

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 28 September 2022

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

**Application address:** **Mission Church (St Annes), 11 Chambers Road, St Leonards-on-sea, TN38 9HY**

**Proposal:** **Demolition of redundant church and erection of 5 dwellings with on-site parking**

**Application No:** **HS/FA/22/00028**

**Recommendation:** **REFUSE**

Ward: WISHING TREE 2018  
Conservation Area: No  
Listed Building: No

Applicant: Victory 1066 Ltd per CLM Planning 14 Magpie Close Bexhill-on-Sea TN39 4EU

**Public Consultation**

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	17
Petitions of objection received:	0
People in support:	10
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 application site relates to a former mission church on the north west side of Chambers Road, St Leonards-on-Sea. The church was built in the late 1950s and is finished in brick and flint church being "in the Arts and Crafts style". The church features a tower with a pyramidal roof and a nave with windows which break through the eaves to gabled and hipped dormers.

The church is in an elevated position to the road level, with grassed banks to the front and sides. A stepped and ramped access leads from Chambers Road to the entrance door at the southern end of the building.

The surrounding properties in Chambers Road are post-war and arranged in long terraces. These properties are finished in white render with brick detailing with pitched roofs.

### Constraints

Flooding Surface Water 1 in 1000  
GCD District Licensing Scheme IRZ - Green  
SSSI Impact Risk Zone

## **2. Proposed development**

This application seeks permission for the erection of 5 dwellings and associated parking. To facilitate the development it is proposed to demolish the existing Mission Church building on site. The proposed dwellings are arranged in a semi-detached pair and a terrace of three units. A total of 9 parking spaces are shown along with areas of soft and hard landscaping.

The application is supported by the following documents:

- Greenfield runoff rate estimation for sites
- Proposed Surface Water Storage Volume Estimation
- SUDs report
- Planning Statement
- Covering Letter
- Preliminary Ecology Appraisal

### **Relevant planning history**

<b>Application No.</b>	HS/55/00743
<b>Description</b>	55/743 - Erection of Mission Church - REF 19/12/1955 55/743A - Erection of Mission Church - GTDX 10/04/1956
<b>Decision</b>	Refused on 19/12/55

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<b>Application No.</b>	HS/FA/03/00993
<b>Description</b>	External ramp and steps to provide access.
<b>Decision</b>	Refused on 30/01/04

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### **National and local policies**

#### Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy DS1 - New Housing Development  
Policy SC3 - Promoting Sustainable and Green Design  
Policy SC7 - Flood Risk  
Policy EN3 - Nature Conservation and Improvement of Biodiversity

#### 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 H1 - Housing Density  
Policy H2 - Housing Mix

Policy T3 - Sustainable Transport  
Policy HN8 - Biodiversity and Green Space

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change  
Policy SP2 - New and Affordable Housing  
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 DP6 - Green Infrastructure  
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.

#### 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.

- 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.

#### Other policies/guidance

- 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
- NHBC Standards 2022- 10.2.6 - Drives, paths and landscaping

### **3. Consultation comments**

Conservation Officer - **No comment received**

NatureSpace - **No comment required due to site constraints**

Environment and Natural Resources Manager - **No comment received**

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

Southern Water - **No objection, subject to informative**

#### **4. Representations**

In respect of this application a site notice was erected. In response to this 17 letters of objection and 10 letters of support have been received. The matters raised within these letters include -

Objection:

- Impact on existing parking levels
- Pollution
- Overlooking and loss of privacy
- Out of keeping
- Better use as a community facility
- Loss of green space
- Impact on existing infrastructure (doctors, schools etc)
- Noise
- Impact on Wildlife
- Over development
- Impact on traffic flow
- Impact during construction/demolition
- Loss of historic building
- Architectural significance
- Heritage should be preserved
- Site in use still (not as place of worship)
- Should considered conversion rather than demolition
- Empty houses should be used, encouraging shared houses
- Building projects producing large amounts of CO2
- Should be treated as a Non-designated Heritage Asset
- Poorly insulated dwellings
- No use of renewable energy
- Small properties

Support:

- Need new houses
- Need affordable housing
- Removal of "eyesore"
- Underused community centre
- Alternative community centres nearby
- Good for first time buyers

#### **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.

### 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 needs to be weighed against the negatives of the scheme which are the design and impact of the development on the street scene and the character and appearance of the area, the loss of green space, the lack of justification for the loss of a community facility, and the inadequate provision for the collection of waste and recycling from the site. 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, the application is not supported by the National Planning Policy Framework and the Hastings Local Plan Policies. The negatives of the scheme will need to be weighed against the positives, and a decision made on whether these negatives significantly and demonstrably outweigh this benefit. This is balanced and concluded in paragraph 6 (Conclusion) of this report.

### c) Layout

The site is approximately 1073m<sup>2</sup> with the dwellings, patio areas, hard surfacing and parking areas occupying approximately 456m<sup>2</sup> of the site. The site is bordered on all sides by residential properties in Chambers Road and West Moreland Close.

The proposed dwellings are positioned in a similar position to the existing church and span the majority of the width. The distances from the side boundaries ranges from 1.8m-5.3m . The dwellings are shown to have gardens to the rear and areas of soft and hard landscaping to the front. To allow for the parking spaces at the front of the site, the dwellings are set back from the highway by approximately 6.9 metres.

The proposed dwellings are approximately 8.2 metres from the side elevation of No.9 Chambers Road, 8.1 metres from the side elevation of No.13 Chambers Road and 19.2 metres from the rear of No.6 West Moreland Close. The dwellings are shown to be on a higher ground level than the neighbouring residential properties and are to be of a similar height to the existing church.

### d) Impact on character and appearance of 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 the Housing and Community Agency (HCA) 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'.

### Design:

The application proposes 5, two storey properties arranged in a pair of semi-detached dwellings and a terrace of three. The dwellings front onto Chambers Road in an elevated position from the highway. The properties surrounding the site are post-war and arranged in long terraces. The existing properties are modest two storey units, finished in white render with brick detailing with pitched roofs.

The proposed dwellings are also two storey, however, they appear top heavy due to the expanse and height of their roofs. The roof design is also hip-to gable with the ridge height being taller than the main body of the existing church. Similarly, the proposed dwellings are shown to have front projecting porches and are finished with brick to the ground floor and render to the upper. The window arrangement in the front elevation is also somewhat mismatched in that there are windows with both vertical and horizontal emphasis. These design features result in a development that fails to reflect the clearly defined character of the area as established by the existing properties in Chambers Road. The new dwellings are therefore considered to be out of keeping with the surroundings and contrary to Policy DM1 of the Development Management Plan 2015.

### Impact on the street scene:

Presently, the church on site is a focal point in Chambers Road, being in an elevated position with grassed banks to the front. Due to the existing properties in the road being set back from the highway, the grassed area to the front of the church is clearly visible when travelling in both directions along Chambers Road. The grassed area to the front of the church would be lost as a result of the development, being replaced with parking spaces cut into the bank and a retaining wall to the rear of the parking spaces. It is acknowledged that some soft landscaping has been included as part of the development, with the aim of introducing and maintaining elements of green and openness, however, it is not considered sufficient to balance the loss of this green and open frontage to development. This combined with the concerns in relation to the design of the dwellings is considered to result in a development that would appear overly prominent and incongruous within the streetscene.

### Overall impact

As a result of the above, it is considered that the proposed development by virtue of its design, bulk, massing, loss of openness and green space represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development is therefore considered to be of a poor design that would harmfully affect the character and appearance of the area and contrary to Paragraph 130 of the NPPF, Paragraph 20 of the National Design Guide, together with Policy DM1 - Design Principles, of the Development Management Plan 2015 and Policy SC1 of the Hastings Planning Strategy 2014.

### Heritage:

It must be acknowledged that an objections towards the scheme been received from Historic Building and Places (formally Ancient Monument Statement) and The Twentieth Century Society. They have requested that the church be treated and assessed as a "non-designated heritage asset". While this request is noted there has been no application to formally register this church as a non-designated heritage asset. The site is also outside of a Conservation Area, is not a listed building and does not fall within the setting of a listed building. As a result of this, it is not considered necessary to consider impact on heritage as part of this application.

### e) Proposed use and loss of existing use

Policy HC3 of the Hastings Planning Strategy (HPS) states that planning applications involving the loss of a community facility will only be permitted where it can be demonstrated that the existing community use is no longer required, not viable, or proposals for its

replacement are included in the application.

Paragraph 3.12 of the Planning Strategy defines a community facility as any building used by local people for community purposes. This can include community halls, meeting rooms, youth centres and church halls. Community facilities provide for the health and wellbeing, social, educational, spiritual, recreational, leisure and cultural needs of the community. The Planning Strategy goes on to identify that the communities of the Borough are set to grow and as such, these facilities will not only need to provide for the needs of the existing population but also for more people as they move to the area. The HPS states that it is important that the value of existing facilities is appreciated and that their retention or appropriate replacement is an early consideration in any proposed scheme. This approach is supported by Paragraphs 20, 83 and 92 of the National Planning Policy Framework which seeks to ensure the provision and retention of community facilities.

The applicant has advised that Mission (St Anne's) Church is no longer required as a place of worship and has been sold by the Church of England. Prior to the sale in 2021, the church had not been used for regular worship by the church for a period in excess of 10 years. While this is acknowledged, it is apparent that the site has more recently been converted to a kick boxing gym and is used by the local community with weekly classes for multiple age groups. This is substantiated by several of the letters from local residents and from information available online. As such, while no longer used for worship, the site is still considered to be operating as a community facility and the reference to the building being redundant is somewhat misleading. It should also be noted that there is no reference to the gym use within the planning submission.

As a result of the investigation into the current use of the premises, it is apparent that the site is currently in use as a community facility as defined by the Hastings Planning Strategy. No alternative location for the Kick boxing Gym has been proposed and as such, it is considered that the proposal would result in the loss of an existing community facility without sufficient justification to demonstrate that the premises is no longer needed. The proposal is therefore contrary to Policy HC3 of the Hastings Planning Strategy, Policy SC1(e) of the Hastings Development Management Plan, along with paragraphs 20, 84 and 93 of the National Planning Policy Framework.

#### f) 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 does not allow for four storey dwellings, however for a three storey, four bedroom unit a minimum of 103-130m<sup>2</sup> should be provided. The proposed dwellings exceed these minimum sizes and as such are considered acceptable. The TGSS also stipulates that the minimum size for individual bedrooms are 11.5m<sup>2</sup> for a double and 7.5m<sup>2</sup> for a single. All bedrooms within the unit meeting these requirements and as such are considered acceptable.

While the overall floor space of the units is acceptable there are some design elements that, were the application to be approved, would be suggested to be amended. The first of these is the arrangement of the kitchen worktops/cupboards and the full height front window, as presently these overlap. Secondly, the culmination of three doors in one location, with the entrances to the lounge, wc and cupboard all being within an area of 1.3m<sup>2</sup>. These elements appear neither practical or functional.

##### **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.

All of the proposed properties are shown to have extensive gardens with mixed areas of patio and soft landscaping. As such, this element of the proposal is considered acceptable and meet the requirements of Policy DM3 as quoted above.

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

#### Impact on Chambers Road properties:

There are no windows in the side elevations of No.9 or No 13. Chambers Road that face towards the application site. As such, there would not be an impact in terms of loss of outlook as a result of the development. 2 small windows are proposed in the side elevations of the new dwellings, however, these serve bathrooms. As such a condition could be imposed to ensure these remain obscure glazed. In light of this it is considered there would not be a detrimental impact in terms of privacy. Due to the levels of separation between the proposed dwellings and the existing properties exceeding 8 meters it is also considered that there would not be an impact in terms of over shadowing or loss of light.

#### Impact on No.6 West Moreland Close:

While directly to the rear of the application site there is to be approximately 19.2 metres between the proposed dwellings and the rear elevation of No.6 West Moreland Close. This property is on a slightly higher land level to the existing church and has several windows that overlook the application site. It is acknowledged that the outlook from No.6 would change as a result of the development, however, this is not considered detrimental and refusal on this basis would not be justified.

With regards to privacy, each of the proposed dwellings is to have a single first floor window and a window and patio door at ground floor level in the rear elevation. These openings will face towards No.6, creating a level of mutual overlooking. The relationship between the two properties is not an uncommon feature in a built-up area with clear examples present further along Chambers 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 19 metres elevation to elevation and as such the separation distance is considered acceptable. To further address any potential privacy concerns, a robust landscaping scheme could be secured by way of condition to ensure provision of natural screening along the mutual boundary. Due to the levels of separation, it is also considered that there would not be an impact on No.6 in terms of loss of light or overshadowing.

#### Overall impact:

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.

## h) Highways

### Trip Generation:

The applicant has not submitted trip generation analysis for this development. However, the proposals will likely result in minimal trips due to the low number of proposed dwellings. Therefore, it is not considered that this development will result in a significant impact on the local highway network.

### Access:

The site has an existing pedestrian access from Chambers Road to the church. The proposed development includes the installation of a dropped kerb due to the location of the proposed car parking spaces on the edge of the site. These works would require a license for any temporary construction related works that will obstruct or affect the normal operation of the public highway. Furthermore, a S278 agreement may be required to undertake works on the highway. This matter would be dealt with directly between the applicant and the County Highways Authority.

The proposed arrangement requires vehicles to either reverse into the proposed parking spaces or reverse out onto the highway. These movements are also restricted by the high level of on-street parking in the vicinity. Whilst this is not considered ideal, it is noted that a number of neighbouring properties in Chambers Road also have the same arrangement. Highways have advised that it would therefore be difficult to sustain an objection on this basis.

### Car Parking:

In accordance with the County Council's parking calculator, 5 two-bedroom houses would require 7.67 parking spaces. The site is proposing 9 car parking spaces. The number of car parking is therefore considered acceptable.

ESCC parking guidance requires the minimum dimensions of parking bays to be 5m x 2.5m, with an additional 0.5m in either/both dimensions if the space is adjacent to a wall or fence. The submitted plan indicates that the proposed parking bays measure 2.5m x 5m, which is considered acceptable.

### Cycle Parking:

In terms of cycle parking provision, there is a cycle store in each garden, which is in accordance with the County Council's cycle parking guidance. There would need to be storage for 2 bicycles per 2 bed dwelling to be in accordance with the County Council's guidance. The County Council requires cycle parking to be in a safe, secure and covered location. Cycle parking should be secured as a condition.

## i) Waste and recycling

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.

Within the garden of each property it is proposed to provide a bin storage area. Residents will then be required to relocate their bins to the highway on the relevant collection day. The distances from storage to collection is acceptable for P1 and P2, being under the maximum of 30 metres. However, the distances for P3, P4 and P5 exceed 30 metres and as such are considered unacceptable. It should also be noted that no designated collection point has been shown. As a result of this, bins would likely be left on the pavement. Due to the arrangement of the front of the site, there is little space for the bins to be left without disrupting the access to

the public pavement, pathways or parking spaces on site. It should also be noted that little detail has been provided on the pathways and/or steps down to the pavement level. The NHBC Standards 2022 advise that paths should have a maximum slope of 1:6 and on steeper sloping ground, steps may be required. These standards also advise that paths used for the removal of refuse to the collection point should have a minimum hardstanding width of 750mm and a minimum overall width of 900mm. The slope to take bins down to and up from the highway is fairly steep and may exceed this gradient, requiring steps. This further complicates the moving of bins to the kerbside for collection.

Taking the above into account, it is considered that the proposed development fails to meet the requirements of Policies DM3 and DM4 of the Hastings Development Management Plan.

#### j) Drainage

The application form submitted identifies that the new dwellings are to be connected to the mains sewer in respect of both surface and foul water. The Planning Statement advises further that, a surface water drainage scheme has been developed having regard to the SuDS Decision Support Tool for Small Scale Development and green and brownfield runoff rates for a 1 in 100 year event. Surface water from the development will be directed to a number of AcquaCell (or similar) attenuation tanks prior to discharging to the existing combined sewer at a controlled rate. There will be 40% betterment to the existing calculated 'brownfield' runoff from the site. Were the application to be approved, the installation of an acceptable drainage provision could be secured by way of condition with an informative included advising the applicant to contact the County Flood Risk Authority and Southern Water.

#### k) Ecology

In respect of this application a preliminary ecological appraisal (EA/11021 - December 2021) produced by The Mayhew Consultancy has been submitted. This report identifies the following;

- Badgers - The proposal is unlikely to disturb badgers. Mitigation measures are suggested.
- Bats - The proposal is unlikely to disturb bats although it is recommended that a Bat emergence survey is undertaken prior to demolition to confirm the presence, or absence, of bats at that time, especially if the building has been unoccupied prior to those demolition works.
- Birds - The proposal has limited potential to disturb nesting birds and the timing of any operations should account for that possibility.
- Dormice - The proposal is unlikely to disturb Dormice.
- Reptiles - There is a limited potential for reptiles to be present. Mitigation measures are suggested.
- Amphibians - The proposal is unlikely to disturb Great Crested Newts.

#### **Net Gain:**

The NPPF and the NPPG encourages net gains for biodiversity to be sought through planning policies and decisions.

It should be noted that biodiversity net gain will not become a requirement in planning law until the planning legislation is amended, which is expected in 2023.

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 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.

The ecology report submitted in support of this application makes recommendations for net gain by way of the provision of bird and bat boxes, the introduction of a variety of vegetation habitats wherever possible, the introduction of new areas of standing water, or the improvement of habitat around and within any existing ponds. Were the application to be recommended for approval, these enhancements could be secured by way of condition.

### **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. Were the application to be approved, an informative would be added should Great Crested Newts be found on site at any stage of the development works.

### 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

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.

Were the application to be approved a condition could be imposed to ensure the development meets the aims of Policy SC3 and SC4 of the Hastings Planning Strategy.

## **6. Conclusion**

The proposed development by virtue of its design, bulk, massing, loss of openness and green space represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development is therefore considered to be of a poor design that would harmfully affect the character and appearance of the area and contrary to paragraph 130 of the NPPF, Paragraph 20 of the National Design Guide, together with Policy DM1 - Design Principles, of the Development Management Plan 2015 and Policy SC1 of the Hastings Planning Strategy 2014.

The proposed development by virtue of the design and layout fails to provide sufficient facilities for the collection of waste and recycling from the site. This has the potential to disrupt access to the public pavement, pathways and parking spaces on site. The proposal is therefore considered contrary to Policies DM3 and DM4 of the Hastings Development Management Plan.

Insufficient information has been submitted to justify the loss of the community facility and as a result, formal assessment of the proposal has not been possible. The proposal therefore fails to comply with Policies HC3 of the Hastings Planning Strategy, Policy SC1(e) of the Hastings Development Management Plan, along with Paragraphs 20, 84 and 93 of the National Planning Policy Framework.

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 needs to be weighed against the negatives of the scheme which are the design and impact of the development on the street scene and the character and appearance of the area, the loss of green space, the lack of justification for the loss of a community facility, and the inadequate provision for the collection of waste and recycling from the site. 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, the application is not supported by the National Planning Policy Framework and the Hastings Local Plan Policies.

As a result of the above factors the proposal fails to comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states: "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

## **7. Recommendation**

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

1. The proposed development by virtue of its design, bulk, massing, loss of openness and green space represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The proposed development is therefore considered to be of a poor design that would harmfully affect the character and appearance of the area and is contrary to Paragraph 130 of the NPPF, Paragraph 20 of the National Design Guide, together with Policy DM1 - Design Principles, of the Development Management Plan 2015 and Policy SC1 of the Hastings Planning Strategy 2014.
2. The proposed development by virtue of the design and layout fails to provide sufficient facilities for the collection of waste and recycling from the site. This has the potential to disrupt access to the public pavement, pathways and parking spaces on site. The proposal is therefore considered contrary to Policies DM3 and DM4 of the Hastings Development Management Plan.

3. Insufficient information has been submitted to justify the loss of the community facility and as a result, formal assessment of the proposal has not been possible. The proposal therefore fails to comply with Policies HC3 of the Hastings Planning Strategy, Policy SC1(e) of the Hastings Development Management Plan, along with Paragraphs 20, 84 and 93 of the National Planning Policy Framework.

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

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

Mrs E Meppem, Telephone 01424 783288

#### **Background Papers**

Application No: HS/FA/22/00028 including all letters and documents