area  
**Letters of Objection:** 32  
**Petitions of Objection Received:** 0  
**Letters of Support:** 0  
**Petitions of Support Received:** 0  
**Neutral comments received** 0

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

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

The site is located on a parcel of land in the entrance to Ore Place, on the curve of the road. To the west of the site is No. 3 Ore Place and to the south is No. 9 Ore Place and Nos. 21-24 Centurion Rise. Further to the north, on the opposite side of the highway are the remains of St Helens Church, a Scheduled Ancient Monument, as well as the remains of the associated Ore Place Manor House, however this is further to the west and more removed from the application site. The Manor House is also a scheduled ancient monument.

The application site slopes from north to south with the properties in Centurion Rise being at a much lower land level. The majority of the site is covered by a Tree Preservation Order (TPO 86, W6, W5 and A4) with a small strip of land through the middle of the site running east to west not being covered.

The surrounding area is predominantly residential made up of large detached dwellings. The site is within walking distance to main bus routes, local schools and leisure facilities.

### Constraints

Tree preservation Order

Conservation Order 20m Buffer

Archaeological Notification Area

Historic Landfill Site 250m Buffer

Badger Sett point

SSSI Impact Risk Zone

## **2. Proposed development**

This is an application for outline permission, with all matters reserved, for a residential dwelling on the land adjacent to No. 3 Ore Place.

The application is supported by the following documents:

- Heritage Statement
- Arboricultural Report
- Planning Statement
- Sustainability Report
- Waste Minimisation Statement
- Preliminary Ecology Appraisal
- Waste Strategy

### **Relevant Planning History**

- |   |                |  |
|---|----------------|--|
| - | HS/OA/87/00687 | Erection of 18 houses with garages and associated access road                  |
|   | GRANTED        | 30/01/1997   |
| - | HS/DS/97/00522 | Residential development pursuant to outline planning permission HS/OA/87/00687 |
|   | GRANTED        | 24/08/1998   |
| - | HS/FA/00/00447 | Erection of dwelling and detached garage (neighbouring site)                   |
|   | GRANTED        | 07/09/2000   |
| - | HS/FA/00/00649 | Alternative dwelling to previous approval HS/FA/00/00447 (neighbouring site)   |
|   | GRANTED        | 05/12/2000   |

- HS/FA/01/00381      Erection of additional dwelling and detached garage  
REFUSED              27/07/2001
  
- APPEAL DISMISSED    10/06/2002
  
- HS/FA/98/00162      Erection of two stone pillars to entrance to residential  
GRANTED              development  
                                 18/05/1998
  
- HS/OA/18/00244      Outline planning permission with all matters reserved  
WITHDRAWN            for the construction of a 4-bedroom house with  
                                 integral garage with new access onto Ore Place.  
                                 03/05/2018
  
- HS/OA/18/00245      Outline planning permission with all matters reserved  
WITHDRAWN            for the construction of a 4-bedroom house with  
                                 integral garage with new access onto Ore Place.  
                                 03/05/2018
  
- HS/OA/18/00463      Outline planning permission for a residential dwelling  
PENDING                with all matters reserved (neighbouring site)

### **National and Local Policies**

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

- Policy EN1 - Built and Historic Environment (Archaeological Notification Areas)
- Policy EN1 - Built and Historic Environment (CA18 ORE PLACE)
- Policy EN3 - Nature Conservation and Improvement of Biodiversity (Woodland)
- Policy FA2 - Strategic Policy for Central Area
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

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

- Policy LP1 - Considering planning applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM4 - General Access
- Policy DM5 - Ground Conditions
- Policy HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas) (CA18 ORE PLACE)
- Policy HN2 - Changing Doors, Windows and Roofs in Conservation Areas (CA18 ORE PLACE)
- Policy HN3 - Demolition involving heritage assets (CA18 ORE PLACE)
- Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest (Archaeological Notification Areas)
- Policy HN8 - Biodiversity and Green Space (Woodland)

#### Other Policies/Guidance

Urban design lessons: Housing layout and neighbourhood quality - 2014

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

## 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 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
  - \* Layout
  - \* Architecture
  - \* Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
  - \* Building types
  - \* Materials
  - \* Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

### 3. Consultations comments

Conservation Officer - **Objection**

Borough Arboriculturalist - **Objection**

County Archaeologist - **No objection**, subject to conditions

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

Highways - **No objection received**, referred to standing advice

East Sussex County Flood Risk Management - **No objection**, subject to conditions

Historic England - **No objection received**.

Southern Water - **No objection**

Natural England - **No objection**

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

### 4. Representations

In respect of this application several site notices were placed around the site and an advert placed in the local paper. In response to this 37 letters of objection were received from 26 different properties. The concerns within these letters include:

- Destruction of woodland
- Impact on tree and green spaces
- Loss of wildlife
- Loss of habitat
- Impact on existing wildlife (disease, climate change, degradation of environment)
- Impact on the 'tree lined drive' to Ore Place
- Development out of character with existing properties in Ore Place
- Hazard of on-street parking
- Loss of privacy to existing residents
- Site should be preserved to support wildlife populations
- Erosion of green space
- Development solely for profiteering
- Other existing sites should be considered
- Damage to special nature of church yard

- Risk damage to local and national heritage
- Site within the most historically ancient site in the Borough
- Site within a Conservation Area
- National Archaeological Importance (Roman and post Roman)
- Removing trees will aggravate water run-off
- The peace and tranquility of the church remains and graveyard would be impacted upon
- Badgers are present on site contrary to Ecology report
- Archaeological importance
- Inaccuracies in the Arboricultural Report
- Plots have been intentionally left undeveloped
- Proposed dwellings would appear prominent and disfigure the existing view
- Size of dwelling is larger than required to address the housing market
- Entrance to Ore Place tended to by local residents
- Road within Ore Place on 5 metres in width
- Exclusivity of Ore Place would be impact upon
- Loss of amenity space used by residents

## 5. Determining Issues

The application is for outline permission with all matters reserved. However, the Council must still consider in principle whether a single residential unit could be accommodated on the site.

### a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan - Planning Strategy (2014) and paragraph 11 of the National Planning Policy Framework (NPPF) set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable access to public transport that provides access to shops, services and facilities. Whilst the general location of the site relative to shops and services is accepted in principle, other matters are also relevant in considering the principle of development.

The information submitted as part of the application identifies that it is proposed to erect a single dwelling on the site along with associated parking and access on to Ore Place. No details have been given regarding the size, scale or design of the dwelling or the position within the site. While no indicative plans have been provided it has been identified that a minimum of six trees would need to be removed to facilitate the development.

While full details of the appearance, means of access, landscaping, layout and scale can be dealt with at reserved matters stage, in this instance, given the constraints of the site, it is not apparent how the overriding concerns relating to the impact on the character of the area, can be sufficiently overcome. As a result of this, it is considered that the development of this site for residential purposes is, in principle, not acceptable.

### b) Impact on Character and Appearance of the Conservation 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 Policy HN1 of the Hastings Development Management Plan which states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed to ensure that the proposed development sustains and enhances the significance of the heritage asset.

From the details submitted it is suggested that, to facilitate the development of a dwelling on the application site, several protected trees would need to be removed. This is proposed to provide space for the dwelling and to create vehicular access to the site from Ore Place.

The application site forms part of the entrance way to Ore Place, which has a green and leafy character due to the entrance road being flanked on both sides by areas of woodland. These woodlands are covered by various Tree Preservation Orders. These areas of woodland are a key characteristic of the entrance to Ore Place and aid in breaking up the various clusters of built form. They also contribute to the setting and significance of the scheduled ancient monument within Ore Place, St Helens Church. The character created by these areas of woodland has previously been identified by the Planning Inspectorate as part of an appeal decision (HS/FA/01/00381) which also sought permission for a residential dwelling on the site (the appeal covered this site along with the neighbouring site currently being considered under application HS/OA/18/00463). At this time, the Inspector stated that 'there is a distinct character when entering Ore Place from Centurion Rise. Whereas the latter development is urban and almost devoid of trees and landscaping, the entrance to Ore Place contains many trees and shrubs, providing a very pleasant setting for that housing. The appeal site forms an essential part of that setting and when viewed with the wooded areas on the opposite side of the highway, creates a very attractive locality' The Inspector goes on to state that, *'to permit the proposed dwelling on this land would not only be contrary to the careful planning of the estate, but would destroy the attractive character to the entrance of the development'*. It was for these reasons, along with the impact on residential amenities that the appeal was dismissed. While it is acknowledged that subsequent to the original application for the development of Ore Place further dwellings have been added, these approved schemes fall outside of the current application site.

In conclusion, while in some instances, the loss of protected trees to facilitate development can be considered acceptable, provided that the loss is justified and robust mitigation is proposed. In this instance however, no such justification has been provided nor is it considered a justification is possible given the extent of trees that would likely be lost. These trees are a key characteristic of the entrance to Ore Place and contribute to the character of the surrounding area. As a result of this, it is considered that loss would have a detrimental impact on this established character resulting in harm to the significance of the Conservation area and, in the wider area, the setting of the Scheduled Ancient Monument. As a result of this it is considered that the development of this site to provide a residential dwelling would be contrary to Policies DM1 and HN1 of the Hastings Development Management Plan along with Paragraph 127(c) and (d) of the National Planning Policy Framework which seek to ensure developments are sympathetic to local character and history, including the surrounding built environment and landscape setting and establish or maintain a strong sense of place.

### c) Impact on Neighbouring Residential Amenities

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should

be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This includes the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

Directly to the south of the site are the properties in Centurion Rise. These properties, due to the difference in land levels are situated at a much lower level to the application site. These properties have very short rear gardens (ranging from 4-10 metres in depth) which is somewhat mitigated by the trees on the application site. While no formal site layout has been provided, showing the relationship between the proposed development and the properties to the rear, the likely impact of the development on residential amenities must be considered.

Due to the size of the site it is considered that a modest, single storey, detached dwelling could likely be accommodated within the central portion of the site, in such a position as to not detrimentally impact upon the amenities of the neighbouring residents in Centurion Rise. Therefore, while all matters are reserved, it is considered that the development of this site to provide a residential unit could be achieved in accordance with the aims of Policy DM3 of the Hastings Development Management Plan and Paragraph 127 of the National Planning Policy Framework.

#### d) Ecology

In support of this application a Preliminary Ecological Appraisal has been submitted. This report identifies that no further reports are necessary at present however, the proposal has the potential to disturb nesting birds and reptiles that may be present on site. Mitigation measures are advised along with methods for increasing biodiversity on site. As a result of this, it is considered that the development would not have a detrimental impact in terms of ecology and biodiversity.

#### e) Trees

A portion of the application site, fronting on to Ore Place, is identified under Policies HN8 of the Hastings Development Management plan and Policy EN3 of the Hastings Planning Strategy.

Policy HN8 states that development should result in no net loss of biodiversity or designated green space (as defined on the Policies Map). The weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites.

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.

Point (g) of Policy EN3 states that the town's biodiversity and geological resources will be protected and enhanced. Priority will be given to protecting woodland, particularly ancient woodland and veteran trees.

In support of this application an Arboricultural Report has been submitted. This report covers this site and the adjoining application site (HS/OA/18/00463). The report identifies that across the two sites there are twenty two individual trees and three groups of trees. Of these trees twelve individual trees (T2, T3, T4, T5, T6, T7, T19, T20, T21, T23, T24, T25) and one group (G22) are located within the application site boundary. All of these trees are listed as Grade B and are detailed to be of moderate quality with an estimated remaining life expectancy of at least 20 years.

While no formal site layout has been provided, the Arboricultural report states that, to facilitate the development six trees are required to be removed as well as minor lifting works across the site in order to facilitate access. One tree outside of the site, within the boundary of No. 3 Ore lace has been identified as a Grade U tree that requires attention regardless of the outcome of the application.

The Borough Arboriculturalist has reviewed the proposal and has raised objection to the loss of these trees which make a significant contribution to the amenities of the area at this point (significant landscape trees) along with the likely level of pruning works, should the proposal be permitted. As stated above, the trees on site are considered to be a key feature of the character of the area and as a result, the loss of these trees is not considered acceptable or justifiable in this instance. As a result of this, the proposal is contrary to Policies HN8 and EN3 as quoted above.

#### f) Highway Safety/Parking

As stated above, all matters have been reserved for a further application. As a result of this, no details have been provided in relation to the proposed parking provision or the location of the access point from Ore Place into the application site. As such it is not possible to formally assess the acceptability of the parking provision or the likely impact in terms of highway safety.

ESCC Highways have not objected to the proposal however have commented that a combined access for this site along with the adjacent site should be considered.

#### g) 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 Pevensey Levels SAC and Ramsar site or the Lewes Downs SAC. In respect of Pevensey 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, Pevensey Levels or Lewes Downs Special Areas of Conservation.

## **6. Conclusion**

It is considered that it is not possible in principle for the site to accommodate the development of a residential dwelling, without causing harm to the significance of the character of the area and the Ore Place Conservation Area.

The proposal therefore fails to comply with Policies DM1, HN1 and HN8 of the Hastings Development Management Plan, Policy EN3 of the Hastings Planning Strategy and Paragraphs 127 and 130 of the National Planning Policy Framework.

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

## **7. Recommendation**

### **Refuse for the following reason:**

1. The principle of development of this site for a single residential dwelling is considered unacceptable by virtue of the loss of protected trees and the resultant harm to the significance of the character of the area and the Ore Place Conservation Area. The proposal is therefore contrary to Policies DM1, HN1 and HN8 of the Hastings Development Management Plan, Policy EN3 of the Hastings Planning Strategy and Paragraphs 127, 130 and 171 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.

---

**Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

**Background Papers**

Application No: HS/OA/18/00464 including all letters and documents