

Report to: PLANNING COMMITTEE

Date of Meeting: 25 January 2023

Report from: Assistant Director of Housing and Built Environment

Application address: Land Rear of 77-79 Mount Road, Hastings, TN35 5LA

Proposal: Proposed new dwelling to the rear of 77-79 Mount Road with access from Mount Road with associated parking.

Application No: HS/FA/22/00679

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Amin per Asset Construction Consultants 1
Dittons Mews St Leonards on Sea TN38 9TQ

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	10
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

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

1. Site and surrounding area

This is a back land site accessed from Mount Road. There is an existing vehicular access with a crossover on to Mount Road which currently serves the adjacent property (77-79 Mount Road). This access terminates at a garage. Beyond this garage is a pedestrian access that opens onto a large rear garden of 77-79 Mount Road. Within the existing garden are a number of single storey outbuildings.

To the west of the site is the Halton Baptist Church and to the east is an area of public allotments, owned by Hastings Borough Council. To the south of the site are the gardens of the properties fronting Mount Pleasant Road. The allotments are partially screened by a sporadic tree line running adjacent to the south eastern boundary of the site.

The site slopes from north-east to south-west with the properties in Mount Road being at the highest point.

The neighbouring built form consists of The Halton Baptist Church, being single storey, with a mix of pitched and flat roof elements. Whereas the residential properties fronting Old London Road are large, detached, two storey units all relatively uniform in size. The character of Mount Road is somewhat eclectic due to the mix of commercial, and semi-detached, detached and terraced properties.

The site is well connected by public transport being in close proximity to several bus stops served by regular services. Ore Railway Station is approximately 1.4km to the south west and can be reached in approximately 15-20 minute walk.

Constraints

Flooding Surface water 1 in 1000

GCN District Licensing Scheme IRZ - Amber

GCN District Licensing Scheme Pond Buffer 250m

SSSI Impact Risk Zone

HBC Owned land - Allotments - Adjacent

2. Proposed development

This application seeks permission for the erection of a detached, split level dwelling on a parcel of land to the rear of 77-79 Mount Road. The proposed dwelling appears single storey from the front (north east) elevation and two storey at the rear (south west).

The dwelling is shown to have an open plan living space on the lower ground floor and four bedrooms and bathroom facilities on the upper ground floor. Entrance to the property is via the upper ground floor with an internal staircase leading to the living space at lower ground level.

The dwelling has a good sized garden to the rear and parking and turning area to the front. Storage for cycles and bins has been included as part of the scheme.

The application is supported by the following documents:

- Arboricultural impact assessment, method statement and tree protection plan
- Arboricultural Survey
- Design and Access Statement
- Ecology Report
- Ground Investigations Report
- SUDs Report
- Noise Assessment

Relevant planning history

Application No.	HS/FA/63/00345
Description	Installation of new shop front.
Decision	Permission with conditions on 16/05/63

Application No.	HS/FA/70/00011
Description	Alterations to shop and flat over.

Decision	Permission with conditions on 15/01/70
Application No.	HS/FA/73/01488
Description	Erection of extension to living room
Decision	Permission with conditions on 25/10/73
Application No.	HS/FA/81/00517
Description	Formation of new shopfront. Proposed amendments. - Approved - 19/01/82
Decision	Permission with conditions on 24/08/81
Application No.	HS/FA/18/00564
Description	Proposed shop front alterations and addition of retaining wall and railings
Decision	Permission with conditions on 09/08/18
Application No.	HS/AA/18/00471
Description	2 x Fascia Signs (Item 1), 1 x Projection Sign (Item 2), 2 x ACM Direct Print Panels (Item 3), & 2 x Poster Cases (Item 5)
Decision	Permission with conditions on 14/08/18
Application No.	HS/FA/19/01030
Description	Demolition of existing outbuildings and side garage and construction of 2 no. 3 bedroom dwellings with access from Mount Road and 4 no. on-site car parking spaces.
Decision	Refused on 29/06/20
Application No.	HS/FA/20/00875
Description	Proposed part two storey part single storey rear extension to extend shop and to provide one additional self contained flat.
Decision	Refused on 01/03/21
Application No.	HS/FA/21/00586
Description	Proposed part two storey part single storey rear extension to extend shop and to provide one additional self contained flat.
Decision	Permission with conditions on 24/08/21

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

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

Policy DS1 - New Housing Development

Policy H1 - Housing Density

Policy H2 - Housing Mix

Policy T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Revised Draft Local Plan (Regulation 18)

Policy SP2 - New and Affordable Housing

Policy SP5 - Conserving and Enhancing the Natural Environment

Policy SP6 - Enhancing the Historic Environment

Policy SP8 - Transport Infrastructure

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.

3. Consultation comments

NatureSpace - **No comment received**

Borough Arboriculturalist - **No objection**

Environment and Natural Resources Manager - **No objection, subject to condition**

Refuse and Waste - **Objection, can be addressed by way of condition No.13**

Southern Water - **No objection, standing advice provided**

ESCC Flood Risk Management - **No comment due to scale of proposal**

Estates - **No Comments**

4. Representations

In respect of this application site notices were displayed in various locations around the site. In response to this, 10 letters of objection from 9 properties were received. The concerns within these letters include:

- Impact on wildlife
- Impact on trees
- Works to trees
- Impact on large oak - outside of site
- Carbon emissions
- Access
- Impact on highway
- Impact on pedestrians
- Loss of green space
- Impact on existing parking
- Noise pollution
- Air pollution
- Impact on neighbouring allotments
- Impact on mental health
- Site constraints (deeds) - small holding
- Development has not overcome previous reasons for refusal
- Family house or HMO?
- Surface water
- Side windows should be obscure glazed
- Boundary fencing
- Impact of existing deliveries to shop
- Impact on neighbouring properties
- Impact on elderly residents

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

c) Layout

The site is approximately 560m² with the proposed dwellings occupying 104m² of the total site. The site is irregular in shape, being narrow at the access point, widest at the mid-section and narrowing at the end of the plot. The site is to be accessed from Mount Road, with vehicular access being created by demolishing an existing outbuilding. The proposed dwelling is approximately 41 metres from the highway.

To the north of the site are the commercial and residential properties in Mount Road, to the south are the gardens of the properties on Old London Road, to the east are the Paul's Field Allotments and to the west is the Halton Baptist Church. The site slopes from north to south with the properties in Mount Road being at the highest point. From the site there are views across the rear gardens of the properties in Old London Road which continue to follow the slope.

Within the site, the proposed dwelling has been located to the rear of the Halton Baptist Church with the garden being positioned to the south. 3 parking spaces have been shown along with an area for the storage of cycles and bins.

Due to the irregular shape of the site, the dwelling is positioned in the mid portion of the site to ensure separation from the side and rear boundaries. The development is considered to make good use of the existing site, providing ample amenity space both internally and externally while ensuring minimal encroachment to the properties in on Old London Road on Mount Road.

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.

The site is located directly behind the Mount Road shopping centre, with the Halton Baptist church to the west. To the east is an area of allotments (Paul's field) and to the south of the site are the gardens of the properties fronting Old London Road. In terms of existing built form, the church, being the closest premises to the development, is single storey, with a mix of pitched and flat roof elements. The residential properties fronting Mount Pleasant Road are large, detached, two storey units all relatively uniform in size. The character of Mount Road is somewhat eclectic due to the mix of commercial, and semi-detached, detached and terraced properties. However the residential properties all have good sized gardens to the rear.

The dwelling is well positioned within the site with multiple areas of soft and hard landscaping to all sides. This aids in ensuring that the resultant development does not appear cramped or congested within its boundaries or in the wider context of the area. The dwelling complements the established character of the surrounding built form whilst also being stand-alone in design.

Impact on the Streetscene:

Due to the site being located at the rear of the properties in Mount Road only limited glimpses of the new dwelling, through the newly created access would be possible. As such, it is considered that the proposed development would not have a detrimental impact on the Mount Road Street scene. Similarly, due to the dwelling being positioned to the rear of the Halton Baptist Church, and being split level, there would only be glimpses of the development from Old London Road. As a result of this it is considered that the development would not negatively impact on or appear visually intrusive within the existing street scenes.

Overall Impact:

Taking the above into account, it is considered that the proposed development, by virtue of its design, size and scale, is acceptable and complies with policy DM1 of the Hastings Development Management Plan, Policy SC1 of the Hastings Planning Strategy along with aims of the National Planning Policy Framework.

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 that for a two storey, four bedroom unit, a minimum of 97-124m² is required. The proposed dwelling has a floor area of 140m², exceeding the requirement.

The TGSS also stipulates the minimum size for individual bedrooms, being 11.5m² for a double and 7.5m² for a single. The bedrooms within the units have also been individually assessed and all meet the minimum requirements respectively.

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. The garden to the rear of the proposed dwelling ranges in depth from 10.9 metres - 12.45 metres. This exceeds the minimum requirements and is acceptable.

f) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This includes the use of the scale, form, height, mass, and density of any building or buildings, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

Impact on Halton Baptist Church:

Halton Baptist Church is the closest built form to the proposed dwellings. The separation distances between the proposed development and the existing structure ranges from 3.8m-4.7m. The Church building is set lower than the proposed dwelling, due to the difference in land levels. The Church itself is a mix of single storey elements with both flat and pitched roofs. The rear elevation of the church contains two windows which face towards the application site. Presently these windows are visible from the application site, however are located behind a fence with minimal existing outlook. While there would be an impact on these windows in terms of overshadowing and loss of outlook, due to the premises not being residential is not considered that refusal of the scheme on this basis would be justified.

Impact on the Mount Road Properties:

As identified above, due to the topography of the site, when viewed from the rear of the properties in Mount Road, the new dwelling would appear single storey. Two windows are proposed in the front elevation that would face towards the rear of the Mount Road properties. While quite large, these windows serve bedrooms which are not considered principle habitable space. As a result of this, it is not considered that there would not be a detrimental impact on the amenities of the Mount Road properties.

Impact on Old London Road Properties:

To the rear of the site are the gardens of the properties in Old London Road, the closest being No.231. The proposed dwelling ranges in distance from the boundary with No.231 from 10.9 metres - 12.45 metres. The gardens of the Old London Road are long, many exceeding 30 metres. It is considered that, due to the length of these existing gardens, combined with the distance of the new dwelling from the mutual boundary, there would not be an unacceptable level of overlooking to the rear gardens of these properties. It must also be acknowledged that in some instances close-knit development with levels of mutual overlooking is not an uncommon feature. Due to the position of the new dwelling within the application site it is also set back from the southern elevation of the Baptist church. This adds a level of screening when viewing the development from the Old London Road Properties.

Overall impact on neighbouring residential amenities:

Taking the above in to account, it is considered that the development as proposed would not have a detrimental impact on the amenities of the neighbouring residents. The development is therefore complies with the aims of Policy DM3 and Paragraph 130 of the National Planning Policy Framework.

g) Ecology

In respect of this application a Preliminary Ecological Appraisal prepared by PJC Consultancy Ltd has been submitted. This report identifies the following;

Bats - no detrimental impact, subject to recommendations

Dormice - no detrimental impact

Badgers - no detrimental impact, subject to recommendations

Birds - no detrimental impact, subject to recommendations

Great Crested Newts and other Amphibians - no detrimental impact

Reptiles - no detrimental impact, subject to recommendations

Invertebrates - no detrimental impact

Invasive Plants - no detrimental impact

No objections have been received from the Borough Environment and Natural Resources Manager, subject to compliance with the recommendations in the Preliminary Ecological Appraisal. This has been secured by way of condition (No.10).

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 bat bricks or tubes
- Installation of Bird nesting boxes in retained trees
- The use of Bee bricks

These enhancements are considered acceptable and as such, a condition (No.9) is to be imposed to ensure provision in line with the requirements of the NPPG.

Impact on Great Crested Newts (GCN)

It is noted that no comments have been received from NatureSpace. In such circumstances the NPPG advises that 'Local planning authorities are expected to determine applications for planning permission, within a time period of 5, 8, 13 or 16 weeks (depending on the type of development). Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in the absence of their advice.' (Paragraph: 016 Reference ID: 15-016-20190722)" Nevertheless the matter is considered below.

The development falls within the amber impact risk zone for great crested newts and is within a 250m buffer zone from a pond. The Ecology report submitted advises that a single waterbody was identified within a 250m radius of the Site. This comprised a small pond approximately 220m north-west of the Site. This waterbody is separated from the site by a series of residential terraced houses and multiple roads which are considered to provide a physical barrier preventing movement of amphibians between the waterbody and the site. The report concludes that the proposed development is considered highly unlikely to result in the death or injury, or disturbance to GCN or result in the damage or destruction of a GCN breeding site or resting place given the absence of both suitable aquatic and terrestrial habitat within the Site. On this basis, GCN are not considered an ecological constraint. In light of this, an informative (No.5) 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 findings of the Ecological report submitted, 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, method statement and tree protection plan along with an Arboricultural Survey have been submitted. These reports identify that within the site there are 8 trees (T1, T2, T3, T4, T5, T6, T8, T9) and 1 group (G7) of trees. Of these trees, 2 (T1, T3) are Grade U, 3 (T2, T6, T8) are Grade B and the remainder (G7, T4, T5, T9) are Grade C.

To facilitate this development Trees T1, T3, T4, T5, T8, and T9 will be removed. Of the six individual trees proposed for removal, two are category 'U' individuals, three are category 'C' individuals and one is category 'B'. The category 'U' individuals are of low quality and are of short-term potential, so their removal is likely to be required irrespective of this planning application. The category 'C' trees are of poor quality forming part of an overgrown hedgerow that significantly overshadows the site and makes little contribution to the landscape setting.

The proposed removal of these trees will increase the light availability to the dwelling. The proposed removal of the category 'B' tree will have a negligible impact on the landscape as it is a relatively small tree and not highly visible.

It must be acknowledged that concerns have been raised by local residents in relation to the impact of the development on an Oak tree in a neighbouring garden. The Borough Tree Officer has visited the site and has raised no objection to the proposal, subject to the installation of tree protection measures, as detailed within the Arboricultural Impact Assessment. In light of this, it is considered that the development is acceptable and would not have an unacceptable impact in terms of trees on and neighbouring the site.

i) Highway safety/parking

Access, Parking and Turning:

Access to the site is via an existing dropped kerb on Mount Road. Until recently this provided access to a garage, however, this has now been demolished to create access to the rear of the site.

Three parking spaces are proposed which exceeds the requirements of the East Sussex County Council Highways guidance for minor applications (2017). These parking spaces also meet the size requirements quoted in the minor guidance. On-site turning is provided to ensure vehicles can enter and exit the site in a forward gear.

Cycle Parking:

East Sussex County Council's parking guidance advises that each 4 bed dwelling should be provided with 2 cycle parking spaces. The cycle parking should be covered, safe, secure and convenient. An area for cycle storage has been allocated on site and its provision is to be secured by way of condition (No.14) to ensure compliance with the requirements of East Sussex County Council

Access for Emergency Vehicles:

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle (FSV) should not have to reverse more than 20m.

According to Manual for Streets a 3.7m carriage way is needed, however, this can be reduced to 2.75m over short distances. Access to the site from Mount Road is approximately 3 metres in width, reducing to 2.8 metres at the narrowest point. The proposed dwelling is also located approximately 41 metres from Mount Road and as such is within the maximum distance. As such it is considered that the proposal complies with the requirements of Manual for streets, providing acceptable access for emergency service vehicles.

Accessibility

The site is located in a sustainable location within walking distance of local services and with frequent bus services close by to town and further afield. Ore Railway Station is 1.4km away providing connections to Hastings and the wider area.

j) Waste and Refuse

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.

As part of the development a waste storage area has been provided at the front of the proposed dwelling. An Officer from the Waste and Refuse Team has raised no objection to the proposal, however has advised that residents would be required to relocate their bins to the road on the relevant collection days. It must be acknowledged that the bin store is approximately 40 metres from the highway and as a result exceeds the requirements of Part H as quoted above. While this is not ideal, there is limited space along the access drive to provide a collection area without impacting on or restricting accessibility to the rear of the site or encroaching onto the main property at 77-79 Mount Road. As a result of these factors, it is considered that the waste provision is acceptable on balance and would not be sufficiently detrimental to warrant refusal on these grounds.

k) Drainage

The application form submitted identifies that the new dwelling is to be connected to the mains sewer in respect of both surface and foul water. A Suds toolkit has also been submitted in respect of the proposed rainwater harvesting. The details submitted are considered acceptable in principle however, connection to the public sewer will require approval from Southern Water. An informative (No.8) is to be included advising the applicant to contact Southern Water in respect of the proposed connection.

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' 2021 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

Lighting

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

m) Environmental Impact Assessment

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

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

n) Sustainable construction

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

It is considered that the development meets the aims of these policies by way of sustainable urban drainage, well planned waste management and ecological enhancements. It is however suggested that a condition (Condition No.16) is imposed to ensure the development meets the aims of Policy SC3 and SC4.

6. Conclusion

The site is located within a sustainable location with easy and frequent access to services and as such the principle of residential development is acceptable. As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

It is considered that a development as proposed has been sympathetically designed and that it would assimilate well into existing development. The proposed dwelling would constitute a good standard of design and would respect the character of the street scene and surrounding area in accordance with Policy DM1 of the Hastings Development Management Plan 2015 and Policy SC1 of the Hastings Planning Strategy.

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

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

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

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

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

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

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

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

20-91119-01B, 20-91119-02B.
3. Prior to commencement of development a Method Statement is to be

submitted to, and approved in writing by, the Local Planning Authority. 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 construction works, including measures to prevent mud on the highway;
- a scheme for controlling noise and vibration from 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].

4. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management are to be submitted to and approved in writing by the Local Planning Authority. The designed system must take into account design standards of those responsible for maintenance, including details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains and evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

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

(iii) No occupation of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

5. All Arboricultural measures and works shall be carried out in accordance with the details contained in the Arboricultural Survey (6062/22-01 REV 01) and the Arboricultural Impact Assessment (6062/22-02 REV 01) prepared by PJC Consultancy Ltd, and submitted as part of this application, and agreed in principle with the Local Planning Authority prior to determination.

6. 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.

7. Prior to commencement of development above ground, full details of the soft and hard landscape works are to be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation of the dwelling hereby approved or within the time scales agreed by the Local Planning Authority. These details shall include, but not be restricted to the following;

- A proposed soft landscaping and planting plan,
- A schedule of plants, noting species, plant sizes, proposed numbers and

densities (where appropriate) together with an implementation programme;

- Finished levels or contours;
- Means of enclosure/boundary treatment, paying particular attention to the boundary of the site with No.75 Mount Road and the Neighbouring Allotments;
- Details of the proposed materials for the new parking area along with method for dealing with water run-off;
- Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.).

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

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

8. (i) All planting seeding or turfing comprised in the approved Soft Landscaping Scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner.

(ii) All soft and hard landscape works shall be carried out in accordance with the approved details.
9. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Assessment (4871E/22) June 2022, prepared by PJC Consultancy Ltd, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
10. No development shall take place above damp proof course level until full details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
11. The external bathroom window on the north west elevation of the dwelling hereby approved shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The dwelling hereby approved shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.

12. The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plan (20-9119-02B) unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. These spaces shall be a minimum of 2.5m by 5m with an extra 0.5m where a space abuts a wall. The parking and turning areas shall thereafter be retained for that use and shall not be used other than for the parking or turning of motor vehicles.
13. Prior to occupation of the dwellings hereby approved full details of the proposed bin and cycle stores are to be submitted to and approved in writing by the Local Planning Authority. These stores are to then be installed on site in accordance with the approved details prior to occupation and thereafter retained on site for the perpetuity of the development.
14. 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.
15. Prior to occupation of the dwelling hereby approved provision shall be made for the ability to connect to fibre-based broadband.
16. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures, such as the installation of a minimum of one electric vehicle charging point, as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
17. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the roof of the premises, permitted by Classes B & C of Part 1 of Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To limit the impact the development has on the amenity of the locality.
4. To ensure a satisfactory standard of development.
5. In the interests of the health of the trees and the visual amenity of the area.

6. In the interests of the health of the trees and the visual amenity of the area.
7. To ensure a satisfactory standard of development.
8. To ensure a satisfactory standard of development.
9. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
10. To ensure a satisfactory standard of development.
11. To safeguard the amenity of adjoining and future residents.
12. To provide adequate space for the parking and turning of vehicles and to ensure the safety of persons and vehicles entering and leaving the access onto Mount Road.
13. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
14. To safeguard the amenity of adjoining residents.
15. To ensure a satisfactory standard of development.
16. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014 and to promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies contained in the NPPF.
17. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. Consideration should be given to the provision of a domestic sprinkler system.
4. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parcs@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice. More details on the district licensing scheme can be found at www.naturespaceuk.com. Contact details: info@naturespaceuk.com.
6. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk.
7. The applicant is advised that retaining walls in excess of 1.5m in height, taken from the lowest ground level adjacent to the retaining wall, will require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988 - Retaining Walls. The application should include detailed structural calculations. Works should not commence until the approval of any such application. The applicant is advised to contact the East Sussex Building Control Partnership at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk for further advice and to ascertain whether a separate Retaining Wall Act application is required.
8. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/22/00679 including all letters and documents