

Report to: PLANNING COMMITTEE
Date of Meeting: 22 December 2022
Report from: Assistant Director of Housing and Built Environment

Application address: 20 Branksome Road, St Leonards-on-sea, TN38 0UA

Proposal: Outline Planning Permission with all matters reserved for the demolition of the existing dwelling and proposed construction of 5 No. dwellings with associated parking and landscaping.

Application No: HS/OA/22/00514

Recommendation: Grant Outline Planning Permission

Ward: MAZE HILL 2018

Conservation Area: No

Listed Building: No

Applicant: Mr and Mrs Brown per Elevations Design Ltd
Junction House 1 Sedlescombe Road South St
Leonards on Sea, East Sussex. TN38 0TA

Public Consultation

Site notice: Yes

Press advertisement: No

Neighbour Letters: No

People objecting: 7

Petitions of objection received: 0

People in support: 0

Petitions of support received: 0

Neutral comments received: 2

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

1. Site and surrounding area

The site consists of an L shaped parcel of land that includes the existing curtilage of No.20 Branksome Road and dog-legs to the rear of Nos 20a and 22 Branksome Road. The site is longer than it is wide with ground level falling away in the rear garden to the north and west. The ground levels also rise to a retained bank along the eastern site boundary.

Presently on site is a single 4 bedroom house located towards the entrance of the site and within the rear curtilage is a derelict pool that is in-filled and overgrown. There are a number of mature trees on the boundaries of the site, which provide a natural screening. These trees and areas of lawn with mature dispersed tree coverage add to the characteristics of the site contributing to the green and leafy character of the area.

This area surrounding the site is characterised predominantly of larger single-family dwelling houses with established well-maintained gardens. This includes mature plants, tree and shrub coverage along boundaries and gives a sense of seclusion to the individual properties.

Constraints

- Flooding Surface Water 1 in 1000
- Flooding Surface Water 1 in 100
- Tree Preservation Order - TPO 253 - T2
- SSSI Impact Risk Zone - threshold not exceeded
- GCN District Licensing Scheme Pond Buffer Zone 250m
- GCN District Licensing Scheme IRZ - GREEN
- Allocated site to the rear - Policy FB4, Former Westerleigh School. **Does not encroach.**

2. Proposed development

This application seeks outline permission, with all matters reserved, for the erection of 5 dwelling houses with associated parking and landscaping. The existing 4 bed house on site is proposed to be demolished to enable this development.

Matters in relation to appearance, means of access, landscaping, layout and scale have been reserved for a future application and as such only the principle of the development is being determined by this application. However, some indicative plans have been submitted. The indicative plans show the dwellings as two storey, detached units, with a mix of 3 and 4 bedrooms. Each unit is shown to have two parking spaces to the front along with two additional 'visitors' spaces within the wider site. To the rear of each dwelling is an area for the storage of bins.

The indicative plans show the following suggested floor areas for the units;

- Plot 1 - 77m²
- Plot 2 - 65m²
- Plot 3 - 65m²
- Plot 4 - 66m²
- Plot 5 - 52.5m²

The application is supported by the following documents:

- Arboricultural Survey
- Arboricultural Impact Assessment and Method Statement (StA 2024 AIA AMS 20 Branksome Road Rev2)
- Design and Access Statement
- Ecology Report
- Site Waste Management Plan

- SUDs report

Relevant planning history

Application No. HS/FA/49/00835
Description 49/835 - Erection of dwellinghouse and formation of vehicular access. - GTD 13/12/1949
 49/835a - Erection of dwelling-house detailed plans. - GTDX 10/01/1950
 49/835b - Erection of dwellinghouse - amended plan. - GTDX 11/04/1950
Decision Permission with conditions on 13/12/49

Application No. HS/55/00527
Description Addition of conservatory and porch.
Decision Permission with conditions on 13/09/55

Application No. HS/OA/64/00695
Description Erection of dwelling.
Decision Refused on 17/07/64

Application No. HS/FA/85/00245
Description Erection of two storey rear extension
Decision Permission with conditions on 09/07/85

Application No. HS/OA/20/00146
Description Outline permission with all matters reserved for the demolition of existing dwellinghouse and proposed construction of 5 dwelling houses with associated parking and landscaping.
Decision Outline Application Refused on 02/11/20

Application No. HS/OA/20/00146
Description Outline permission with all matters reserved for the demolition of existing dwellinghouse and proposed construction of 5 dwelling houses with associated parking and landscaping.
Decision Appeal Dismissed on 06/09/21

National and local policies

Hastings Local Plan – Planning Strategy 2014

- Policy DS1 - New Housing Development
- Policy FA1 - Strategic Policy for Western Area
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy H1 - Housing Density
- Policy H2 - Housing Mix
- Policy T3 - Sustainable Transport
- 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 HN8 - Biodiversity and Green Space

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 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 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

East Sussex County Council - Minor Planning Application Guidance (2017)

The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)

Air Quality and Emission Mitigation Guidance for Sussex (2021)

3. Consultation comments

Refuse and Waste - **No objection**

Highways - **No comment due to scale of development**

ESCC Flood Risk Manager (SUDs) - **No comment due to scale of development**

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

Environment and Natural Resources Manager - **No objection**

Borough Arboriculturalist - **No objection**

4. Representations

In respect of this application a site notice was displayed at the front of the site. In response to this 7 letters of objection from different properties and 2 letters of general comment from a single property were received.

Objection points

- Not the right place for a housing estate
- Overly dominant development
- Over development
- Out of character
- Drainage and water run off
- Impact on natural spring
- Loss of green space
- Impact on neighbouring properties
- lack of character
- Small gardens
- Small floor area
- Loss of trees
- Impact on wildlife
- Impact on enjoyment of gardens
- Noise
- Pollution from further cars
- Impact on highway from more cars
- Roads too narrow
- Not enough change since refusal
- Shading from T1
- Subsidence
- Land stability
- Lack of design details
- Out of date supporting information

General comments

- Trees are overgrown with Ivy
- Trees have dead branches that overhang neighbouring properties
- Neighbouring garage not shown on plan

5. Determining issues

a) Principle

As detailed above this is an application for outline planning permission with all matters being reserved. The main consideration is, therefore, the principle of the development in this location.

The information submitted as part of the application identifies that it is proposed to erect 5 detached dwellings with access from Branksome Road. Matters in relation to appearance, means of access, landscaping, layout and scale have been reserved for a future application and as such only the principle of the development is being determined by this application. However, some indicative plans have been submitted. The indicative plans show the dwellings as detached units, with a mix of 3 and 4 bedrooms. Each unit is shown to have two parking spaces to the front along with two additional 'visitors' spaces within the wider site. Each dwelling is also shown to have bin storage and a shed. This application is a resubmission following on from an earlier refusal and appeal dismissal. This application seeks to address all previous reasons for refusal.

The previous application, dismissed at appeal, was refused on the grounds that the position of plot 1 was too close to no. 20a and as such the spacing between buildings did not have sufficient regard to the pattern of development of the area, where comprises greater separation distances than previously proposed. The application now varies the position of plot 1 relative to no. 20a Branksome Road and this is discussed later in this report.

Policy LP1 of the Hastings Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan - Planning Strategy (2014) and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities, and while it is acknowledged that final details of the appearance, means of access, landscaping, layout and scale can be dealt with at reserved matters stage, in this instance, given the constraints of the site, there are concerns in relation to the development. These are covered in more detail below.

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 applicant has indicated that all matters are reserved to be considered as part of a future application. The plans submitted are therefore indicative, however, they do show detailing in relation to access, site layout and scale. The proposed layout and scale have been assessed as follows:

The application site is L shaped leading from Branksome Road and extending to the rear of No.20a and 22 Branksome Road. To facilitate the development, it is proposed to demolish the existing derelict bungalow at No.20. This provides space to create the access to the rear along with space for Unit 1.

The site is approximately 2369m² with the proposed dwellings occupying 325.5m² of the total site. The site is irregular in shape, leading from Branksome Road turning to the left behind No.22 and 20a Branksome Road. To create access to the rear of the site the existing, road fronting, dwelling is to be demolished.

The site is bordered to the south by the properties in Branksome Road, to the north is the former Westerleigh School site. To the east and west are further gardens associated with Branksome Road properties. The properties within the rear portion of the site are on an east-west orientation whereas the road fronting property is north-south. Large areas of hardstanding are proposed,

The indicative plan shows 4 dwellings (Plots 2-4) in the rear portion of the site and a 5th (Plot 1) positioned at the front of the site, in place of the existing unit, No.20. The layout plan submitted demonstrates that all dwellings would benefit from good sized gardens and ample parking. It is noted that the layout of the site is similar to the previously refused scheme, also for 5 units. While they layout has not be dramatically altered, during the appeal for the earlier application, the Inspector raised no concerns in relation to the arrangement of the dwellings to the rear of the site. Concerns were raised in relation to the position of the unit at the front of the site and the proximity to No.20a. Following on from the Appeal decision, the indicative layout plan has been amended with the aim of addressing the Inspector's concerns and now shows the 5th unit (Plot 1) being erected on the site of the existing dwelling at No.20. This is considered to have addressed the Inspectors concerns about the loss of separation between 20 and 20a as the dwelling on Plot 1 would be no closer to No.20a than the existing dwelling,

to be demolished.

In light of this, it is considered a residential development could be brought forward at reserved matters stage which would meet the aims of Policy DM1 of the Development Management Plan 2015.

d) Impact on character and appearance of area

Scale and appearance of the development:

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.

Design:

While the appearance of the proposed unit has been reserved for consideration at a later date, the Design and Access Statement provided suggested that the dwellings could be constructed in brick work and tile hung, with tiles to pitched roofs and white windows. These materials are not uncommon in the surrounding area and as such are considered acceptable in principle.

Impact on the Streetscene:

Due to the position of the site, the 4 smaller dwellings proposed would be screened from the public domain by existing built form. As a result of this, there would not be an impact on the existing streetscene as a result of these properties. However, the dwelling proposed at the front of the site would be clearly visible. The single dwelling at the front of the site is shown to be comparable in scale to the existing dwelling on site and as such would not appear disproportionately sized when viewed within the street scene. It is noted that the indicative plan shows the proposed dwelling to be set further back from the highway than 20a and 22, however, this is again not dissimilar to the position of the existing dwelling to be demolished and has been proposed to limit the impact on the large Oak at the front of the site.

Overall impact on the character of the area.

Based on the indicative drawings submitted it is considered that five dwellings could be comfortably accommodated on the site without causing harm to the street scene or the wider character of the area. The proposal therefore complies with policies DM1 of the Hastings Development Management Plan and Policy SC1 of the Hastings Planning Strategy.

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 requires the following floor areas;

- 2 storey, three bedroom unit - 84-102m²
- 2 storey, four bedroom unit - 97-127m²

The TGSS also stipulates the minimum size for individual bedrooms, being 11.5m² for a double and 7.5m² for a single.

Any future application would need to ensure that the proposed dwellings comply with these requirements to ensure a satisfactory level of internal living accommodation for future residents.

External Amenity Space:

Point (g) of Policy DM3 of the Hastings DM 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. The indicative plans indicate that this can be achieved for all five units.

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.

As identified above, the site is boarded by residential dwellings and gardens on three sides. While the scheme is outline with all matters reserved, an indicative plan showing a suggested layout has been submitted. This plan identifies that Nos 22 and 20a Branksome Road are the two closest properties to the proposed dwellings. These existing properties range in distance from the 4 properties in the rear portion of the site from 16.5 - 21.8 metres. Due to the level of separation and the difference in land levels, it is considered that there would not be a detrimental impact in terms of loss of privacy or an unacceptable level of overlooking. Similarly, due to the level of separation, there would not be a detrimental impact in terms of loss of light or overshadowing. It must be acknowledged that the outlook from the upper floor, rear windows of No.20a and 22 would change as a result of the development, however, this is not considered to sufficiently detrimental to warrant refusal on this ground alone.

With regards to Plot 1, at the front of the site, the levels of separation between the new dwelling and No.20a Branksome Road will not alter as a result of the development. This is due to the new dwelling being erected on the footprint of the existing unit on site. This unit is approximately 6.2 metres from the side elevation of 20a and 4.2 metres from the proposed dwelling to the mutual boundary. Due to this level of separation it is not considered there would be a detrimental impact on the amenities of the neighbouring residents in terms of loss of light, over shadowing or loss of outlook. Careful consideration must be given to the arrangement of windows in the side elevation of the new dwelling that faces towards No.20a, however, this is a matter for the reserved matters application as no indicative elevations have been provided at this stage.

Overall impact on residential amenities:

Taking the above in to account, while it is acknowledged that the plans submitted are indicative and the final design of the dwellings, including the number and size of windows etc will be formally assessed as part of the reserved matters, it is considered that this site can be developed for residential purposes without detriment to the amenities of the neighbouring properties. As such the proposal complies with Policy DM3 of the Hastings Development Management Plan 2015.

g) Ecology

In respect of this application a preliminary Ecological appraisal, prepared by The Mayhew Consultancy, has been submitted. This report identifies the following;

Amphibians: The proposal is unlikely to disturb great crested newts.

Badgers: The proposal is unlikely to disturb badgers, although site mitigation measures with regards to foraging mammals are suggested.

Bats: The proposal has a potential to disturb bats. Inspections prior to tree removal and demolition are recommended, along with suggestions regarding external lighting.

Birds: The proposal has a potential to disturb nesting birds and the timing of any operations should account for that possibility.

Dormice: The proposal is unlikely to harm Dormice or Dormouse habitat.

Reptiles: There is a potential for reptiles to be present. Mitigation measures are suggested.

The report concludes that no additional surveys are recommended at present, however, inspections for bat assessments are advised. It must be acknowledged that the Ecology Appraisal submitted with this application is dated 2019. While generally an updated report would be required as part of the initial submission, in this instance, due to no concerns being raised within the report and the overall condition of the site having been maintained as short mown amenity grassland, it is considered that an updated Ecology Assessment a Biodiversity Net Gain Statement can be secured by way of condition (No.15). This approach also prevents potential delays in respect of seasonal inspections of the site.

Net Gain:

The NPPF and the NPPG encourages net gains for biodiversity to be sought through planning policies and decisions. However, 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 identifies that the development can provide an opportunity to enhance or increase biodiversity by way of the following ;

- The provision of bird and bat boxes.
- The introduction of a variety of vegetation habitats wherever possible, including unkempt 'wild' areas.
- The introduction of new areas of standing water, or the improvement of habitat around and within any existing ponds.

These enhancements are considered acceptable and as such, a condition (No.15) is to be imposed to secure the final design and provision in line with the requirements of the NPPG.

Impact on Great Crested Newts:

The development falls within the green impact risk zone for great crested newts and is within a 250m buffer zone from a pond. The Ecology report submitted advises that the site is separated from the nearest area of open water within the old Hollington Park School site by a matrix of un-maintained ground, woodland and urban development. As a result of these factors, it is unlikely that great crested newts would have traversed this area in order to access the site. In addition, only the peripheral unmown areas within the site could be considered as favourable great crested newt habitat. In light of this, an informative (No.4) is to be placed on the decision advising of the necessary protocol should Great Crested Newts be found on site during development.

Overall impact on Ecology:

In light of the above, and no objections being received from the Borough Environment and Natural Resources Manager, it is considered that the proposed development is acceptable, subject to conditions, and complies with policy HN8 of the Hastings Development Management Plan and EN3 of the Hastings Planning Strategy.

h) Trees

In support of this application an Arboricultural Impact Assessment and Method Statement produced by St Aubyn Tree Consultancy has been submitted. This report identifies that, when the site was surveyed on the 5th April 2022 and the 31st May 2022 there were 36 Individual trees, 9 groups and 3 hedges. These vary from grade A to U.

The indicative site layout and accompanying Arboricultural report identify that, to facilitate the development, nineteen trees, six groups of trees and one part group will be lost. While the loss of these trees and groups is unfortunate, 8 of the trees to be removed are category 'U' trees which would require removal within ten years for Arboricultural reasons, irrespective of the proposed development. Of the 11 other individual trees, 9 are graded as category 'C' specimens of low quality and value, and there are two moderate quality, category 'B' trees. The two category 'B' trees (Oak T9 and Robinia T13) are proposed to be removed because they are within the footprint of the access road. The removal of Oak T9 and Robinia T13 were also required to be removed within the previous dismissed Appeal scheme. As part of the appeal decision the Inspector found that removal of Oak T9 could be acceptable subject to suitable mitigation planting. Similarly, Robinia T13 is growing close to T9, it has a high crown and is screened in views from the Branksome Road by the houses and by the crown of Oak T9. No issue with its removal was raised by the Inspector as part of the previous appeal decision.

The key Arboricultural feature of the site is Oak T1, which is to be retained. The proposals have been carefully designed to minimise impacts on this high-quality category 'A' tree with the use of above ground cellular confinement systems to install hard surfacing. This involves laying a geocell mat onto a non-woven geotextile laid on the surface of the ground (no excavation required), filling it with clean stone aggregate, and topping this sub-base with a wearing course. An existing area of the hard surfacing within the Root Protection Area (RPA) of the tree is able to be returned to soft landscaping.

The Borough Tree officer has reviewed the proposal and has raised no objection. In light of this, it is considered that, subject to high quality mitigation planting, including a specific larger stock tree (such as a heavy standard) to mitigate the loss of Oak T9, it is considered that the proposed works to trees would have a minor impact on the character and appearance of the site or the wider area. Furthermore, as the new planting will contribute to the species and age range diversity of the site and contribute to the long term canopy cover of the site. The proposal, subject to conditions (Nos.6, 7, 8), therefore complies with the aims of policies HN8 of the Hastings Development Management Plan and EN3 of the Hastings Planning Strategy.

i) Highways

Access and Visibility:

The existing dwelling is served by two accesses off Branksome Road which is an unclassified residential road, subject to a 30mph speed limit. Both accesses are to be retained with one solely for the use of Plot 1 and the other for Plots 2-5. Alterations to the second access will require reconstructing according to East Sussex County Council's specifications using an approved contractor and under the appropriate licence. The proposed enlarged access has a width of 6m with 3m radii at the junction with the major road. The access drive can therefore accommodate two-way traffic.

Manual for Streets advises that a visibility splay of 2.4m x 43m is required either side of an access onto a road subject to a 30mph speed limit over highway or land under the applicant's control. The required visibility splays are achievable either side of the site access.

There is a lamp column on Branksome Road at the front of the site. A minimum distance of 1.5m is required between the reconstructed access and the lamp column. The lamp column is therefore likely to require relocating at the applicant's expense. Informative No.8 advises the applicant to make contact with the Highway Authority to discuss this further.

Parking Provision:

The indicative plans shows that there are to be two allocated parking bays per property with 2 visitors spaces (12 car parking spaces in total). Having used the County Highways Authority parking demand calculator it is apparent that for a development of this size, in this location, there should be a minimum of 12 car parking spaces. The proposed number of parking spaces proposed is therefore in line with the expected demand generated by the proposed development.

Each of the parking bays has been designed to meet the size guidance issued by the County Highways Authority being 2.5m x 5m and as such are considered acceptable. Parking is secured by condition 11.

Accessibility:

A pedestrian footway, 0.6m wide, has been provided along the main part of the access road and there are short lengths of footway connecting the visitors' parking spaces to the dwellings. This is too narrow for conventional use and the internal layout should operate as a shared surface (informative 9).

The site is within 1.5km of a wide variety of services and amenities. There are several bus stops within 500m of the site with regular bus services to St Leonards and Hastings. St Leonards Railway station is 1.5km from the site and has regular connections to Hastings, Eastbourne, Lewes and London.

Trips:

There are likely to be approximately 6 trips per day generated by the existing 4 bed dwelling. The proposed 5 dwellings are likely to generate approximately 25 trips, thus a significant increase in trips. However, there are no major concerns regarding the site access from a capacity perspective and that the impact on the surrounding highway network would not be considered severe.

Cycle parking:

Secure covered cycle parking should be provided for 2 cycles at each dwelling as recommended by East Sussex County Council's Guidance for Parking at New Developments. This is to be secured by way of condition (No.23).

j) Waste and Refuse

Part H of Building Regulations 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. The indicative plans show a bin storage location within the curtilage of each unit. These storage areas are located to the rear of the dwellings and as such would be screened from the public domain. The bins would, however, need to be relocated to the front of the properties on the relevant day for collection.

The Borough Waste and Refuse Team have reviewed the proposal and have advised that they have no objection. The indicative layout submitted meets the minimum road widths, providing sufficient space for larger vehicles to manoeuvre easily within the site. This is demonstrated by the inclusion of a 'swept path' on the plan. Taking this into account, it is considered that the Policy DM3 of the Hastings Development Management Plan. Condition 22 secures the provision of bin stores at each property.

k) 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.

As identified above the internal road layout, as shown on the indicative plan is wide enough to accommodate large vehicles and provides turning space within the site. Plot 1 is also accessible directly from Branksome Road. As a result of these factors, it is considered that the proposed development provides sufficient access for emergency service vehicles.

l) Drainage

Foul:

No formal details have been provided in relation to foul drainage, however, condition 17 requires submission of such details for approval. Southern Water have been consulted on the proposal and have advised that an application to connect to the public sewer would be required.

Surface Water:

In respect of surface water, the applicant has advised that each unit is to be provided with individual soakaways. No formal details of these facilities have been provided, however, submission of details are secured by condition 17. The County Flood Risk Authority have been consulted on the proposal however, due to the scale of the development, they have provided no formal comments.

m) 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' 2021 produced by Sussex Air Quality Partnership.

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).

n) 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.

o) 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.

The construction would be implemented in accordance with a site waste management plan, which seeks to minimise as much construction waste as possible. It is also proposed to minimise the travel distance of vehicles bringing materials to the site.

Materials such as permeable paving are proposed for the road, paths and parking areas so that surface run-off is reduced. Rainwater is to be collected and distributed via soakaways and rainwater harvesting is possible through the use of water butts if required.

Further details in respect of sustainable development and adaptation measures are secured by condition No.19.

6. Conclusion

It has been satisfactorily demonstrated that the application site is within a sustainable location where new dwellings can be supported and therefore the development will make a positive contribution in meeting the Borough's housing needs in accordance with policy H2 of the Hastings Planning Strategy 2014.

Whilst the scheme is submitted in outline, the indicative drawings submitted satisfactorily demonstrate that, a total of five new dwellings could be comfortably assimilated into this site. Existing mature trees would not be harmed by the proposed development, that there would be no harm to highway safety, and that the residential amenities of neighbouring properties will be preserved.

As such, the proposal is therefore considered to be in accordance with the relevant policies of the NPFF and Local Plan as detailed herein.

These proposals 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.

It should also be noted that all matters of concern previously raised by the Local Planning Authority and the Planning Inspectorate have been addressed by way of ongoing discussions and amendments to the proposal. As a result of this it is considered that the assessment of the scheme has been carried out in accordance with paragraph 38 of the National Planning Policy Framework.

7. Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. No development shall start until details of the:

- a) Access
- b) Appearance
- c) Landscaping
- d) Layout
- e) Scale

Hereafter called "the reserved matters" have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the reserved matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the soft and hard landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:

19.062.10.F, 19.062.11.

6. All Arboricultural measures and works shall be carried out in accordance with the details contained in the Arboricultural Impact Assessment (STA 2024 AIA AMS 20 BRANKSOME ROAD REV 2) prepared by St Aubyn Tree Consultancy, and submitted as part of this outline application, and agreed in principle with the Local Planning Authority prior to determination.

7. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

8. The soft landscaping details submitted pursuant to condition (1) above, shall include full details of soft landscaping which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.

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.

9. The soft landscaping details submitted pursuant to condition (1) above, shall include full details of all proposed tree planting, and the proposed times of planting. All Tree planting works shall then be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.

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 where needed and their origin and how long they have been in the nursery will be supplied to the County Planning Authority prior to the commencement of any tree planting.

10. The landscape details submitted pursuant to condition (1) above, shall include full details of the hard landscape works including existing and proposed finished levels or contours of the proposed driveway; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g refuse areas, lighting etc); proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc). All hard landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.

11. The details submitted in pursuance of condition (1) above shall show car parking and turning areas along with cycle parking areas in accordance with the approved County Parking Standards. Upon approval the areas shall be provided, surfaced and drained in accordance with the approved details prior to first occupation of the unit, and thereafter the areas shall be retained for that use and shall not be used other than for the parking of motor vehicles and cycles.

12. The proposed parking spaces shall measure at least 2.5m by 5m (with an extra 50cm on either dimension when adjacent to a wall or fence).
13. The layout details submitted pursuant to condition (1) above, shall include full details of the alterations to the western access along with the specification for the construction of the access. The development shall not be occupied until the construction of the access has been completed in accordance with the agreed specification as set out on Form HT407 which is attached to and forms part of this permission.
14. The details submitted pursuant to condition (1) above, shall include full details of the materials to be used in the construction of the external surfaces of the development and all hard standing areas and the details shall include sample materials of all external surfaces to be used in the construction of the development. Thereafter development shall be carried out in accordance with the approved details and the works shall be carried out prior to first occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
15. Prior to commencement of development an updated Preliminary Ecological Appraisal and Biodiversity Gain Plan are to be submitted to and approved in writing by the Local Planning Authority.

No development shall take place until the measures outlined in the submitted ecological statements and reports have been fully implemented unless the scheme, or programme of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

16. No construction or demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
 - measures to control the emission of dust and dirt generated by demolition and construction works, including measures to prevent mud on the highway;
 - a scheme for controlling noise and vibration from demolition and construction activities [including details of any piling];the arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and their storage and restoration of any damage to the highway [including vehicle crossovers and grass verges].
17. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

(ii) Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings hereby approved shall occur until those works have been completed. and

(iii) No occupation of any of the dwellings 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.

(iv) Prior to the occupation of development, evidence (including photographs) should be submitted and approved in writing by the Local Planning Authority, showing that the drainage system has been constructed as per the agreed detailed drainage designs.

18. 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.

19. 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.

20. The dwellings 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.

21. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.

22. (i) The development shall not be occupied until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. Details shall also include refuse bin collection points, where relevant.

(ii) No part of the development shall be occupied until the all the approved details have been implemented. The refuse store and bin collection point shall thereafter be retained in perpetuity.

23. (i) Prior to occupation of the development, details of cycle storage must be submitted to and approved in writing by the Planning Authority.

(ii) No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reasons:

1. The application is in outline only and to comply with Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. In order to ensure a satisfactory access, site layout, scale, appearance to the development in the interests of the visual amenities, character and appearance of the locality and the amenities of the neighbouring occupiers.
6. In the interests of the health of the trees and the visual amenity of the area.
7. In the interests of the health of the trees and the visual amenity of the area.
8. In the interests of the health of the trees and the visual amenity of the area.
9. In the interests of the health of the trees and the visual amenity of the area.
10. To ensure an acceptable form of development.
11. In the interests of highway safety and for the benefit and convenience of the public at large.
12. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
15. To protect features of recognised nature conservation importance.
16. In the interests of highway safety, for the benefit and convenience of the public at large and to secure a well planned development that functions properly.
17. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
18. To safeguard the amenity of adjoining residents.
19. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy.

20. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies contained in the NPPF.
21. To ensure the development complies with Policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
22. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
22. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
23. To ensure a satisfactory form of development in the interests of the character and amenity of the area.

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. 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.
4. 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.
5. Consideration should be given to the provision of a domestic sprinkler system.
6. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying the application hereby approved. Such plans have been treated as being indicative only.

7. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
8. The applicant is advised to contact East Sussex County Highways Authority (0345 60 80 193) in respect of the lighting column at the front of the site.
9. The pedestrian footway provided along the main part of the access road and connecting the visitors' parking spaces to the dwellings should operate as a shared surface.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/OA/22/00514 including all letters and documents