

Report to: PLANNING COMMITTEE
Date of Meeting: 06 February 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: 206 Old Church Road, St Leonards-on-sea,
TN38 9LR
Proposal: Erection of a two storey three bedroom
detached house with car parking for new and
existing dwelling
Application No: HS/FA/18/00409

Recommendation: Grant Full Planning Permission

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

Applicant: Davison Oxley Homes Ltd per Peter Waller
planning ltd 93 Rock Road ME101JG

Public Consultation

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	5
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 comprises an area of front garden land of semi-detached two-storey property No.206 Old Church Road. The application property 206 Old Church Road is located directly behind a terrace row of small two-storey houses fronting onto Old Church Road.

No.206 has a small rear garden and long front garden (measuring some 40-41m in length) running north / south behind terraced dwellings Nos.208-214 Old Church Road. Apart from the front garden boundary treatment that faces onto Cats Lane, No.206 does not have a street presence on Old Church Road due to the backland location. There is a right of way pedestrian access path down the side of end terrace number 208 that leads to the front of

the application property No.206. There is an existing hard-standing area at the bottom of the garden with high wooden double gates that open onto Cats Lane with access to parking space at the end of the front garden.

The eastern garden boundary of the application site abuts the long front garden of the adjoining semi-detached property 204 Old Church Road.

The northwest boundary of the application site abuts the side (principle) private garden area of 208 Old Church Road.

The south / southwest boundary of the application site abuts Cats Lane which is a pedestrian public right of way (PROW) / single vehicle access track which provides pedestrian access between Old Church Road and Battle Road to the east. Cats Lane provides vehicle access for two dwellings to the south of the site that front onto the PROW. The PROW also provides vehicle access to garages and outbuildings in the rear gardens of houses fronting onto Battle Road to the east of the site.

The application site levels fall approx. 3m from north to south and to a lesser extent from west to east. The east, south and west boundary comprise close board fencing approx. 2m in height. The northern boundary of the application site is the residential garden of number 206 and so has no existing marked boundary. There are shrubs and an Ash tree on the application north boundary.

The surrounding area is predominantly residential with a mix of dwelling types and size and the immediate area comprises a close knit grain of residential properties.

Nearby on the opposite side of Old Church Road is Castleham Industrial Estate.

Constraints

SSSI Impact Risk Zone (not within thresholds)

2. Proposed development

The application proposes a new two-storey, three bedroom detached dwelling-house to be built on garden land at the bottom of the front garden of No.206 Old Church Road. The house would be predominantly finished in off-white rendered walls with a central section of the front and side elevation clad in larch boarding. The form of the dwelling is essentially a traditional rectangular box with the exception of a small cut in section at first floor level above the ground floor study area. A small section of green roof is proposed to cover the cut in section at first floor level above the ground floor study. The main roof would have a low pitched tiled traditional design with the west side part hipped back.

The proposed rear garden to the new dwelling would measure approx. 10m in length with new tree planting proposed along the northern boundary of the site with the remaining front garden of No.206 Old Church Road. The remaining front garden for No.206 would measure some 10m in length.

The proposed house would measure 6.8m in height up to the roof ridge height. The eaves height would be approximately 5m. The proposed dwelling would have a footprint measuring approximately 80sqm. The current garden level would be excavated down by a depth of between approximately 1.6m at the north end to 1m at the southern end of the proposed new building, levelling the application site land to Cats Lane level.

Vehicle access would be provided via Cats Lane PROW / single vehicle track to the south of the site. The block plan indicates off-street parking for two cars at the front of the property. A single vehicle parking space would be provided in the northwest corner of the site for the existing dwellinghouse No. 206 Old Church Road.

Main differences between current and refused scheme:

- Flat roof omitted for a more traditional pitched roof.
- The ground level would be reduced approximately 1.6m - 1m lower than the refused scheme.
- Oriel / obscure glazed windows added to first floor front.
- Timber cladding proposed across much of the first floor. And Brise Soleill (external angled vertical slat/strip window screen) proposed across part of the first floor front elevation.

The application is supported by the following documents:

- Planning, Design and Access Statement By Peter Waller Planning Ltd
- Arboricultural Report by The Mayhew Consultancy Ltd (dated May 2018)
- Preliminary Ecology appraisal Report by The Mayhew Consultancy Ltd (dated May 2018)
- SuDS Tool for Small Scale Development
- Flood Risk Assessment
- Micro Drainage Test Results by BDR (Civil and Structural Engineering) Ltd
- Drainage Specification Notes Drawing No. C10500 Rev A
- Soakage Test Document and tests 1,2,3.
- Further BDR (Civil and Structural Engineering) Ltd Letter dated 19.12.18
- Waste Minimisation Statement
- Car Tracking Plan

Relevant planning history

HS/FA/17/00548	Erection of a two storey three bedroom detached house with car parking for new and existing dwelling – Refused 23.11.17 due to poor standard of design and loss of neighbour amenity in terms of loss of privacy and overbearing impact.
65/00892	Erection of detached dwelling and garage – Refused 27.08.1965
64/00643	Erection of 6 garages – Refused 02.07.1964
64/01263	Erection of 4 garages – Granted 11.12.1964
64/01094	Erection of 4 lock up garages – Granted 30.10.1964

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western 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 T3 – Sustainable Transport

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013
SPDs: Parking Provision in New Developments (2013)
Department for Communities and Local Government – Technical housing standards – nationally described space standard (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.

Paragraph 59 states to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed,

Paragraph 70 states that where an allowance is to be made for windfall sites as part of anticipated supply of homes, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

Paragraph 117 states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 118 states (inter alia) that decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs. Promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 122 states that planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed, attractive and healthy places.

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

3. Consultation comments

ESCC Highways – **No Objection**

ESCC received comment is that the vehicle tracking as submitted is acceptable.

Arboricultural Officer - **No Objection**

ESCC Drainage (SUDs) – **No Objection**

SUDs initial recommendation was that further surface water infiltration rates be undertaken to determine the type of surface water drainage. Subsequent to this they have commented further that they have received detailed design drawings, infiltration testing results and hydraulic calculations. This submitted information satisfies the concerns raised in their previous objection, and as a result ESCC Drainage (SUDs) has **no objection** to this proposal. They recommend a planning condition to be attached (I refer you to condition number 8)

Waste Services - **No objection**

Southern Water - **No Objection**

Natural England – **No comments to make and refer us to their standing advice.**

4. Representations

10 letters of objection have been received from 5 neighbouring properties /objectors raising the following concerns:

- The application should be refused for the same reasons as the previous application.
 - Highways / pedestrian safety / narrow access of Cats Lane
 - Inadequate parking and turning
 - Loss of privacy/ harm to neighbour amenity
 - Loss of outlook / view
 - Overbearing form of development /over-development
 - Out of character with area / scale
 - The development would not enhance or benefit the surrounding area.
 - Loss of garden land.
 - Loss of Ash tree
 - Removal of earth affecting neighbour boundary
 - Loss of existing main access to front of No. 206
 - SUDS document identifies there is probable instability/ earthworks required may cause instability or drainage issues as the site is on sloping ground.
-
- Construction Traffic safety /Disruption during construction (*non-material planning consideration*)

5. Determining Issues

The main planning considerations for this proposal are the principle of development, design, impact on the character of the area, impact on neighbouring residential amenity, future living standards, highways safety and parking provision. These matters are addressed below.

a) Principle

The site is located within an existing residential sustainable location and so the proposal for development of a single new dwellinghouse is therefore in accordance with Policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

b) Impact on Character and appearance of area

The NPPF advises it is proper to seek to promote or reinforce local distinctiveness and Policy DM1 of the Development Management Plan sets out design principles and states that new development should protect and enhance local character and show an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The application site is located in a residential area with an existing mix of terrace, semi-detached and detached dwellings in the immediate locality. There are a variety of dwelling styles and plot patterns and there is no particular identity to residential built form in the surrounding area, although the prevailing character is traditional style housing with pitched roofs. Given the varied character of the surrounding area it is not considered wholly necessary to replicate the style of neighbouring dwellings in the surrounding area. However, the NPPF states developments should add to the overall quality of the area

(para 58) and 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 (para 64). At paragraph 122 the NPPF states that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it and the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.

There is no uniform plot pattern in the surrounding area. 206 and 204 Old Church Road are on a backland plot located at the rear of a terrace of small two-storey houses fronting onto Old Church Road. Immediately opposite the application site on the other side of Cats Lane there are two detached, two-storey dwellings each with different plot size. Given the irregular pattern of development in the immediate area the redevelopment of the long front garden at 206 Old Church Road would not necessarily appear incongruous in this close knit urban setting, subject to an acceptable scale and design.

The design for this proposal has changed significantly from the refused scheme and now has a more traditional pitched roof design. The elevational treatment for this proposal includes timber cladding and oriel windows to the first floor. Oriel windows as shown on the submitted plans obtrude outwards and have two panes meeting at an angle down the central vertical upright and allow views in two different directions. For this development one pane would be fitted with obscure glazing thereby limiting the direction of view while still allowing light into the dwelling. Although the height of the new design is slightly higher measured to roof apex than the previous proposed flat roof design, for this proposal the pitched roof, with the west side part hipped back, combined with the proposed reduction in land level will mean that the previous unacceptable bulky appearance has been suitably addressed and this proposal is considered less dominant in its surroundings. Impact on the amenity of neighbouring dwellings is discussed separately below.

The NPPF encourages efficient use of land while maintaining an area's prevailing character and setting (including residential gardens) and in this case the current proposal is considered to make efficient use of land while maintaining the area's prevailing residential character. There would be some loss of existing garden land, but the application dwelling at No.206 Old Church Road has an usually long front garden especially given the small size of the dwelling and so both the proposed and existing dwelling would have sufficient residential garden land. The proposed more open front aspect to Cats Lane would be an improvement to the character of the area by helping to break up the current high wooden boarded boundary fencing that gives a somewhat tunnel appearance to the PROW lane.

The application site is set behind Old Church Road and so the proposed dwelling would not have a significant presence on the Old Church Road streetscape. Notwithstanding there would be close range views from the vehicle access / PROW abutting the south and southwest boundary of the site. The first floor flank (west) elevation includes oriel windows which would add architectural interest. There would be an active frontage to Cats Lane (PROW) and the southwest corner of the building which would be located closest to the PROW would be recessed at first floor level to reduce the visual impact at the 'pinch point' (1.3m) to the PROW. Due to the shape of the site the south-west corner of the proposed dwelling would be situated approximately 1.3m from the PROW at its ground floor corner and given the curve in the Lane would be visually overt, however, the proposed cut-out section at first floor level is considered to reduce the visual impact at the 'pinch-point' and the proposed section of green roof would add to the architectural interest such that the development is considered to be acceptable in this respect. The front elevation is considered to be a strong

architectural design that would address the PROW and entrance into the site. In addition, due to the lowered ground levels the ridge level of the proposed house would be lower than the immediate neighbouring properties as evidenced by the site sections submitted in support of this application.

Overall, on balance, it is considered that the design reasons for the previous refusal decision reference HS/FA/17/00548 have been appropriately overcome by the proposed design, form and palette of materials for this dwelling.

No refuse storage facilities have been identified on the submitted proposed site layout, however, it is considered that waste bins could be suitably accommodated within the site at a distance of less than 25m from the pedestrian footpath on Old Church Road in accordance with council policy. Details of the storage area would be secured by condition (condition 13).

In general the overall dwelling design is now considered to be acceptable and would constitute a good standard of design that would not be harmful to the character of the area. A condition has been included to ensure good quality materials are utilised (condition 6).

c) Loss of existing use

The NPPF excludes land in built-up areas such as private residential gardens from the definition of previously developed land, mainly because urban gardens require greater protection as the nature of its location indicates it as at more of a premium. Private gardens play an important role in providing good living standards and external amenity space in urban areas and redevelopment can reduce private outdoor amenity space.

The proposal would result in the loss of approx. 200 sqm of residential garden space for the residential property at 206 Old Church Road. Paragraph 70 of the NPPF states Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. And paragraph 122 states that decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens).

There are no planning policies in the Hastings Local Plan that explicitly protect garden land from development. Policy DM3 of the Hastings Development Management Plan requires new development to provide appropriate levels of private external space and expects to see provision of private garden space of at least 10m length (normally at the rear) for family dwellings (dwellings with two or more bedrooms). In this case the subdivision of the existing garden would ensure that a sufficient private garden space would be retained for No.206 (10m length front garden) and there would a rear garden area for the proposed new dwelling 10m in length such that there is considered to be no unacceptable loss of this residential garden. No.206 has an unusually long front garden relative to the size of the property (40m-41m length) and whereas the neighbouring dwelling No.204 has been significantly extended, the application dwelling at No.206 remains a small size and the remaining 10m long front garden is considered to be sufficient for this dwelling.

d) Impact on Neighbouring Residential Amenities

Policy DM3 of Hastings Development Management Plan requires new development to avoid any adverse impact on the amenity of neighbouring properties. This proposal relates to the redevelopment of garden land and there are neighbouring residential gardens abutting the application site.

204 Old Church Road

The east boundary of the application site abuts the long (approximately 42m length) front garden of the adjoining property 204 Old Church Road. Like 206, No.204 only has a short rear garden therefore the long front garden forms the main private garden space for this property. The dwelling building of No.204 has been significantly extended from as first built and towards the bottom of the front garden there are garden shed outbuildings.

The previous application was refused due to the overbearing impact on the garden space of No.204, amongst other things. The current application proposes situating the new house in the same position as the refused scheme set only approximately 1.4m – 1.55m in from the shared boundary. However, the current proposal would be recessed a further 1.5m -1m below the existing ground level and the eaves would be some 500mm lower than the parapet height of the previous refused scheme. The proposed pitched roof would slope away from the shared boundary thereby reducing the impact on No.204. The submitted drawing P1002 Rev N shows a section drawing towards neighbour No.204, which shows that eaves height viewed from No.204 would be only some 4m – 4.25m above that property's garden level.

As designed it is considered that the new proposal is a significant reduction on the dominant impact of the previous design when viewed from the neighbouring property No. 204. and is considered to be acceptable in this respect.

It is also noted that the proposed dwelling would be located to the bottom of the 42m long front garden at No.204 and adjacent to existing garden outbuildings and parking area at No.204. While impact on No.204 does weigh against the proposed development, on balance, it is considered that the previous reason for refusal has been sufficiently overcome and it would not be reasonable to refuse this proposal on a loss of outlook for No.204.

The rear elevation of the proposed new dwelling would be located some 21m distance from the front elevation of No.204 Old Church Road such that there would be no unacceptable loss of privacy between habitable room windows. The first floor rear bedroom and first floor flank windows of the proposed dwelling would be oriel / part obscured which would avoid unacceptable direct views towards the front of No.204 thus overcoming the previous reason for refusal in this regard. While there is one clear window proposed at first floor level in the east side elevation close to the shared boundary with No.204, this would be a landing window rather than a main habitable room window and as such it is not considered to cause unacceptable levels of over-looking. A planning condition is attached that the non-opening obscure glazed window panels proposed are retained at all times (Condition 11).

208 Old Church Road

Neighbour No. 208 is the end terrace dwelling fronting onto Old Church Road and does not benefit from a private rear garden area. The main useable garden space for No.208 is located to the south side of the house. There is a right of way path to No.206 that runs between the south flank elevation of No.208 and its adjacent side garden.

No.208's side garden is already partly overlooked from the first floor rear windows of Nos. 204 and 206. The proposed new dwelling will increase the level of over-looking potentially increasing loss of privacy. There would be a distance of some 6.9m to the nearest point of the shared boundary with No 208's side garden from the first floor rear windows of the new dwelling and a distance of some 10.5m from the west side elevation first floor oriel windows. However, the proposed reduction in garden level by some 1.5m at the back of the site combined with a high close boarded wooden boundary fence with trellis above is considered to help maintain the existing perception of garden privacy for No.208. Given that the side

garden of No.208 is already overlooked, on balance, a refusal on the grounds of loss of privacy to this side garden is not considered to be justifiable in this instance. A planning condition would be attached for submission of full details of boundary treatment (Condition 10).

206 Old Church Road

The rear elevation of the proposed new dwelling would be located some 20 - 21m distance from the front elevation of 206 Old Church Road such that there would be no unacceptable loss of privacy to the habitable room windows of either the existing or proposed. The first floor rear bedroom windows would be oriel / part obscured and would not afford direct views towards the front of no.206 thus overcoming the previous reason for refusal in this regard.

202 Old Church Road

The proposed first floor west elevation oriel bedroom windows fitted with obscure glazing would not afford direct views towards the private rear garden area of dwelling No. 202 Old Church Road and due to the approximately 13m separation distances between the dwelling buildings and the PROW running between it is considered that the proposed new dwelling would not appear unacceptably overbearing or too dominant when viewed from the rear garden of No.202. The small area of flat green roof above the study at the south-west corner of the new dwelling is not a viewing balcony and the proposed front Brise Soleil window screen will add an acceptable degree of privacy between the existing and proposed dwellings.

Wygath

The proposed house would be located some 16m distance from the neighbouring property to the south of the site known as Wygath and the PROW would be located between the site and this neighbouring property. Given the separation distances the proposal is not considered to result in an unneighbourly form of development in terms of loss of outlook or light. In addition, the first floor front / south facing window openings for bedroom 2 would be horizontal windows above floor level to ensure no overlooking and the larger window to bedroom 3 would be fitted with Brise Soliel screens to protect privacy and as such that there would be no harmful overlooking towards Wygath.

Overall it is considered that the design of this new proposal will not cause unacceptable loss of privacy to neighbouring dwellings.

e) Future Residential Amenities

The house meets the minimum space standards as set out in the government publication "Technical housing standards – nationally described space standard" (CLG, May 2015) and the proposal includes a rear garden some 10m long with further outdoor amenity space to the side of the houses in accordance with policy DM3.

The future occupants would be subject to some degree of overlooking into the rear garden area from the first floor windows at No.206 Old Church Road. However, due to the separation distances involved the rear garden of the application property and the remaining rear garden for No.206 would each be 10m in length which is considered an acceptable back to back separation distance within a tight knit urban area.

f) Impact on Landscape and Ecology

The application site comprises a managed section of private garden with limited ecological value and, subject to provision of ecological enhancement in accordance with the NPPF, no

objections are raised on ecology grounds. The applicant has submitted a Preliminary Ecology Appraisal Report by The Mayhew Consultancy Ltd (dated May 2018) which concludes that no additional surveys are considered to be necessary for this development and recommends appropriate mitigation measures and provides suggestions with regards to possible increase in biodiversity post development. The Environmental and Natural Resources Manager has raised no objection to this proposal. The submission of materials planning condition includes the provision of bat bricks and bird boxes (Condition 6).

The proposal would result in the removal of one mature tree. The tree is not a protected tree and the council's tree officer has reviewed the tree survey and does not raise any objections to the loss of this tree subject to a robust landscaping scheme including new tree planting to mitigate for the loss of the Ash Tree (Condition 7).

g) Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions, and the development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

h) Highway Safety/Parking

The application proposes two off-street parking spaces to the front of the proposed new dwelling. A further new off-street parking space is proposed for 206 Old Church Road in the northwest corner of the site. The proposed parking spaces would be accessed via Cats Lane PROW running along the southwest boundary of the application site. Cats Lane is a narrow lane and not a through route for vehicles and as such vehicles that enter the lane need to leave the same way driving back to up to Old Church Road.

The two parking spaces proposed at the front of the new house would be located in a similar position to the existing two off-street parking for 206 Old Church Road. The third space is provided further up Cats Lane for 206 Old Church Road to compensate for the spaces that would be lost as a result of the proposed development.

The two parking spaces proposed for the new house would be in accordance with the Highway Authority parking provision. There is an existing vehicle access into the site serving two parking spaces in broadly the same location as the proposed access and parking area and there would not be any intensification of the existing access compared to the current situation. While there was some initial concern that the proposed parking spaces to the front of the new dwelling would not enable cars to be parked at right angles to the front elevation of the new dwelling and therefore raised the question of whether they would be able to reverse safely out of the parking spaces such that they could travel up Cats Lane in forward gear, the submitted vehicle tracking drawings have been forwarded to ESCC Highways Authority and they are satisfied that the proposed arrangements are acceptable.

Taking into account the existing vehicular use of the public right of way, vehicle speeds, improved visibility splays and turning ability, it is unlikely that this proposal would alter the existing traffic and parking situation significantly. The proposal would not result in a significant increase in traffic generation. The proposal would be in accordance with the NPPF which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. It is considered that the proposal would not result in any unacceptable highways safety or parking issues to warrant refusal.

i) Drainage

A sustainable urban drainage (SUDs) toolkit report was submitted for this application and ESCC were consulted as the Lead Local Flood Authority. While initially SUDs required further additional infiltration testing and information regarding the drainage system information and tests to be undertaken, subsequent to the applicant meeting these requirements the SUDs Authority final received comments are that they are satisfied and have no objection to this proposal. SUDs recommend a planning condition and this has been attached (Conditions 5 & 12).

j) Sustainable Development

Policies SC1, SC3 and SC4 of Hastings Planning Strategy seek sustainable ways to avoid impacts of climate change and to improve the quality of the natural environment. They promote green design, appropriate climate change mitigation and adaptation measures to enable a low carbon future such as green roofs and walls, sustainable drainage systems, and protection for and enhancement of biodiversity and apply to the design of all development. A waste minimisation statement document has been submitted in support of this proposal, the proposed dwelling would be developed to modern building regulation standards; a section of green roof is proposed (albeit small), the submission of materials planning condition is worded to require a supporting statement to explain how materials would match the Council's sustainable development policies and it requires the inclusion of bat bricks and bird boxes. Soft landscaping details will be required and overall the proposal is considered to be acceptable sustainable development.

Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. No Environmental Impact Assessment is required for this proposal.

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

The proposed development is located approximately 37.5 km from the Ashdown Forest Special Area of Conservation (SAC), 37.5 km from the Lewes Downs SAC and 12 km from the Pevensey Levels SAC. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensey Levels or Lewes Downs SACs and therefore it is necessary to determine if the proposal has a likely significant effect on the conservation objective or special integrity of the SACs.

In this instance the change of use would not result in a significant increase in traffic and there is no off-street parking provision / changes at the property, therefore, it is considered that the change of use would not significantly increase the traffic movements at the site.

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

For the reasons set out above the development is considered to be appropriate sustainable development. While there will be some loss of garden land, both No.206 and the proposed new dwelling would have good garden provision. The previous proposal for a new dwelling on this site was refused as it conflicted with Policy DM1 of Hastings Development Management Plan and the reasons for that refusal are considered to have been adequately addressed for this proposal such that the proposal may be approved. There will be no unacceptable harm to neighbour amenity and there are no highway safety issues that would warrant a refusal. The proposed parking arrangements meet the Highway Authority requirements and there are no ecology concerns. The proposed new dwelling will make efficient use of this currently under-used plot of garden land and will add a new family sized 3-bedroom dwelling built to modern standards to the Hastings housing stock and I recommend this proposal for approval, subject to the imposition of planning conditions.

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

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

P1003 D, P1002 N, P1003 J,
C10500 REV A, C10501 REV B, C10512 REV B, C10521 REV B

3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
4. The dwelling hereby approved shall not be occupied until the parking shown on the approved drawings have been surfaced, marked out and made available for use, and thereafter shall not be used for any purpose other than for the parking of vehicles.
5.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed.
 - (iii) No occupation of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
6. No development shall take place above damp proof course level until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The material details shall include details of swift / bat brick incorporated into the development and a supporting statement of how the materials to be used comply with Policies SC3 and SC4 of Hastings Planning Strategy for sustainable green design and working towards zero carbon development. Development shall be carried out in accordance with the approved details.
7. No development shall take place above damp proof course level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); new tree planting to mitigate the loss of the mature Ash tree, schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

8. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837:2012 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
9. All planting seeding and turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
10. No development shall take place above damp proof course level until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels / contours; means of enclosure; car parking layouts; vehicle and pedestrian access and circulation areas; details of hard surfacing materials.
11. The first floor window(s) shown on the proposed plans as obscure and fixed shall be glazed in obscure glass to Pilkington level 4 or equivalent and shall be non-opening below a height of 1.7 metres measured from the internal finished floor level. The windows shall not thereafter be altered in any way without the prior written approval of the Local Planning Authority.
12. Prior to first occupation of the dwelling hereby approved, evidence (including photographs) shall be submitted to the Local Planning Authority showing that the approved drainage system under Condition 5 has been constructed as per final agreed detailed drainage designs.
13. Prior to first occupation of the dwelling hereby approved details of appropriate space for storage of domestic waste and the means for its removal shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved details shall be complied with at all times.
14. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents. (Hastings Local Plan Policy DM3).
4. To ensure an adequate level of off-street parking to serve the development.
5. To prevent increased risk of flooding.
6. In the interests of the visual amenity of the area and in the interest of sustainable development.
7. In the interests of the visual amenity and biodiversity.
8. In the interests of the health of the trees and the visual amenity of the area.
9. In the interests of the visual amenity and biodiversity.
10. In the interests of the visual amenity.
11. In the interests of the amenity of the neighbouring residential occupiers.
12. To prevent flood risk.
13. To protect the amenity of the area in accordance with policy DM3 of Hastings Development Management Plan 2015.
14. To ensure a satisfactory form of development in the interests of the visual amenity.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. Southern Water inform that a formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. SW request that you please read their New Connections Services Charging Arrangements documents which has now been published and is available to read on their website via the following link <https://beta.southernwater.co.uk/infrastructurecharges>.

4. It is to be noted that this development will result in one property behind another and the location is a twin bin area. Bins must be presented on the main highway on scheduled collection days like all other properties in this road. At all other times the bins must be stored as approved for application.

Officer to Contact

Ms N Ranson, Telephone 01424 783253

Background Papers

Application No: HS/FA/18/00409 including all letters and documents