

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 10 November 2021  
**Report from:** Assistant Director of Housing and Built Environment

**Application address:** Land south west of, Newts Way, St Leonards-on-sea

**Proposal:** Construction of a single dwellinghouse which will include 3 bedrooms, work from home space, gardens, parking and access to Newts Way

**Application No:** HS/FA/20/00715

**Recommendation:** REFUSE

**Ward:** WEST ST LEONARDS 2018  
**Conservation Area:** No  
**Listed Building:** No

**Applicant:** Ms Owusu per Greenhayes Planning Greenhayes Studio 106 Hastings Road Battle TN33 0TW

### **Public Consultation**

**Site notice:** No  
**Press advertisement:** No  
**Neighbour Letters:** Yes  
**People objecting:** 22  
**Petitions of objection received:** 1  
**People in support:** 12  
**Petitions of support received:** 1  
**Neutral comments received:** 0

**Application status:** Not delegated - Petition received / more than 5 representations contrary to recommendation

## **1. Site and surrounding area**

The application site is an overgrown piece of land that is currently enclosed by hoardings and is a vacant piece of land in a prominent location at the junction of Darwell Close and Newts Way. The site is currently overgrown and is now enclosed by hoardings to prevent fly tipping and antisocial behaviour. To the north, the site adjoins a stream and an equipped play space owned by Hastings Borough Council. To the east the site adjoins Newts Way. To the south

the site adjoins the rear boundary of dwellings fronting The Sedges (5, 6 and 7). To the west the site adjoins a railway embankment and there is a badger run that runs parallel to Rushmere Rise against the rear boundary of properties fronting this road.

The application site is at lower land levels than dwellings in the surrounding development. To the north of the application site are dwellings fronting Rushmere Rise and they are located some 35m from the common boundary with the application site. To the south boundary of the site are properties fronting The Sedges (nos.5, 6 and 7) and they are located some 20m from the common boundary with the application site. There is a mature oak tree on adjoining land (equipped play space) that is owned by Hastings Borough Council and there is dense vegetation to the north and west boundary of the application site.

The site adjoins the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green spaces (equipped play space) to the north and east (across Darwell Close). The site is bordered by trees and vegetation to the north thereby screening the site from the play area, and there is a line of mature trees at the common boundary with the railway line which runs to the west of the site. The site forms part of the wooded and green aspect of the existing housing development.

The application site lies within a housing estate that is based on traditional architecture. The dwellings in the immediate area front a road and are predominantly detached 2 and 3 storey in height finished in brick with traditional dual pitched roofs. There is also evidence of use of brick and render. Some of the dwellings in the area have dormer windows. The surrounding area is an established secluded development within an established character and there are wooded and green areas within the development thereby resulting in a housing development with a village-esque character.

### Background

This housing estate was developed as part of implementation of planning permissions ref HS/DS/89/00384 and HS/DS/88/01079. Planning permission ref HS/DS/88/01079 shows the application site reserved as a children's play area. However, this provision was not secured by a Legal Agreement. The site was reserved as a children's play area space for reasons that it accommodates underground drainage attenuation tanks within the southern part of the application site that serve development permitted under planning permission ref HS/DS/88/01079, and that it provides a relief to built development in association with the adjoining equipped play space. Part of the land within the application site cannot be developed as the underground attenuation tanks are required to be accessed by Southern Water when the need arises. This then makes only a rectangular shaped strip of land developable and any area outside the rectangular shaped strip of land is not developable.

The applicants advise that they have negotiated with Southern Water and obtained the necessary diversion agreement required to enable development of the land to housing. Evidence has been produced to support this.

### Constraints

SSSI Impact Risk Zone

Local Wildlife Site

Network rail Land Ownership

Network rail land ownership 10m buffer  
Flooding Surface Water 1 in 30  
Flooding Surface Water 1 in 100  
Flooding Surface Water 1 in 1000  
Intermediate Pressure Pipeline 50m Buffer SGN  
Flooding groundwater

## **2. Proposed development**

The application proposes a 3 storey dwelling that would have a car parking area for two cars, a playroom, bins and circulation area, and lifts at ground floor. At first floor there would be a kitchen, dining room, living room and 2 an ensuite bedroom, and at second floor there would be a studio or office, a bathroom, and 2 ensuite bedrooms and a balcony. A green roof is proposed.

The dwelling is proposed to be rectangular in shape and sited to the north of the application which is the area that can be developed whilst the south of the site comprises land that is not developable and is therefore proposed to be used as a garden for the future occupants of the proposed dwelling.

The side (east elevation) elevation of the dwelling will face the junction of Newts Way as well as the north and west elevations will consist of a green living wall whilst the rear elevation will face the river and railway embankment. New landscaping is proposed to the proposed garden meadow, and a wildlife buffer is proposed to be retained along the western boundary to retain the connection of the development to the Local Wildlife Site.

The proposed dwelling would be three storey in height, with dominant angular building form, scale and design detailing with window arrangements that largely reinforce the buildings horizontal emphasis. The building would have glazing to the centre of the principal façade. The building is proposed to have a green wall at the side elevation at junction of Newts Way and Darwell Close. The applicant advises that they propose a unique building for a diverse community and one that is intended for multigenerational living.

Members should note that the siting of this dwelling is dictated by the site constraint which is that only a rectangular shaped area is developable due to the presence of underground drainage tanks on the site, and the footprint of the proposed dwelling in fills the entire developable area.

Vehicular access is proposed to be taken from Newts Way.

Various amended drawings and additional information was received in an attempt to resolve concerns raised by the Planning Officers, the Councils' Trees Officers, and the Environment and Natural Resources Manager.

The application is supported by the following documents:-

- Design and Access Statement
- Site Waste Management Plan
- Planning Statement
- Great Crested Newts GCN
- Great Crested Newts Survey

- Arboricultural Survey
- Landscaping detail
- Preliminary Ecological Assessment
- Suds Decision Toolkit
- Flood Risk Assessment and Surface Water Drainage Strategy

### **Relevant planning history**

- HS/FA/20/00959 - Construction of four family dwellinghouses which will include work from home space, gardens, parking and access to Newts Way – Pending consideration.
- HS/FA/19/00813 – Erection of a two storey dwelling with a studio/granny annexe at ground level - Withdrawn.
- HS/FA/15/00464 - Erection of 2 x 4 bedroom two storey dwelling houses with off street parking and private gardens - Withdrawn
- HS/FA/00/00375 - Erection of 60 no. 3, 4 and 5 bedroom dwellings: Granted 20/02/2001
- HS/DS/89/00384 - Erection of 60 dwellings and garages (Phase II in pursuance of planning permission HS/0A/86/834): Granted 25/05/1990
- HS/DS/88/01079 – Erection of 55 detached houses and 4 bungalows and ancillary works: Granted 05/04/1989

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy 2014

Policy DS1 - New Housing Development

Policy FA1 - Strategic Policy for Western Area

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

Policy SC2 - Design and Access Statements

Policy SC3 - Promoting Sustainable and Green Design

Policy SC4 - Working Towards Zero Carbon Development

Policy SC7 - Flood Risk

Policy EN2 - Green Infrastructure

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy EN6 - Local Wildlife Site

Policy EN7 - Conservation and Enhancement of the Landscape

Policy EN8 - Open Space – enhancement, Provision and Protection

#### 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 HN7 - Green Infrastructure in New Developments

Policy HN8 - Biodiversity and Green Space

Policy HN10 - Amenity Green Spaces

#### Other policies/guidance

National Design Guide 2019

Air quality and emissions mitigation guidance for Sussex (2020)

Urban design lessons: Housing layout and neighbourhood quality – 2014  
National Planning Policy Framework 2021  
Guidance Notes for Design Codes 2021  
Draft National Model Design Code 2021  
ESCC Supplementary Planning Guidance, “A New Approach to Development Contributions” (the SPG),  
The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)

### 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 126 states: "The creation of high-quality, beautiful and sustainable 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 130 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 131 advises that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decision should ensure that new streets are tree lined, that opportunities are

taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible ....

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 152 states that development should take full account of flood risk.

Paragraph 159 states that development in areas at high risk of flooding should be avoided. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 161 and 162 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Paragraphs 163 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in the national planning guidance.

Paragraph 160 states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at application stage. For the exception test to be passed it should be demonstrate that:-

- The development would provide wider sustainability benefits to the community that outweigh the flood risk:
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall
- Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding, where in the light of this assessment (and the sequential and exception test, as applicable) it can be

demonstrated that:-

- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) The development is appropriately flood resistant and resilient
- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate
- d) Any residual risk can be safely managed; and
- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan

Paragraph 179 advises that to protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Paragraph 180 When determining planning applications, local planning authorities should apply the following principles.

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

### National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

Paragraph 42 - Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it; patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale – see Built form;
- the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.

Paragraph 50 - Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

Paragraph 52 - Well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form – see Built form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area – see Context.

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of

- windows and doors, and their details;
- the scale and proportions of streets and spaces;
- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

Paragraph 53 - Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All design approaches and architectural styles are visually attractive when designed well.

Paragraph 54 - Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 55 - Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

### Draft National Model Design Code 2021

Paragraph 56 Refuse Collection Options: in-curtilage Provision: This can be provided to the side or rear of the property in detached housing. For terraced housing, collection needs to either be from the rear or a bin store needs to be provided at the front.

Paragraph 61 Built Form – Identity: All schemes should be designed to respect and enhance the existing character of the surrounding area. The following principals will apply to most development:

i) Sense of place: All schemes should be designed to enhance local character and legibility by making use of local materials and detailing.

Identity may come out of respecting and enhancing the existing character of the area and also from adapting and shaping to develop new character. The architectural approach needs to be influenced by its surrounding architectural character (paragraph 119 of Guidance Notes for Design Codes).

Existing character is therefore something that must be understood as a starting point for the design of layouts and buildings so that they fit into and also enhance the character of the local area (paragraph 122 of Guidance Notes for Design Codes).

### Government Circulars

Defra circular 01 2005, Biodiversity and geological conservation - statutory obligations and their impact within the planning system (2005) states that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed

development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision" (Paragraph 99.

### National Planning Policy Guidance (NPPG)

Design: process and tools

### **3. Consultation comments**

- East Sussex County Council (SuDS) – No objection subject to conditions.
- East Sussex County Council (Highways) – Responses received advising no comments to make. Reference is made to the Minor Planning Applications Guide.
- Hastings Borough Council (Ecology) – Object to the development
- Southern Water – No objection subject to conditions.
- Natural England – Response received advising no comments to make.
- Hastings Borough Council (Arboriculture) – Object to the development as the propose dwelling is located hard against the crown of T1. The proposed dwelling would require the removal of G2 a group of hazel trees and such a loss would be regrettable as these trees form an attractive landscape feature. They further advise that they are not of the opinion that the scheme can be implemented without causing harm to these trees.
- Hastings Borough Council (Estates) – Response received advising no comments to make.
- Hastings Borough Council (Planning Policy) – Object to the development on grounds that whilst the Borough does not meet its 5-year housing supply, the harmful impact upon the nature conservation interests of the site are a negative, which outweigh the positive contribution that will be made by this dwelling to housing numbers.

### **4. Representations**

In respect of this application neighbours were sent individual notifications and a total of 34 letters were received and 2 petitions.

22 letters are objecting to the development and 12 letters are in support of the development.

The 22 letters received are objecting to the development for the following concerns:-

- This is a quiet residential area. What business are their proposing to do from home.
- Building design is not in keeping with the appearance or character of any other builds.
- The proposed materials are not in keeping with existing.
- Negative impact on the local environment.
- Area was designed to be the drain point of the close.
- Negative impact on wildlife and the stream which runs under the road.
- Proposed access could result in danger to users of the highway.
- Possible traffic problems during construction.
- Development overlooks houses in Sedges Way and Newts Way.
- Development overlooks the play park which is used but location residents' children.

- The development restricts views into the play area.
- Build process will cause so much disruption in the area.
- The development does not benefit or enhance the creation of jobs and investment, does not provide high quality homes and does not support wildlife and ecosystems.
- Antisocial behaviour is not an issue here and should not be a reason to justify the development.
- The site does not seem capable of accommodating a development of this size and scale.
- There is a requirement that the existing storm drains which will cause considerable impacts on all aspects including large heavy machinery. constantly accessing the site and possible impacts to neighbours' gardens.
- The development will not result in net gain in biodiversity, preservation and enhancement to wildlife corridors.
- The development will cause direct overlooking into neighbouring properties on Sedges Road.
- The roof garden will directly overlook the road and can be viewed from the play park area and does not align with the current style of houses in the estate.
- The glass wall facing the rear of the neighbouring property removes their privacy and enjoyment of their property.
- The proposed windows would provide a view into the neighbours' lounge, bedroom and kitchen and would overlook their garden.
- The site has historically been preserved for the benefit of local fauna and flora which would be disrupted should this development go ahead.
- There is no guarantee that the current wildlife will be protected during the construction phase of the development.
- The removal of the Hazel trees and impact on the existing oak tree will make the development unacceptable.
- There are protected species on site and there is no indication that this protected species will be protected during development.
- The site holds a large storm water balancing tank and associated drainage to avoid future flooding and is therefore not considered suitable for development.
- The application proposes to plant trees at the boundary, however these trees will take many years to be an effective boundary.
- Newts Way is very busy with traffic and the bed is dangerous for children and animals and proposed development will cause harm to users of the highway.
- Noise and disruption generated by construction traffic will be detrimental to amenity of neighbouring properties.
- The site should be left as an open space.
- When the estate was built in 2000 why was a dwelling not built there?
- There is planning permission for more than 200 houses on the Old Grange School site and this development together with the current. application will cause noise and disturbance to neighbouring properties.
- The application site is liable to flooding as it is situated at the lowest point of the state and heavy persistent rains cause drains to overflow.
- This development is being built on a low-lying wetland which is synonymous to a flood plain.
- The application plot was never designed to accommodate a building but was going to

landscape the area with paths and benches for use by residents and this was supposed to be done by Persimmon Homes. The legal covenant exists with Hastings Borough Council to secure this.

- There is a large oak tree that is protected by a TPO which has branches overhanging the bank and beyond and these will need to be cut back to facilitate the development.
- Looking at the rooms proposed by this development one wonders whether this house will be used as a small residential home.
- The storm tanks are not load bearing structures and therefore clear access for Southern Water is required.
- The storm water storage tanks provide essential contingency in case flooding of the ground water drains.
- The previous owners left this site undeveloped for a reason.
- The site provides a natural boundary and much needed green space between the different developments at the back of The Sedges and Rushmere Rise and the houses further up Newts Way.
- UK Power Networks has a substation adjoining the site. When there are power cuts, a large generator is brought in to boost this substation. It is placed down from the substation (towards Newts Way) and to lessen the noise of the generator a baffle kit is placed around the generator with fencing. Noise complaints have been logged with the Council because of the noise made. Where will this generator be placed in the future if it is needed.
- Future residential occupiers will suffer noise impact from the railway line.
- Amberwood Management was not consulted on the application.
- There is no reference to maintaining and protecting the shared border on the south west corner.
- No expert advice submitted about protected species.
- Stipulations set up in the protected species report when the section 52 agreement was drawn up have not been addressed.
- All digging within 10m should be done by hand.
- Work on site should avoid the badger breeding season and the nesting breeding season.
- Most of the support letters are from people who do not live in the area.
- The development is out of keeping with the character of the area.
- The site is not large enough to accommodate a development as proposed.
- The development will damage existing wildlife habitat.
- There are protected species on the site.
- Development will overlook the existing play area.
- Concerns are raised regarding the disturbance and inconvenience that will be caused during construction.
- Three storey development is not acceptable in this location.

The 12 letters received are in favour of the proposed development on the following reasons:-

- The proposals are of good design, sustainability, innovation and placemaking.
- Its sustainability demonstrates high regard for the environment.
- Makes a positive contribution to its setting.
- The massing is well considered taking into account the presentation, building form and building size and the scheme positively responds to its context.

- This is a significant design innovation in light of covid 19 restrictions.
- This is a proposed linear house with a sensitive approach to the rear elevation and has a green wall.
- The scheme effortlessly blends into the environment.
- The zero carbon eco homes advocate the new social norm of live-work spaces.
- The aesthetic reference to Hastings Fishing Huts preserves.
- Live -work units are the new social norm.
- The development is an excellent example of contextual and contemporary design.
- The clarity of the proposals' vernacular roots firmly place it in its rural context whilst contemporary to the users' needs.
- The proposed materials are sympathetic to the traditions of its setting.

Members should note that out of the 12 letters of support received for the development none of the representations have a local address.

There is a petition received with 12 signatures objecting to the development. The reasons for objection are as follows:-

- Disruption to plant life and local wildlife including the badger run that is funded by local residents.
- Noise disruption particularly during the construction period.
- Issues relating to the water storage tanks being located on site.
- The size and appearance of the development is not in-keeping with the local area including the rood garden and large windows.
- Concerns regarding impact of the development on the flow of traffic, on road parking, safety of children using the area and playpark and damage to road from construction traffic.
- Overlooking caused by the proposed development.
- compromises the safety of the users of the play park.

There is a petition received with 35 signatures supporting the development for the following reasons:-

- It is a zero-carbon family home.
- The architecture, landscape design and place making is of high quality and makes a positive contribution to the area.
- The strategies for environmental sustainability, natural habitat and biodiversity are well considered.
- The orientation, house design and size of the proposed building responds sensitively to the context and neighbourhood.
- The design of the house is fully wheelchair accessible and takes account of Secure by Design principles.
- The work with local artists is commendable.

## **5. Determining issues**

The main considerations are the principle of development, 5-year housing supply, design, loss of green space, layout, design, and character, ecological matters, trees, impact on neighbouring residential amenities, drainage matters, highways and parking matters, refuse

and cycle storage, air quality and emissions, sustainability construction.

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/good access to public transport, shops, services and facilities.

b) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. It is considered that a development as proposed would positively contribute to the Council's housing stock. However, this positive of the scheme needs to be weighed against any negatives and a decision made on whether these negatives significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is balanced and concluded on paragraph 6 (Conclusion) of this report.

c) Loss of green space

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) advises that development proposals should show an appreciation of the surrounding neighbourhood's character. Policy DM3 advises that for development to be supported and to achieve a good standard of living, permeable and legible green infrastructure network of routes and spaces to create a public realm should be attractive, overlooked and safe. In addition, Policy EN2 of the Planning Strategy 2014 requires new or enhanced green infrastructure to be incorporated into new development, and that natural areas should be safeguarded and enhanced, and connections between these spaces retained and improved where possible.

Paragraph 4.49 of the Hastings Local Plan - Development Management Plan (2015) advises that private open space can create breaks in the street scene and should be protected from development that would prejudice the open nature of such an area, and that some local green or amenity spaces are considered important in their local areas and make a valuable contribution to recreation and the areas' character.

The application site is a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space. Together with the open space at the junction of Newts Way and Darwell Close, this open space makes a positive contribution to the appearance and character of this part of an established housing estate and provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development, which if lost, would be detrimental to the overall character of the area as a whole. In addition, given the prominent location of this open space at the junction of Newts Way and Darwell Close where there are full views of this open space from public vantage points, this open space has an important amenity value and plays an important role of being a connector between green spaces and to the green infrastructure network in this area, and as such a development as proposed would prejudice the open nature of such areas, its biodiversity and accessibility with no exceptional circumstance being met, contrary to policies. Furthermore, the application site lies in close proximity to the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green

space (equipped play space) to the north (which is also a designated open/play space secured via s106 under ref HS/FA/00/00375), and the green space across the site at junction of Newts Way and Darwell Close which is also a designated open space.

Loss of this open space to housing development will prejudice the open nature of this area and will be to the detriment of the visual and spatial character of this part of the area, contrary to policies. Whilst an area of open space will be left following the construction of the dwelling, and whilst this area is proposed to be planted as a meadow, its size will be limited and will be compromised by the existence of the proposed three storey dwelling, and given that this area of land will be occupied by residential clutter and paraphernalia associated with the residential use of this open space as a garden to the proposed dwelling, its amenity and recreational value will be compromised and a development as proposed will make a negative contribution to the visual and spatial character of this part of the area, with no exceptional circumstance being met. As such a development as proposed would detract from the visual and spatial character of this part of the area, would fail to take advantage of opportunities available to improve the character of the area, contrary to NPPF policies and Local Plan Policies DM1, DM3, and DM4 of the Development Management Plan 2015, Policies EN2, EN6 and EN8 of the Hastings Planning Strategy 2014, the National Design Guide 2019.

Given this, it is not considered that the need of this dwelling outweighs the nature conservation and visual amenity interests of this site. As such loss of this site to housing is contrary to policies as set out above.

#### d) Layout, Design, Character 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 appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

This is supported by Point (c) of Policy DM3 of the Development Management Plan, which states that, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where there is a means of landscaping that contributes to crime prevention, a permeable and legible green infrastructure network of routes and spaces to create a public realm that is attractive, overlooked and safe.

Paragraph 126 of the NPPF states that the creation of high-quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such

as design guides and codes. Significant weight should be given to:

- development which reflects local design polices and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and or
- Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit with the overall form and layout of their surroundings

In addition, paragraph 52 of The National Design Guide states that well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area.

In addition, Paragraph 55 of the Design Guide 2019 advises that well designed places contribute to local distinctiveness and this may include adopting typical building forms, features, materials and details of an area, drawing architectural precedents that are prevalent in the local area including the proportions of buildings and their openings and creating a positive and coherent identity that residents and local communities can identify with.

The application proposes a three-storey modern building that would have a car parking area, studio or office, bins and circulation area at ground floor. At first floor level there would be a kitchen, dining room, living room and 2 ensuite bedrooms and at first floor there would be 3 ensuite bedrooms, a bathroom, and a balcony.

#### Layout:

The proposed dwelling would be sited hard up against the plot boundaries to the north and east of the application site, coupled with the shape of the plot, its plan depth and form, and the fact that most of the application site is undevelopable given that most of the site accommodates underground drainage tanks managed by Southern Water thereby making the developable area limited in size, and of a certain shape, it is considered that a development as proposed would run counter to the established plan plot depth characterising this area and would detract from the established grain of development, and be out of character with the established visual and spatial character of the housing development found in this area. In addition, the widest elevation of the development would sit hard against the common boundary of the site with the equipped play space whilst the narrowest elevation is the side elevation of the proposed building which sit against the junction of Newts Way and Darwell Close. The siting of this dwelling is dictated by the site constraint which is that only a rectangular shaped area is developable due to the presence of underground drainage tanks on the site.

Given the above, it is considered that a development as proposed would fail to have regard to the site's context or the established pattern and grain of development in the area, would be an incongruous form of development that is out of keeping with, and harmful to the established visual and spatial character of the area. It would detract from the visual amenities of the area, and appear as an alien and incoherent development within this established

settlement, not depicting the established grain of development, and not respecting the established plan plot depth. Thereby resulting in a development that has a significant impact on, and detracts from the established visual and spatial character of this part of Hastings, the established street scene, the established character and appearance of the area, contrary to the NPPF policies and Local Plan Policies DM1, DM3, and the National Design Guide 2019.

### Design and character:

The proposed is a detached three storey dwelling, with dominant angular form and scale, modern design and detailing with window arrangements that largely reinforce the building's horizontal emphasis. The building would have glazing to the centre of the principal façade and is proposed to have a green wall at the side elevation at junction of Newts Way and Darwell Close. The widest elevation of the development would sit hard against the common boundary of the site with the equipped play space whilst the narrowest elevation is the side elevation of the proposed building which will front the junction of Newts Way and Darwell Close. The siting of this dwelling is dictated by the site constraint which is that only a rectangular shaped area is developable due to the presence of underground drainage tanks on the site so as to enable Southern Water access to the site whenever there is need for maintenance of the underground drainage tanks. Given this constraint, the footprint of the proposed dwelling can only be a rectangle that is proposed to fill the entire developable area.

The application site is located within an established residential area with uniformity in terms of grain of development, the established rhythm, style and character of dwellings, and the detailed design. A development as proposed is uncharacteristic of surrounding development and does not respect the established size and scale of development, maximum height, the overall design and detailing prevalent in the area. Whilst there is no evidence of modern designs, this does not preclude a modern styled development being supported here. However, in this case it is considered that a development as proposed would not follow the established grain of development and would be out of character with the established character of the housing development found in this area contrary to policies. In addition, it is considered that the land is limited in size and would not be big enough to accommodate a secluded development with its own character. As such a development as proposed would fail to have regard to the context of the site and its established character.

Policies state that development proposals should fit in with the surrounding area, and that the appearance and scale of development proposals should not detract from the surrounding area. Policy DM1 requires all development proposals to reach a good standard of design. It is considered that the proposed scheme is an incongruous form of development that is out of keeping with the established character of buildings in this local area and does not positively respond to the context of the surrounding site, contrary to policies.

Whilst it is acknowledged that good design is more than visual impact, the policy specifically requires proposals amongst other things to take into account protecting and enhancing local character, to appreciate the surrounding neighbourhood, scale, height, massing and materials and that development should be of a scale, height and form that is appropriate to the location. The NPPF requires that decisions should ensure that development amongst other things adds to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping architecture, and maintain a strong sense of place having regard to materials, design, detailing, scale, and other matters. This paragraph also advises that development should not prevent appropriate change and innovation. Whilst the proposed development would represent change and a degree of

innovation, the development is not appropriate in its context, and the proposed development is not considered to maintain a strong sense of place.

In addition, the NPPF also requires development proposals to be sympathetic to local character whilst not preventing appropriate change and innovation. Whilst the proposed development would represent change and a degree of innovation, a development as proposed is not considered to be appropriate in this context. A development that is of architectural merit is sophisticated, distinctive, has interest, rigour and is delightful to viewers. This development lacks this. Even more-so here where the site is prominently located at the junction of Darwell Close and Newts Way, and where the gable end elevation of the development is important in views and would be clearly noticeable at the junction of Newts Way and Darwell Close. Due to its prominent location and coupled with its unsympathetic design, a development as proposed would be clearly noticeable and would contrast uncomfortably with the traditional buildings of the existing neighbouring properties thereby increasing the incongruity of the development in the street scene and the local area. The prominence of this dwelling is further increased by its modern unsympathetic design. Given this, it is considered that a development as proposed fails to have regard to the site's context or the established pattern and grain of development in this local area, and a scheme as proposed would be an incongruous form of development out of keeping with, and harmful to the established visual and spatial character of this local area, contrary to policies.

Whilst the submitted supporting information advises that this is a high-quality development, it is not considered that a development as proposed is of high-quality contemporary design so as to form a distinctive modern landmark building that is sensitive to the established visual and spatial character of the estate, and one that positively contributes to the character and appearance of this area. As such it is not considered that a development as proposed would be assimilated well into existing development.

It is noted that some form of soft landscaping is proposed together with a green/living wall on some of the elevations of the building as a way of softening the appearance of this building and integrating it to existing development. However, it is considered that it has not been robustly and sufficiently demonstrated how the soft landscaping and living or green wall will be implemented and maintained, as the success of a scheme as proposed in this sensitive location is largely dependent on the sustainability and pleasantness of the proposed soft landscaping and living wall proposed. In addition, the proposed vegetation cannot be relied on as it is proposed landscaping that will take time to mature and when trees, hedges, plants are not in leaf in the winter months there will be clear views of the proposed dwelling from public vantage points.

As such, a development as proposed would fail to have regard to the site's context and would be an incongruous form of development that is harmful to the visual amenities of the area and would detract from the established traditional character and appearance of this part of Darwell Close and Newts Way, contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.

#### e) Ecology

Policy EN3 of the Hastings Local Plan – Planning Strategy 2014, advises that development should seek to minimise damage to wildlife and habitats and that where the loss of existing wildlife habitats or geological features is unavoidable, the loss should be kept to a minimum and compensation should be provided through the creation of replacement habitats or other appropriate measures. Such measures should be achieved through the use of planning

conditions or Section 106 agreements where appropriate.

Policy HN8 of the Hastings Local Plan – Development Management Plan 2015 and the National Planning Policy Framework (NPPF) requires an ecological assessment to accompany a planning application where it is necessary to assess the impact of proposed developments on habitats, wildlife, landscape and the Green Network. The assessment is required to provide sufficient information to meet the Council's requirements and detailing the nature conservation resource of the area affected by the application, the potential impact of the development proposed, and any suggested measures to protect existing habitats or species and/or measures to mitigate and/or compensate for any harmful impacts on them.

Furthermore, the NPPF requires that the Planning System should contribute to and enhance the natural and local environment by minimising the impact of the development on biodiversity and providing net gains in biodiversity wherever possible. Paragraph 174b of the NPPF encourages plans to 'identify and pursue opportunities for securing measurable net gains for biodiversity', and Paragraph 175d of the NPPF advises that when determining planning applications, Local Planning Authorities should apply the following principles amongst other :-d) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. The NPPF requires that the Planning System should contribute to and enhance the natural and local environment by minimising the impact of the development on biodiversity and providing net gains in biodiversity wherever possible.

The application site is an undeveloped land that is now overgrown and has a mature oak tree (T1) adjacent to the site and a group of hazel trees (G2) that all appear to be in good health and are likely to be affected by the proposed development. In addition, the site lies in close proximity to the Wishing Tree Local Wildlife Site and the Coombe Valley Countryside Park and provides an important green corridor with the green space (equipped play space) to the north and east (across Darwell Close).

This application is accompanied by a Preliminary Ecological Appraisal prepared by The Ecology Partnership. The submitted concludes that the site is of low ecological value and a small-scale development as proposed is unlikely to cause adverse harm to the areas or the surrounding landscape. This report recommends that a vegetation buffer strip be maintained between the site and the Local Wildlife Site and that a CEMP is developed and implemented for the scheme. The site is also considered to be suitable foraging habitat for bats however due to the extent of the habitat that would be lost and that the development would not fragment or isolate commuting or forage routes no concern is raised and no additional survey work is recommended. However, bat boxes are recommended as well as use of low light levels around the edges of the site. There is a pond that is 43m away and is considered to be of average suitability to contain Great Crested Newts (GCN) As such it is recommended that eDNA sampling is carried out on this pond to determine the presence or absence of GCN.

There is a badger run that runs parallel to Rushmere Rise against the rear boundary of properties fronting this road. This is managed and maintained by the local residents under a management company. This report advises that no evidence of badgers was found in accessible areas of the site. However, the central part of the site could not be accessed because of the density of the scrub habitat. As such, it is recommended that a badger survey is carried out once the scrub habitat has been cut back. Nesting birds may be present and if planning permission is given for the development it is recommended that these habitats

should be retained within the scheme, and any clearing should take place outside the nesting season. The applicant also proposes ecological enhancement, and these are aimed at improving the ecological value of the site.

In addition, a GCN Survey prepared by The Ecology Partnership is submitted to further justify the development. There are 2 ponds located within 250m of the application site. The closest pond is not suitable for breeding GCNs and the second pond was discounted from further surveys because of its proximity to the site and the anticipated extent of habitat loss. Given this, precautionary measures should be used during development of the site. The preliminary ecological assessment recommends a buffer strip running East – West to the south of the site (para 5.6), recommends some further survey work at the impenetrable centre of the site once some clearance has been undertaken. This could be conditioned if planning permission is given or the development.

The site itself is both adjacent to, and slightly overlapping with, a designated Local Wildlife Site (Wishing Tree) and is at present heavily overgrown with scrub vegetation. Policy EN6 of the Development Management Plan sets out the Council's approach to development proposals within or adjacent to Local Wildlife Sites and advises that development proposals in these locations will only be supported where there is a local need which outweighs any harm to the nature conservation interest. In addition, the site forms part of the wooded and green aspect of the existing housing development. Whilst the habitat itself is not unique or has protected species, it does provide a green link with the existing development and the wider countryside, green network and habitats of national significance.

The Council's Local Plan Planning Strategy paragraph 7.6 states that a healthy natural environment is essential to our economic prosperity, health and well-being. It helps conserve and reverse the decline in biodiversity. In addition, Policy EN2 (Green Infrastructure Network) of the EN2 of the Hastings Planning Strategy 2014 identifies in policy terms the provision of a green network semi natural open space to conserve biodiversity. The policy then states that new development is required to contribute to the green network. Paragraph 7.13 further requires that no biodiversity is lost and that the green infrastructure network is protected from development.

Furthermore, Policy EN3 of the Hastings Planning Strategy 2014 requires the Council to protect the town's biodiversity and ensure development proposals contribute to no net loss of biodiversity. The proposed scheme integrates wildlife habitat into the elevations of the building and across the site in order to achieve a net gain in biodiversity. However, the application does not identify this net gain in numerical terms. Also proposed is the retention and strengthening of additional planting and new native trees as shown in the submitted Arboricultural Report, as well as the enhancement and preservation of wildlife corridors throughout the site along with the buffer zone to the west where the site is nearest to the Local Wildlife Site. Also proposed are bird and bat boxes on the building and within the site.

The Borough Council's Environment and Natural Resources Manager was consulted and they advise that whilst the biodiversity of the site is not considered to be unique, the site provides a significant contribution to the natural aspect of the surrounding and existing development and forms a contiguous green network with surrounding habitats, including the national and local designated sites. It is noted that the submitted Ecology report and associated GCN Survey look at the biodiversity constraints for a development footprint, but the Council is required to consider the wider issues relating to the loss of the open space. Taking the strategic context of the site into consideration it is considered that a development as proposed would result in the irreplaceable loss of valuable green space. As such it is not

considered that the applicant has sufficiently demonstrated that there is a local need for a house in this location that outweighs the harm that would be caused to the conservation interests of the Local Wildlife Site. The application does not comply with the NPPF Policies, and Policy HN8, HN10, DM3, of the Hastings Development Management Plan 2015, and Policy EN3, EN6 and EN8 of the Hastings Planning Strategy 2014.

#### f) Trees

Policy EN3 of the Hastings Local Plan – Planning Strategy 2014, advises that development should seek to protect nature conservation and improve biodiversity, and criterion g) of Policy EN3 of the Hastings Planning Strategy 2014, states that priority will be given to “protecting woodland, particularly ancient woodland and veteran trees.”

Paragraph 131 advises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decision should ensure that opportunities are taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible.

The NPPF Policies state that, planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

The site forms part of the wooded and green aspect of the existing housing development. There is a mature Oak Tree (T1) and a group of Hazel Trees (G2) that are likely to be affected by the proposed development. The application is accompanied by an Arboricultural Report dated June 2021 prepared by The Mayhew Consultancy Ltd.

The Council's Trees Officer was consulted and they advise that the proposed dwelling appears to be hard against the crown of T1 (mature Oak Tree). Whilst the submitted tree report indicates that T1 is outside of the root protection area (rpa) of T1, it is entirely possible that in reality the proposed dwelling encroaches significantly into the rpa of T1. In addition, the proposed dwelling would be in close proximity and may end up requiring the removal or pruning of G2, a group of Hazel Trees and such a loss would be regrettable as these trees are an attractive landscape feature.

Given the above, it is considered that due to the proximity of the proposed detached dwelling to T1 and G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these healthy and mature trees which currently make a positive contribution to the visual appearance and character of this site and the housing estate as a whole. As such a development as proposed is contrary to NPPF policies and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and DM1 of the Development Management Plan 2015. In addition, given the proximity to the proposed detached dwelling to the existing mature trees, it is considered that a shade will be caused to the future residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to the NPPF Policies and Policies DM1, DM3, of the Development Management Plan 2015.

#### g) 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.

The application site is at lower land levels than dwellings to the north of the site and fronting Rushmere Rise. These dwellings are located some 30 m from the common boundary with the application site. To the southern boundary of the application site the site shares a common boundary with nos. 5, 6 and 7 The Sedges and the proposed development is located some 20m from the common boundary with these neighbours.

Whilst the separation distance from the common boundary with these neighbours is some 20m, a development as proposed with habitable room windows and a roof garden directly facing the occupiers of nos. 5, 6, and 7 The Sedges will cause direct overlooking and will create a perception or sense of being overlooked to the detriment of the residential amenities of these existing neighbours, contrary to Policy DM3 of the Hastings Development Management Plan 2015.

The concerns raised by neighbours are noted. Local residents have raised concerns regarding the noise, nuisance and the potential disturbance during the construction period. Given the existing level of screening on the site boundaries and the available separation distance of the proposed development from existing properties, it is considered that no harmful noise nuisance will be caused to these neighbours as a result of the proposed development in terms of impacts arising from the increase of day-to-day household noise. Some noise and disturbance during construction is inevitable, and this can be minimised by restricting working hours if planning permission is given for the development.

#### h) Residential Amenities for future occupiers of the dwellings

##### Internal Floorspace:

The proposal has been assessed against the technical housing standards as produced by the Department for Communities and Local Government. This document sets out the minimum floor space requirements for residential units. This document states that for a three storey, three bedroom unit (with an office) is 103-108 m<sup>2</sup>. The proposed unit meets this requirement and as such is considered to be acceptable. The individual rooms have also been individually assessed and are considered to also meet the relevant size requirements. Taking this into account, it is considered that the proposed development is acceptable and would provide an acceptable level of internal living accommodation.

##### External Amenity Space:

Point (g) of Policy DM3 of the Hastings Development Management 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 the proposed dwelling the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. The plan submitted shows that the proposed development will provide acceptable private amenity space for the future occupiers of the proposed dwelling, and as such the development meets Point (g) of Policy DM3 of the Hastings Development Management Plan 2015.

#### i) Drainage Matters

Policy SC7 of the Hastings Local Plan – Planning Strategy (2014), states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere. The Council will adopt a risk-based sequential approach to determining the suitability of land for development, in accordance with the principles set out in national planning policy relating to Flood Risk and the Hastings Strategic Flood Risk Assessment 2008. The application is accompanied by a Flood Risk Assessment and Surface Water Strategy. It is considered that the proposed works are acceptable in this respect and are in agreement with Policy SC7 of the Hastings Local Plan - Planning Strategy (2014).

#### j) Highway Safety and Parking

##### Accessibility:

The site is located in a sustainable location in close proximity to several bus routes with regular connections to Hastings Town Centre and the mainline railway services making it sustainable in terms of non-car methods of transport and as such complies with the Council's sustainability objectives.

##### Car Parking:

According to East Sussex County Council's guidance each dwelling should be provided with 2 parking spaces measuring a minimum of 2.5m x 5m or with an additional 0.5m if adjacent to a wall or fence. The proposed parking spaces are acceptable size and meet this standard.

The application proposes 2no. car parking spaces on plot for the proposed dwelling. The East Sussex County Council Minor Application Guidance (2017) states in paragraph 3.6.1 that 'parking for individual dwellings that don't have a shared access or share car parking should be provided as follows: 1- or two-bedroom dwelling should provide 1 car parking space, and 3 or 4 bedroom dwellings should provide 2 spaces'. Given that the application proposes 2 car parking spaces for this dwelling, it is considered that the proposed development meets this requirement.

Given this, it is considered that the application has satisfactorily demonstrated that a development as proposed can provide acceptable car parking for future users and as such the development complies with the provisions of Policy DM4 of the Hastings Development Management Plan 2015 and the East Sussex County Council Minor Application Guidance (2017).

##### 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 (FSV) 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 proposed roadway collection satisfies this requirement and as such there is no objection to the development on this ground.

#### k) Refuse and Cycle Storage

Policy DM3 of Hastings Development Management Plan requires adequate space for

storage of waste and its removal. The applicant is advised that all waste storage should be secure and covered and located at the rear of the property away from public view.

Part H of Building Regulations sets out that waste containers should be sited so that residents do not have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance.

The application proposes bin storage areas at ground floor level of the building adjacent to the car parking area. This proposed bin storage area is located within 30m from Newts Way and meets policy requirements. This should be conditioned if planning permission is given for the development.

In addition, cycle storage is proposed along Newts Way within the application site and there is no concern regarding this. It is recommended that if planning permission is given for the development, cycle storage areas should be conditioned.

The Waste and Street Scene Team have reviewed the proposal and are satisfied with this arrangement. There is ample space within the proposed garden for cycle storage. As such it is recommended that if planning permission is given for the development provision of bin storage and cycle storage can be conditioned if planning permission is given for the development.

#### l) 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. No external lighting is proposed, and residential amenities are not harmfully affected. As such it is considered that the development is in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

#### m) Sustainable construction

The current application is accompanied by a statement which details how the proposed development will promote sustainable design and achieve the objectives of Planning Strategy Policies SC3 and SC4. The application proposes modern methods of construction and use of modern materials. The proposed development is described as a 'sustainable zero carbon' dwelling that is of Passivhaus standard (an energy efficient building) and is described as being of multigenerational living. A living wall is proposed on some of the elevations of the proposed development together with a green roof and a meadow garden. It is however, questionable whether these proposals can be successfully achieved given the size of the site. It is also questionable whether there is sufficient depth to successfully plant a meadow garden given that the site accommodates Southern Water underground drainage tanks. In addition, the applicant advises that the proposed building will be an offsite construction. This is very inspirational; however, it has not been satisfactorily demonstrated that this is achievable.

## **6. Conclusion**

The site is located within a sustainable location with easy and frequent access to services

and as such the principle of residential development is acceptable. As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged.

A development as proposed would result in the loss of a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space. Together with the open space at the junction of Newts Way and Darwell Close this open space makes a positive contribution to the appearance and character of this part of an established housing estate and provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development. As such it is considered that a development as proposed would prejudice the open nature of this area with no exceptional circumstance being met.

This area is characterised by uniformity in terms of plot shape and size, land plots addressing streets and uniformity in terms of style, layout, form, and grain of development. The proposed development does not reflect this.

Whilst there is no evidence of modern designs, this does not preclude a modern styled development being supported here. The proposed development is of modern design and does not reflect the established character of the existing housing development on Newts Way. Whilst a modern design may be accepted in this location, it is considered that a combination of the, layout, form, grain of development, and coupled with the modern design of the dwelling and detailing and its prominent location at junction of Darwell Close and Newts Way it is considered that a development as proposed would detract from the established appearance and character of this area, contrary to policies.

In addition, whilst the proposed development is of modern design, it is not considered to be of a high-quality contemporary design so as to form a distinctive modern landmark building that positively contributes to the character and appearance of this area. As proposed, it is considered that a scheme as proposed will not successfully integrate well into the existing urban form and as such does not comply with policy requirements.

Furthermore, given the constraints affecting the site, in particular that most of the site accommodates Southern Water underground drainage thereby making most of the land undevelopable, it is considered that the land that can be developed is limited in size and will not be big enough to accommodate a secluded development as proposed with its own character. As such as development as proposed is contrary to policies.

Due to the proximity of the proposed detached dwelling to a mature Oak Tree T1 and a group of Hazel Trees G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these important trees, contrary to policies. In addition, given the proximity of the proposed detached dwelling to the existing mature trees, it is considered that a shade will be caused to the residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to policies.

The application site adjoins the rear gardens of nos. 5-7 The Sedges, that the proposed development has principal windows facing these neighbours and that a balcony is proposed that will directly face the garden of these dwellings, and no. 7 The Sedges in particular, and given the proximity of the proposed development to these neighbours, it is considered that

the future occupants of the proposed dwellings will be directly overlooked by these neighbours to the detriment of the enjoyment of their garden, and detrimental to the enjoyment of their residential amenities, contrary to policies.

As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. It is considered that a development as proposed would positively contribute to the Council's housing stock. In addition, the application proposes an inspirational modern building that would be of modern methods of construction and use of modern materials, the development is described as a 'sustainable zero carbon' dwelling, is proposed to be of Passivhaus standard (an energy efficient building) and is described as being of multigenerational living, a living wall is proposed on some of the elevations of the proposed development together with a green roof and a meadow garden. However, it is questionable whether these proposals can be successfully achieved given the size of the site. These positive need to be weighed against the negatives of the scheme which are the loss of a valuable open space, the loss of important mature trees which currently make a positive contribution and the visual appearance and character of the street scene and the area, the design and impact of the development on the street scene and the character and appearance of the area, and the relationship of the development to neighbours. In this case and as discussed herein it is considered that the negatives of the scheme significantly and demonstrably outweigh the housing benefit. As such, it is considered that a scheme as proposed does not comply with the NPPF policies and Local Plan Policies DM1, EN1, HN1, and HN4 of the Development Management Plan 2015, as well as Policy EN1 of the Hastings Planning Strategy 2014, and the National Design Guide 2019.

As such these benefits are outweighed by the harm to the character and appearance of the area identified herein and the consequent conflict with the NPPF and Local Plan policies.

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

## **7. Recommendation**

### **Refuse for the following reasons:**

1. The application site is a valued open space based on its social, recreational value and visual appearance and with the adjoining equipped play space, together with the open space at the junction of Newts Way and Darwell Close, it makes a positive contribution to the appearance and character of this part of an established housing estate. This open space provides an important relief or break within the townscape thereby providing an important balance between open space and built development within the area as a whole. It also provides a valuable contribution to the green space provision as part of the wider estate development, which if lost, would be detrimental to the overall character of the area as a whole. Given this, the loss of this open space to housing development as proposed would prejudice the open nature of this area, its biodiversity and accessibility and would be to the detriment of the visual and spatial character of this part of the area with no exceptional circumstance being met, contrary to policies. Whilst an area of open space will be left following the construction of the dwelling, and whilst this area is proposed to be planted as a meadow, its size will be limited and will be compromised by the existence of the proposed three storey dwelling.

Given that this area of land is proposed to be used as a residential garden and will be occupied by residential clutter and paraphernalia associated with the residential use of this dwelling, its amenity and recreational value will be compromised and a development as proposed will make a negative contribution to the visual and spatial character of this part of the area, with no exceptional circumstance being met. As such, it is not considered that the applicant has sufficiently demonstrated that there is a local need for a house in this location that outweighs the harm that would be caused to the nature conservation (Local Wildlife Site) and visual amenity interests of this site. As such a development as proposed would be contrary to NPPF policies and Local Plan Policies HN8, HN10, DM1, DM3, and DM4 of the Development Management Plan 2015, Policy EN2, EN3, EN6 and EN8 of the Hastings Planning Strategy 2014, and the National Design Guide 2019.

2. Given the siting of the development hard up against the plot boundaries to the north and east of the application site, coupled with the shape of the plot, its plan depth and form, and the fact that most of the application site is undevelopable, a development as proposed would run counter to the established plan plot depth characterising this area and would detract from the established grain of development found in this area. This is uncharacteristic of the layout of dwellings in this area as there is evidence of spacing in-between dwellings and plot boundaries, and all dwellings are a linear form of development that address a street, have good size plots with spacing in-between plot boundaries, and all front elevations of dwellings address a street and all dwellings have a front door that addresses a street. This application proposes a detached dwelling which does not address a street, and its front elevation does not address a street but faces a garden. As such, it is considered that a development as proposed would fail to have regard to the site's context or the established pattern and grain of development in the area, would be an incongruous form of development that is out of keeping with, and harmful to the established visual and spatial character of the area, appearing as an alien and incoherent development within this established settlement, contrary to the NPPF policies and Local Plan Policies DM1, DM3, of the Development Management Plan 2015, and the National Design Guide 2019.
3. Due to the unsympathetic modern design of the proposed development with dominant angular form and scale, the modern design detailing with window arrangements that largely reinforce the building's horizontal emphasis, together with the modern glazing that is proposed to the centre of the principal façade, it is considered that the proposed scheme is an incongruous form of development that is out of keeping with the established character of buildings in this local area and does not positively respond to the context of the surrounding site, contrary to policies. Whilst it is acknowledged that good design is more than visual impact, the policy specifically requires proposals amongst other things to take into account protecting and enhancing local character, to appreciate the surrounding neighbourhood, scale, height, massing and materials and that development should be of a scale, height and form that is appropriate to the location. In this case the proposed scheme does not positively respond to the context of the surrounding site. In addition, whilst the proposed development would

represent change and a degree of innovation, a development as proposed is not considered to be appropriate in this context. The proposed scheme is not considered to be of architectural merit, it is not sophisticated, not distinctive, has no interest, no rigour and is not delightful to viewers. Given the prominent location of the proposed development at the junction of Darwell Close and Newts Way, and where the gable end elevation of the development is important in views and would be clearly noticeable at the junction of Newts Way and Darwell Close, it is considered that a development as proposed fully visible from public vantage points would be a dominant form of development that is clearly noticeable and contrasts uncomfortably with the traditional buildings of the existing neighbouring properties thereby increasing the incongruity of the development within the street scene and the local area. As such, a development as proposed would fail to have regard to the site's context and would be an incongruous form of development that is harmful to the visual amenities of the area and would detract from the established traditional character and appearance of this part of Darwell Close and Newts Way, contrary to the NPPF policies and Local Plan Policies DM1 and DM3 of the Development Management Plan 2015 and the National Design Guide 2019.

4. Due to the proximity of the proposed detached dwelling to a mature Oak Tree T1 and a group of Hazel Trees G2, it is considered that a development as proposed will put pressure on these trees to be pruned or felled in the future thereby having a detrimental impact on the health and life of these important mature trees, contrary to NPPF policies and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and DM1 of the Development Management Plan 2015. In addition, given the proximity to the proposed detached dwelling to the existing mature trees, it is considered that a shade will be caused to the residential occupiers of this dwelling thereby resulting in a harmful impact on their residential amenities, contrary to the NPPF Policies and Policies DM1, DM3, of the Development Management Plan 2015.
5. Given that the application site adjoins the rear gardens of nos. 2-7 The Sedges, that the proposed development has principal windows facing these neighbours and that a balcony is proposed that will directly face the garden of no.7 The Sedges, and given the proximity of the proposed development to these neighbours, it is considered that the future occupants of the proposed dwelling will directly overlook these neighbours to the detriment of the enjoyment of their gardens, and detrimental to the enjoyment of their residential amenities, contrary to policies in the NPPF, and Policy DM3 of the Hastings Development Management Plan 2015.

#### **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**

T Zulu, Telephone 01424 783254

**Background Papers**

Application No: HS/FA/20/00715 including all letters and documents