

Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Land Adjoining 5, Essenden Road, St Leonards-on-sea, TN38 0NN

Proposal: Removal of prefabricated concrete garages, creation of one dwelling with parking.

Application No: HS/FA/22/00226

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL 2018
Conservation Area: Yes - Grosvenor Gardens
Listed Building: No

Applicant: Mr Hall per Michael D Hall Building Design Services
Studio A 339 London Road BEXHILL-ON-SEA,
East Sussex. TN39 4AJ

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	9
Petitions of objection received:	0
People in 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 consists of a sloping site occupied by 2 single storey flat roof garages, one block of 4 garages and one block of 5 garages (9 garages in total). The garages are positioned on the southern side of Essenden Road. The site adjoins 5 Essenden Road to the north west, 7 The Leas to the east, 56 West Hill Road (divided into flats), 58 West Hill Road (divided into flats) and 60 West Hill Road to the south.

Access to the site is down a sloping drive from Essenden Road with a closeboard fence along the boundary with 7 The Leas. The elevations of the garages run along the boundary with 5 Essenden Road and also part of the boundary with 60 West Hill Road. To the south of the garages is an open area of land which adjoins 56 and 58 West Hill Road. Presently within the grassed area of the site are several parked vehicles.

The area is predominantly residential including a mixture of two storey dwellings and bungalows to the north and two storey properties to the south at West Hill Road. The site lies within the Grosvenor Gardens Conservation Area.

Constraints

Conservation Area

GCN District Licensing Scheme IRZ - Green

Flooding Surface Water 1 in 1000

SSSI Impact Risk Zone

2. Proposed development

This application seeks permission of the erection of a single storey, detached dwelling with parking. To facilitate the development it is proposed to demolish existing pre-fabricated garages.

The application is supported by the following documents:

- Heritage Statement
- SUDs Report
- Planning Statement
- Preliminary Ecology Appraisal
- Waste Management Statement

Relevant planning history

Application No. HS/OA/65/01318

Description Site for erection of nine garages.

Decision Outline Application with Conditions on 13/01/66

Application No. HS/OA/73/01376

Description Erection of block of 12 flats and garaging, with vehicular access to Essenden Road

Decision Refused on 11/10/73

Application No. HS/OA/73/01772

Description Erection of 6 flats on 3 floors, 4 garages under and 9 parking spaces

Decision Refused on 10/01/74

Application No. HS/OA/74/00148

Description Erection of 3 terraced houses and 8 garages, with vehicular access.

Decision Outline Application Refused on 04/03/74

Application No. HS/OA/74/00398

Description Erection of 2 houses and garages, and 6 additional garages, with pedestrian and vehicular access.

Decision Outline Application with Conditions on 01/05/74

Application No. HS/FA/75/00524
Description Erection of nine garages at rear with access from Essenden Road.
Decision Permission with conditions on 08/10/75

Application No. HS/FA/01/00113
Description Erection of 7 garages
Decision Withdrawn on 26/04/01

Application No. HS/CA/13/00606
Description Demolition of existing 10 lock up garages.
Decision Conservation Area Consent on 14/10/13

Application No. HS/FA/13/00605
Description Demolition of existing 10 lock up garages and redevelopment to provide two, two-storey three bedroom semi-detached houses. (Application HS/CA/13/00606 also applies)
Decision Refused on 14/10/13

Application No. HS/FA/14/00039
Description Demolition of existing lock up garages and redevelopment to provide 2 x three bedroom semi-detached houses.
Decision Refused on 31/03/14

Application No. HS/FA/14/00039
Description Demolition of existing lock up garages and redevelopment to provide 2 x three bedroom semi-detached houses.
Decision Appeal Dismissed on 19/08/14

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy EN1 - Built and Historic Environment (Archaeological Notification Areas)
Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas)

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP2 - New and Affordable Housing
Policy SP5 - Conserving and Enhancing the Natural Environment
Policy SP6 - Enhancing the Historic Environment
Policy SP7 - Managing Coastal Erosion and Flood Risk
Policy DP1 - Design - Key Principles

Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP4 - Flood Risk and Water Quality
Policy DP5 - Biodiversity
Policy DP7 - Access, Servicing and Parking

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town

- centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential

adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Other policies/guidance

National Planning Policy Guidance (NPPG)

- What is net gain? - Paragraph: 020 Reference ID: 8-020-20190721
- How can plans encourage net gain? - Paragraph: 021 Reference ID: 8-021-20190721
- What is biodiversity net gain? - Paragraph: 022 Reference ID: 8-022-20190721
- National Model Design Code - Part 1 The Coding Process - 2021

National Design Guide 2019

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

1. 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.
2. 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.
3. Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.
4. 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.

Other policies/guidance

5. Homes and Community Agency (HCA) Urban design lessons: Housing layout and neighbourhood quality - January 2014
- East Sussex County Council - Minor Planning Application Guidance (2017)
 - The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)
 - National Design Code Part 1- The Coding Process - Ministry of Housing, Communities & Local Government

3. Consultation comments

Conservation - **No comment received**

Highways - **Responded with 'No comment' and, referred to standing advice**

4. Representations

In respect of this application site notices were displayed in Essenden Road and West Hill Road. An advert was also placed in the local paper. In response to this 7 letters of objection from 6 different properties and 1 letter of general comment were received.

The concerns raised in the objection letters include;

- lack of reflection of the building line
- Impact on privacy and overlooking
- Potential for future additions to the roof of the unit

- Loss of view
- Impact on outlook
- Impact on light levels
- All existing fences should be upgraded
- Possible asbestos on site (garages)
- Dwelling too tall
- Run-off water
- Impact on retaining wall
- Impact on un-adopted road
- Lack of on-street parking
- Lack of access for emergency service vehicles
- Disruptive site clearance

General comments:

- boundary screening should be incorporated
- restrictions on height of dwelling and any further windows

5. Determining issues

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

It must be acknowledged that previous applications for the development of this site have been refused and subsequent appeals dismissed. The dismissed appeals related to proposals for 2 storey housing. Each case must be assessed and determined on its own merits. The consideration of this application is based on the information submitted and the proposal will be assessed against both local and national planning policies and any other relevant materials considerations, as is a requirement of the Local Planning Authority.

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. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

c) Layout

The site area is approximately 558.2m² and is situated between No.5 Essenden Road and No.7 The Leas. Presently on site there are 9 garages in 2 blocks of 4 and 5, with an area of hard surface between. To the rear of the garages (south) is a large grassed area, on which are parked several vehicles.

Access to the site is down a sloping drive from Essenden Road with a closeboard fence along the boundary with 7 The Leas. The elevations of the garages run along the boundary with 5 Essenden Road and also part of the boundary with 60 West Hill Road. To the south of the garages is an open area of land which adjoins 56 and 58 West Hill Road. Soft landscaping also exists along many parts of the site's boundaries.

The proposed dwelling is positioned in the middle of the site spanning the majority of the width. The distances from the side boundaries ranges from 1.2m to 2.7m. The dwelling is shown to have a garden to the rear and areas of soft and hard landscaping to the front. 2 parking spaces and an area for turning have been provided on site.

The proposed dwelling is approximately 16.4 metres from the rear elevation of No.5 Essenden Road, 5.1 metres from the side elevation of No.7 The Leas and 27 metres from the rear elevation of No.58 West Hill Road.

The development is considered to make good use of the existing site arrangement with the dwelling being located on the footprint of the southern garages and the proposed parking bays in the palace of the northern garages. This allows for the large lawned area at the rear to be retained and ensure minimal encroachment to the properties in West Hill Road.

d) Impact on character and appearance of the Conservation Area

Policy DM1 of the Hastings DM Plan requires that all proposals must reach a good standard of design, which include efficient use of resources, and takes into account, amongst other things, protecting and enhancing local character and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

This is supported by Policy HN1 of the Hastings Development Management Plan which states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset, permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).

The Housing and Community Agency (HCA) have produced guidance titled 'Urban Design Lesson - Housing Layout and Neighbourhood Quality' published January 2014. The guidance in section 2, 'Active Frontage' states that 'A street or space is formed by the buildings that surround it, much like a room is formed by the walls around it. Well-defined streets and spaces are created by relatively continuous building frontage. Active frontage made up of front doors and windows (especially to ground floor habitable rooms) create lively and well-supervised streets. This is a key requirement for creating safe and attractive public spaces. Keeping gaps between buildings limited and avoiding blank walls and garden fences which face the street are important considerations. To achieve this, long perimeter blocks, wide frontage dwellings and bespoke dual-fronted corner dwellings can all contribute to active frontage.' and notes under the heading Lessons the advice, 'Minimising blank walls and garden fences: Buildings fronting onto streets and spaces are key to quality of place and the animation of the public realm'.

The dwelling is well positioned within the site with multiple areas of soft and hard landscaping to all sides. This aids in ensuring that the resultant development does not appear cramped or congested within its boundaries or in the wider context of the area. The design of the dwelling reflects that of No.7 The Leas in that it is detached, single storey and set back from the Highway. As such, it is considered that the scale and design would compliment the somewhat eclectic character of the area while not appearing overly dominant. The proposal also aids in providing much needed, good sized residential accommodation in a sustainable location while renovating a somewhat redundant site that neither contributes to or enhances the character of the Grosvenor Gardens Conservation Area.

It must be acknowledged that no comment has been received from the Conservation Officer in respect of the development. While this is unfortunate, paragraph 016 of the NPPG states that statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in the absence of their advice. In light of this, an assessment has been made in respect of the impact of the development on the Conservation Area, in line with Local and National planning

policies. It is considered that the proposed development, by virtue of its design, size and scale, is acceptable and complies with policies DM1 and HN1 of the Hastings Development Management Plan and Policies SC1 and EN1 of the Hastings Planning Strategy. The proposal is also considered to meet the aims of the National Design Guide and in particular Paragraphs 20, 39, 40 and 42.

e) Future residential amenities

Internal Floor space:

The Department for Communities and Local Government (DCLG) has produced Technical Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. This document advises that for a single storey, two bedroom unit a minimum of 61-70m² should be provided. The proposed dwelling has a floor area of 70m² and as such meets this requirement.

The TGSS also stipulates the minimum size for individual bedrooms, being 11.5m² for a double and 7.5m² for a single. The bedrooms within the units have also been individually assessed. Both are large enough to be used as double bedrooms.

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 proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. A large, 'L-shaped' garden (approximately 204m²) is provided to the rear and side of the unit. This garden meets the requirements of Policy DM3 and as such is considered acceptable.

f) 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, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

Impact on West Hill Road Properties:

No.58 West Hill Road is directly to the rear of the application site. This property has several windows that overlook the application site and concerns have been raised in respect of the potential for a loss of privacy as a result of the development. These concerns are acknowledged however, the relationship between the two properties is not an uncommon feature in a built-up area with clear examples present further along West Hill Road. The National Design Code provides guidance on acceptable levels of separation between residential properties. This document advises that a minimum of 15-20 metres should be provided between properties elevation to elevation. In this instance there would be a minimum of 27 metres elevation to elevation and as such the separation distance is considered acceptable. Concerns have also been raised in respect of the raised platform at the rear of the new dwelling. The platform is approximately 1 metre in depth from the rear of the property and as such is not large enough to accommodate a table and chairs etc. The function of this platform is to provide access to the garden. To further address the privacy concerns, a robust landscaping scheme is also proposed with the aim of providing natural screening along the mutual boundary between the site and the West Hill Road properties. A condition (No.6) is to be imposed to ensure the landscaping scheme is provided on site. Due to the scale of the proposed dwelling, it is not considered that there would be an impact on the West Hill properties in terms of loss of light or overshadowing.

No.5 Essenden Road:

This property is located to the north of the application site and is orientated towards the north east. This property is also on a higher ground level to the application site. Due to the difference in orientation, lands levels and separation distance (16.5m elevation to elevation) it is not considered that there would be a detrimental impact in terms of outlook, loss light or overshadowing. It is also considered that, as a result of the orientation, land levels and separation distances, along with the limited fenestration in the front elevation of the proposed bungalow, there would not be a detrimental impact in terms of loss to privacy to No.5 as a result of the development.

No.7 The Leas:

The front elevation of the proposed bungalow is roughly parallel with the rear elevation of No.7. This has been proposed with the aim of limiting the potential impact on the existing side windows of No.7 that overlook the site. It is noted that concerns have been raised in relation to the loss of view from the existing side windows. While these concerns are acknowledged, there is no 'right to a view' which planning controls should seek to safeguard. Only the impact on outlook can be considered. While the outlook from the windows may vary as a result of the development, the proposed dwelling would not be directly in front of existing windows, due to its position within the site. The proposed roof is a fairly shallow pitch. There would also be a general improvement to the outlook from the neighbouring property due to the removal of the redundant garages and the overall renovation of the site. As such, the impact on the outlook from No.7 is not considered sufficiently detrimental to warrant refusal on these grounds.

The proposed dwelling is sited on a lower ground level than No.7 The Leas, the roof has a fairly shallow pitch and its ridge height is approx. 0.9m lower than the existing bungalow at No.7. As a result of this, it is considered that there would not be a detrimental impact in terms of loss of light or overshadowing.

Some concerns have been raised that should dormer windows be erected this would harmfully affect privacy. In order to ensure this is properly assessed Condition No.17 is attached to remove permitted development rights for enlargements within the roof space, meaning that planning permission will be required for the insertion of velux windows and dormer windows.

Concerns have also been raised that if the roof height is increased this would also affect the impact of the development on neighbouring residents. To enlarge the roof however by raising the ridge height, would require planning permission and as such the impact of this could be properly assessed through the application process.

Taking the above into account, it is considered that the proposed development would not have a detrimental impact on the amenities of the neighbouring properties in terms of loss of light, outlook, over shadowing, loss of privacy or overlooking. The proposal therefore complies with the aims of Policy DM3 of the Hastings Development Management Plan.

g) Ecology

The NPPF and the NPPG encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. On site net gain can be provided by way creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Relatively small features can often achieve important benefits for wildlife, such as

incorporating 'swift bricks' and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat.

In respect of this application a preliminary ecological appraisal (EA/108721 Jan 2022) produced by The Mayhew Consultancy has been submitted. This report identifies that the site is of low ecological value due to the very limited amount of semi-natural habitat present and its setting within a suburban landscape. The site is relatively close to two existing SNCIs, but these are unlikely to be affected by any development due to the extent of suburban residential development between the SNCIs and the proposed development site. The report concludes that no special precautions are required with respect to site clearance as the site is unsuitable for protected species and provides almost no opportunities for nesting birds.

Impact on Great Crested Newts:

The development falls within the green impact risk zone for Great Crested Newts. This is a minor application and is more than 250m from a pond. As such there is no requirement to consult NatureSpace in respect of Great Crested Newts. An informative is added should Great Crested Newts be found on site at any stage of the development works (Informative No.5).

h) Highways and Parking

Parking and turning:

The East Sussex County Council Highways guidance for minor applications (2017) requires that, for a development of this scale, a total of 2.24 spaces should be provided for a development of this scale in this location. The development provides 2 parking spaces on site with overflow parking available on Essenden Road. The spaces on site also meet the minimum size requirements of the East Sussex County Council Highways guidance for minor applications (2017) and as such are acceptable.

An on-site turning space has been provided. This ensures that vehicles can enter and exit the site in a forward gear without cause disruption free-flow of Essenden Road or impacting upon pedestrian safety.

Highway Safety:

The development is to make use of an existing access and crossover onto Essenden Road which previously served the multiple garages on site. The existing access gives clear visibility in both directions along the highway. The access is also considered to be of an acceptable width to allow access to the proposed property. As this access will be serving one residential dwelling, ESCC guidelines recommend that the access measure a minimum width of 2.75m. The drive exceeds this width and as such is considered acceptable.

Cycle Parking:

East Sussex County Council's parking guidance advises that a development of this scale should be provided with 2 cycle parking spaces. The cycle parking should be covered, safe, secure and convenient. An area for the storage of cycles has been shown on the proposed site plan. This is considered acceptable subject to conditions to secure the final design of the store and its provision on site (condition No.11).

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 dwelling is positioned approximately 25

metres from the highway with the access drive being a minimum of 2.8m at its narrowest point. As a result of these factors, it is considered that the site could be accessed by emergency service vehicles. An informative is to also be placed on the decision in respect of residential sprinklers (Informative No.3).

i) Refuse and Waste

Policy DM3 of the Hastings Development Management Plan requires that there is adequate space for storage of waste and the means for its removal. This includes provision for the general management of recyclable materials. This is supported by Part H of Building Regulations which sets out that waste containers should be sited so that residents don't have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance.

A bin collection point has been shown on the proposed site plan, this is within 24 metres of the proposed bin storage area at the side of the property and as such is considered acceptable.

j) Drainage

Foul: Within the application form it states that the new dwelling is to be connected to the mains sewer. As there are existing dwellings adjacent to the site it is possible that the development could make use of the existing connection. However, discussions should be held with Southern Water to ascertain that there is sufficient capacity and to establish the condition of the existing connection. Southern Water have been consulted on the proposal and have raised no objections. In light of this, it is considered that matters relating to drainage can be secured by way of condition (Condition No.6).

Surface: A Sustainable Urban Drainage System (SUDS) report has been provided in support of this application. This report identifies that 1 SUDs treatment features are required for the development. The SUDs tool identifies that it is proposed to provide a geo-cellular system on site. The County Flood Risk Authority do not comment on minor applications, however, it is considered that matters relating to drainage can be secured by way of condition (Condition No.6). Taking this into account, it is considered that the proposed development is acceptable subject to conditions to secure the final drainage design.

k) Ground conditions

Objections have been received in respect of the impact of the demolition of the garages on the retaining structures on site. As a result of this, a condition (Condition No.4) is to be imposed in relation to the demolition on site to ensure no harmful impact on these retaining structures during demolition. Any future retaining structures on site would likely require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988. An informative is to be placed on the decision to this effect (Informative No.7).

l) Air quality and emissions

The proposed development does not fall within the screening checklist 1 or 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

Lighting:

No external lighting is proposed, and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

m) 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.

n) Sustainable construction

Policy SC3 of the Hastings Planning Strategy seeks to promote sustainable and green design in new development. This can be achieved by incorporating appropriate climate change mitigation and adaptation measures such as green roofs and walls, sustainable drainage systems, multi-functional green space, protecting and enhancing biodiversity, waste reduction and recycling facilities, water efficiency, flood risk management, and the use of recycled materials in new development. This is supported by Policy SC4 of the Planning Strategy which promotes working towards zero carbon development.

It is considered that the development meets the aims of these policies by way of sustainable urban drainage, well planned waste management and ecological enhancements. It is however suggested that a condition (Condition No.17) is imposed to ensure the development meets the aims of Policy SC3 and SC4.

Finally concerns have been raised regarding the presence of asbestos in the garages and how this is removed. Condition 3 is attached to the recommendation, requiring the submission of an asbestos survey. In addition informative note No. 8 is added, which informs the applicant of the requirement to remove asbestos prior to demolition of the garages, where reasonably practical and in accordance with Regulation 4 of the Control of Asbestos Regulations 2012

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. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

It is considered that a development as proposed has been sympathetically designed and that it would assimilate well into existing development. The proposed dwelling would constitute a good standard of design and would respect the character of the street scene and surrounding conservation area in accordance with Policies DM1 and HN1 of the Hastings Development Management Plan 2015.

The proposed development would provide an acceptable living environment for the future occupants of the dwellings without adversely impacting on the amenities of neighbouring residents.

The proposed vehicular access, car and cycle parking arrangements are considered to be acceptable and comply with local policies.

No important trees would be lost, and no protected species will be harmed as a result of the proposed development.

Given the above it is considered that the proposed development is in accordance with the relevant policies of the NPPF and Local Plan as detailed herein. These proposals are considered to comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:-

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

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

7. Recommendation

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:

4904.1B, 4904.2A, 4904.3A, 4904.LP.
3. Prior to the commencement of works or demolition on site, a pre-demolition asbestos survey of all buildings to be demolished shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.
4. No works of demolition shall be undertaken until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The sequence of demolition phases
 - Protection measure for existing retaining structures on site
 - Measures to control the emission of dust and dirt during each phase of demolition and construction
 - Measures to limit noise disturbance during demolition and construction
 - Method of removing rubble and spoil from the site
 - The arrangements for deliveries associated with all demolition and construction works, loading/ unloading of plant & materials
 - Storage of plant and materials used in demolition and construction
 - Wheel washing facilities
 - A scheme for recycling/disposing of waste resulting from demolition works
 - Details of public engagement both prior to and during construction works to ensure minimal disruption to adjoining residents.

Details of how any restoration of damage caused to the highway [including vehicle crossovers and grass verges] is to be carried out.

5. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management are to be submitted to and approved in writing by the Local Planning Authority. The designed system must take into account design standards of those responsible for maintenance, including details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains and evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development
 - (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. Prior to commencement of development above ground, full details of the soft and hard landscape works are to be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation of the dwelling hereby approved or within the time scales agreed by the Local Planning Authority. These details shall include, but not be restricted to the following;
 - A proposed soft landscaping and planting plan, paying particular attention to the boundary of the site with 58 West Hill Road;
 - A schedule of plants, noting species, plant sizes, proposed numbers and densities (where appropriate) together with an implementation programme;
 - Finished levels or contours;
 - Means of enclosure/boundary treatment;
 - Details of the proposed materials for the new parking area along with method for dealing with water run-off;
 - Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same location.

All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

7. (i) All planting seeding or 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.

(ii) All soft and hard landscape works shall be carried out in accordance with the approved details.
8. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Assessment (EA/108721) January 2022, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
9. No development shall take place above damp proof course level until full details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
10. The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plan (4904.1A) unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. These spaces shall be a minimum of 2.5m by 5m with an extra 0.5m where a space abuts a wall. The parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
11. Prior to occupation of the dwellings hereby approved areas for the storage of bins and cycles are to be provided on site, with evidence being submitted to and approved in writing by the Local Planning Authority. These areas are to then be retained on site for the perpetuity of the development.
12. Any external bathroom windows in the dwelling hereby approved shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The dwelling hereby approved shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.
13. 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.
14. Prior to occupation of the dwellings hereby approved provision shall be made for the ability to connect to fibre-based broadband.

15. The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed with dedicated 'on plot' parking and shall thereafter be retained for that purpose.
16. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
17. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the roof of the premises, permitted by Classes B & C of Part 1 of Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.
18. The internal layout of the dwelling hereby approved shall not be altered so as to create additional residential accommodation within the roofspace without the prior written approval of 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 protect those redeveloping the site, local residents and any future occupants.
4. To limit the impact the development has on the amenity of the locality.
5. To ensure a satisfactory standard of development.
6. To ensure a satisfactory standard of development.
7. To ensure a satisfactory standard of development.
8. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
9. To ensure a satisfactory standard of development.
10. To provide adequate space for the parking and turning of vehicles and to ensure the safety of persons and vehicles entering and leaving the access onto Essenden Road.
11. To ensure a satisfactory standard of development.
12. To safeguard the amenity of adjoining and future residents.

13. To safeguard the amenity of adjoining residents.
14. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
15. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
16. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
17. To safeguard the amenity of adjoining and future residents.
18. To safeguard the amenity of adjoining and future residents.

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. Consideration should be given to the provision of a domestic sprinkler system.
4. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice. More details on the district licensing scheme can be found at www.naturespaceuk.com. Contact details: info@naturespaceuk.com.
6. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk

7. The applicant is advised that retaining walls in excess of 1.5m in height, taken from the lowest ground level adjacent to the retaining wall, will require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988 - Retaining Walls. The application should include detailed structural calculations. Works should not commence until the approval of any such application. The applicant is advised to contact the East Sussex Building Control Partnership at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk for further advice and to ascertain whether a separate Retaining Wall Act application is required.
 8. The applicant is reminded that demolition should not take place until any asbestos within the garages is removed. The applicant should comply with the requirements of managing asbestos as set out in Regulation 4 of the Control of Asbestos Regulations 2012.
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Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/22/00226 including all letters and documents