

Report to: PLANNING COMMITTEE

Date of Meeting: 19 April 2023

Report from: Planning Services Manager

Application address: 5 The Green, St Leonards-on-sea, TN38 0SY

Proposal: Demolition of existing outbuilding and proposed extension with associated parking and landscaping. Change of use from HMO (Sui Generis) to 11 flats (C3).

Application No: HS/FA/22/00264

Recommendation: Grant Full Planning Permission

Ward: GENSING 2018

Conservation Area: No

Listed Building: No

Applicant: Miss Tyas per Baker Architectural Ltd 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	No
People objecting:	83
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

Site location is central to St Leonards on Sea. The site itself is comprised of a large traditionally detached residential dwelling that is now used as an HMO, although this has not resulted in any significant changes to the character of the original dwelling. The building has previously been extended to the side with the addition of what appears to be a 1970s/1980s single storey flat roof extension. The surrounding area is largely comprised of large detached

dwelling in an early 1900s architectural style, however immediately to the north east of the site is a new infill contemporary detached dwelling, creating a mixture of different styles in the immediate surrounding of the site.

The site has an existing low stone wall defining the front boundary with existing vehicular and pedestrian access points. The remaining site boundaries are bounded by existing garden brick walls.

The site falls the south east side of The Green which is a relatively busy class C road. The surrounding area is largely comprised of large, detached dwellings.

Constraints

GCN District Licensing Scheme RED

GCN District Licensing Scheme 250m Pond Buffer

SSSI Impact Risk Zone

Scotia Gas Network Intermediate Pressure Pipeline 50m Buffer

Potentially within an Area of Surface Water Flooding (1 in 100 yearly chance) Environment Agency

Potentially within an Area of Surface Water Flooding (1 in 1000 yearly chance) Environment Agency

2. Proposed development

The application seeks full planning permission for a change of use and internal alterations to the existing HMO to form 5 flats, the demolition of the existing single storey side extension and a new two and a half storey extension. The proposed new extension would provide an additional six private flats resulting in a total of eleven flats being provided. The new flats will have access to a communal rear garden and a landscaped open front driveway.

The proposal will use the existing driveway for access to the property. The drive will be constructed from a permeable material. The front boundary will remain as existing excluding alterations required to widen the access to the site.

The proposal provides 9 parking spaces. Included in this provision is one disabled parking space and two standard spaces with electric charging points. The inclusion of 9 parking spaces would be the same provision as the existing site.

The proposal includes a new area for communal cycle parking to the rear of the existing building and a communal bin store located within the front driveway.

The application is supported by the following documents:

Design and Access statement

Daylight/sunlight assessment

Surface Water Drainage strategy

Waste Statement

Relevant planning history

Application No. HS/FA/79/00494

Description

Change of use to Old Peoples Home.

Decision Permission with conditions on 22/08/79

Application No. HS/FA/79/00627
Description
Alterations to convert dwelling into Old Peoples' Home (approved under reference No. 79/494)
Decision Permission with conditions on 27/09/79

Application No. HS/FA/86/00209
Description
Conversion of garage to laundry room
Decision Permission with conditions on 28/05/86

Application No. HS/FA/02/00497
Description
ERECTION OF 3 STOREY EXTENSION AND CONSERVATORY
Decision Permission with conditions on 12/09/02

Application No. HS/FA/09/00623
Description
Three storey residential care home extension to link properties and a conservatory
Decision Permission with conditions on 23/12/09

Application No. HS/CD/11/00551
Description
Discharge of conditions 2, 3, 8 and 10 of Planning Permissions HS/FA/09/00623
Decision Permission with conditions on 19/09/11

Application No. HS/FA/18/00958
Description
Change of use from Care Home (C2) to a large HMO (Sui Generis)
Decision Permission with conditions on 07/03/19

Application No. HS/CD/19/00733
Description
Discharge of condition 5 (Cycle Storage) of planning permission HS/FA/18/00958 -
Change of use from Care Home (C2) to a large HMO (Sui Generis)
Decision Permission with conditions on 28/10/19

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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

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 OSP1 - Tackling Climate Change

Policy SP1 - Directing Growth

Policy SP2 - New and Affordable Housing

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

Policy DP8 - Planning Obligations

Other policies/guidance

National Design Guide

Air quality and emissions mitigation guidance for Sussex (2021) [If Relevant]

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:

- c) 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
- d) 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

ESCC Highways - No objection

HBC Housing Officer - No objection

HBC Environmental Health - No objection

SSE Water - No objection

ESCC SUDS – No objection

ESCC Infrastructure contributions – No objection (contributions not required at this scale)

HBC Waste Services – No objection

HBC Ecology – No objection

NatureSpace - No objection

4. Representations

In respect of this application a site notice was displayed in a prominent location outside of the application property and an advert placed in the local paper.

83 letters of objection have been received raising the following concerns:

- Overdevelopment
- Out of character with surrounding area
- Parking layout, under provision and overspill parking
- Daylighting/sunlighting
- Noise and disturbance
- Overbearing
- Overshadowing
- Loss of privacy
- Traffic
- Highways safety
- Flooding and drainage
- Pollution
- Impact upon local services
- Refuse and waste storage
- Impact upon heritage
- Loss of large family home
- Affordable housing

- Unit sizes
- Contrary to policy
- Loss of green space

5. Determining issues

a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan 2015, paragraph 4.3 of the Hastings Local Plan – Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. There is history of approved development at this site in the form of application HS/FA/09/00623 which sought a three storey extension to link Nos 5 and 6 the green to create a residential care home. As such, officers consider that a combination of the location of the development within the development plan boundary which is located in a sustainable location with reasonable/good access to public transport, shops, services and facilities and that the site has a history of approved development demonstrates that the proposal would be acceptable in principle.

ai) 5 Year Housing Land Supply

Para. 11 of the NPPF states that decision taking should be based on the approval of development proposals that accord with an up-to-date development plan without delay.

Para. 120 of the National Planning Policy Framework (NPPF) states that substantial weight should be given to the value of using suitable brownfield land within settlements for homes and other identified needs. Development of under-utilised land and buildings should be promoted and supported.

National Planning Policy Framework Paragraphs 7 and 8 state that there are three dimensions to sustainable development: economic, social and environmental. The social role of the planning system should support strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high-quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural wellbeing.

The Economic objective is helping to build a strong, responsive economy and ensuring that the right types of sufficient land are available in the right places, and the environmental objective making efficient and effective use of land to improve the environment.

Development proposals that accord with an up-to-date Development Plan should be approved and where a planning application conflicts with an up-to-date Development Plan, permission should not usually be granted (Paragraph 12).

Section 5 of the Framework sets out policies aimed at delivering a sufficient supply of houses and maintaining the supply to a minimum of five years' worth (Paragraph 73).

Policy DS1 (New Housing Development) states that in the period between 2011 and 2028, a minimum of 3,400 net additional dwellings will be provided in the plan area (this is the equivalent of approximately 200 net additional dwellings per annum).

Since its introduction through the NPPF in 2018, local housing need is calculated using a standard method contained within Planning Practice Guidance. As such this is a government initiative that sets the framework within which local housing need is assessed. The standard method uses a formula to identify the minimum number of homes expected to be planned for, in a way which addresses projected household growth and historic under-supply. The

Governmental standard method for calculating the objectively assessed housing need identifies a housing requirement for the Borough of 454 new homes each year. In the absence of a five-year housing land supply this has been increased to 481 under the housing delivery test as published in the LPMR of 2020/21. The Council is presently falling significantly short of this requirement and cannot presently demonstrate five years of housing land supply.

The Joint Local Plan (Hastings Planning Strategy and Development Management Plan) pre-dates the NPPF and in accordance with para 11d of the Framework, the policies of the core strategy should be given due weight according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). In the case of the old housing targets within Policy DS1 these would be considered to be out of date in accordance with footnote 8 of paragraph 11d of the NPPF and limited weight should be given. Therefore, the housing targets which are most relevant and will be given substantial weight in the decision-making process are those targets set out in the 'Government's standard method' (481 dwellings per year).

Given the use of the Governments standard method for calculating housing need has derived a figure significantly greater than the previous position, this will have a direct impact upon the land available to meet this inflated need. The Council currently has a supply of deliverable housing land equivalent to 2.67 years. This means that the local plan policies that are most important for determining an application carry less weight, and the NPPF's paragraph 11d will apply to decision making for housing applications.

The site is in close proximity to local facilities and public transport route. Access to local road and main distributor roads is good and the site is accessible by foot, car and public transport.

The proposed development seeks to provide 11 residential units in place of an existing HMO. The governments Housing Delivery Test Measurement Rulebook sets out that for communal accommodation the calculation for the number of units provided should be the number of bedrooms divided by the average household size in England. Given that census data sets out that the average household size is 1.8 people per dwelling, the existing HMO represents a contribution of 6.1 units to housing land supply (11 bedrooms / 1.8) and therefore the scheme represents a net gain of 4.9 residential units on site. The loss of the HMO would not be resisted in principle as it is currently an existing form of residential accommodation. Therefore, given the councils significant lack of housing land supply the provision of 5 additional units is considered to be a benefit of the scheme and this will be weighed accordingly in the planning balance.

b) Impact on character and appearance of the area

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

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

The proposal would result in the creation of a large two and a half storey side extension with a lower ground floor at the rear due to the topography of the site. The extension would be a similar size and scale to the original dwelling. Whilst it is ordinarily out of character to build large extensions which would double the footprint of a property, the surrounding area is comprised of many dwellings which extend to both boundaries of their plot width. The proposed extension would be set in from the boundary of the neighbouring property by approximately one metre, and the space left between the side elevation as extended and no 6 The Green (1m) would be sufficient to mitigate any potential future terracing effect. The space left between properties would be similar to that found in the immediate locality. Whilst officers recognise that the proposal would be a large structure within the street scene, officers consider that due to the size of the plot the principle of extending towards the boundary would not be unacceptable.

The principle of large extensions to the property is established by HS/FA/09/00623 which sought to adjoin both Nos 5 and 6 The Green to create a residential care home, however this was never implemented. The proposed extension would be of a bulk and massing, which would be similar to that of the main dwelling with similar eaves height, ridge height and front building lines and as such, would not be subordinate to the existing property. Given the building is a large, detached property it is considered to be accepted in principle that the extension would be designed to appear as an integral feature of the property as opposed to subordinate to it, in order to create a coherent appearance to the building. The buildings would have a setback in the centre which clearly defines the two halves of the building as the existing structure and the extension. However, given their similar scales this would create the appearance of the building as having two wings and create an element of symmetry between the existing and proposed elements of the scheme. Overall, the bulk and massing of the proposal is considered to be accepted in principle and would not be out of character with the existing property and would create a coherent appearance from the streetscene.

The proposed extension would have a fenestration pattern which matches the original dwelling with window styles, patterns and locations that would be in keeping with the character of the original dwelling. The exterior would be facing brickwork and would have Mock Tudor fenestration detailing in the proposed gable end roof in order to be in keeping with the existing property. Whilst the general fenestration pattern would match the main dwelling, the proposal would clearly be separated by the front setback between the two properties and would also include a large front facing hipped roof form with glazing facing the street. Whilst the front gable would be more modern in appearance than the existing property, it would respectfully integrate with the building and rather than attempt to be an imitation of the original property would be an architectural feature in of itself and would not be considered detract from the overall aesthetic of the property. Officers consider that although the two elements of the building would be clearly defined, the proposed extension would be considered to positively contribute to the appearance of the building as an architectural feature and would demonstrate how the structure has changed from the existing structure into the proposed extension to the building.

To the rear of the property the windows and the extension would appear more modern than the existing property. However, this would not be in view of the streetscene and would therefore contribute little to the appearance and character of the area. As such the rear elevation would not be considered unacceptable in this case.

The front and rear curtilage of the property would be relatively unchanged and would retain much of the existing parking and rear garden. The scheme includes soft landscaping at the front of the property and would largely retain this existing boundary wall excluding the widening of the access. The soft landscaping at the property clearly represents an

opportunity to further soften the impact of the proposal from the streetscene whilst at the rear there is further opportunity for associated benefits in the form of introducing high biodiversity value planting. As such conditions 6 and 8 will be attached to any approval requiring a landscaping plan to be submitted and approved by the council.

Overall, the application represents a significant increase in the scale of the existing dwelling to create a total of 11 flats. This would include the widening of the main building to be within one metre of the boundary and the creation of a large extension to create the appearance of a second wing to the building. Whilst the extension would retain many of the architectural features of the original property, it would stand as a building in its own right and would not be considered to be a simple imitation of the original property. The scale of the building although large would not be out of keeping with the streetscene in which most properties are built within close proximity of the plot boundary. The building would largely retain the existing front boundary wall and would include some soft landscaping as a buffer to the parking area and main buildings. Therefore, officers consider that the design of the proposed development would be acceptable and would represent a significant yet characteristically sensitive addition to the site.

c) Impact on neighbouring residential amenities

The proposed development would be built up to the boundary of No. 6 The Green and would be approximately 2 and a half storeys in height at the front elevation. The neighbouring building, No. 6, is removed from the mutual side boundary although it does include a single storey extension which abuts the boundary. The extension to the property is described in the neighbouring properties objection submission to be a workshop which would not be considered to be a habitable room and therefore the loss of light to the front and rear windows of the workshop would not warrant the refusal of the application. Furthermore, the application property is located on the northern side of the workshop which limits the extent of the loss of light to these windows and would not be considered to detrimentally harm neighbouring amenity in this regard.

The main habitable window which would be affected by the proposal is the side facing window at ground floor level on the northeast elevation of No. 6 The Green and would be approximately 7.5 metres from the proposed extension. The applicant has supplied a daylight/sunlight assessment which demonstrates that whilst the room to which this window relates will suffer some loss of light, this loss would not detrimentally impact the light levels to a point that would warrant the refusal of the application. Notwithstanding this, this same room also benefits from a bay window and therefore the room would benefit from sufficient daylight.

The extension to the property would not project beyond the rear of no. 6 The Green, although officers do recognise that the owner/occupier of No. 6 does reference the fact that the angle of the property in relation to no. 6 does not prohibit any overshadowing, overbearing or sense of enclosure resulting from the proposal. Whilst officers recognise that the erection of a large extension at No. 5 would result in some increased sense of overbearing from the existing situation, this increase would not detrimentally impact the ability of the owner/occupier at No. 6 from the use and enjoyment of their private amenity space or habitable rooms.

The proposal includes rear, front and side facing windows. Whilst the rear facing windows would be located closer to the neighbouring property than the existing situation, these windows would not result in what would be considered above ordinary overlooking to the rear garden of no. 6 The Green and in addition would be set in excess of 60 metres from the rear boundary of the garden at No. 5 The Green, therefore mitigating any unacceptable overlooking to properties on Clinton Crescent. The proposed side facing windows on the

south west elevation of the property would represent a risk of overlooking however, the plans indicate that these windows would all be obscurely glazed to mitigate any unacceptable overlooking impacts. Condition 18 is attached which requires all new side elevation windows to be obscure glazed and fixed shut. The front facing windows would not directly overlook any private amenity space nor would they be located in close enough proximity to properties on the western side of The Green to give rise to any unacceptable direct overlooking.

The original dwelling will remain relatively unchanged by virtue of this planning applicant and as such, overlooking, overshadowing, daylighting/sunlighting and overbearing will be relatively unchanged to No. 4a The Green. Notwithstanding this the original property does include side facing windows towards No. 4a however, these windows are existing and currently serve habitable rooms and as such, it would be unreasonable to restrict these windows given that they are an existing feature of the property.

Overall, the proposed development would not be considered to result in any unacceptable harm to the residential amenity of any neighbouring properties in terms of overbearing, overshadowing or daylighting/sunlighting and would be acceptable in this regard.

d) Living standards of future occupiers

Internal Floorspace:

The proposal has been assessed against the Technical Housing Space Standards as produced by the Department for Communities and Local Government. This document sets out the minimum floor space requirements for residential units. The Technical Housing Space Standards state that the requirements for a one storey, one bedroom unit is 39-50m², one storey, two bedroom unit is 61-70m², a two storey, three bedroom unit is 84-102m². The proposed units meet these requirements and as such are considered acceptable. The individual rooms have also been individually assessed and also meet the relevant size requirements. Taking this into account, it is considered that the proposed development is acceptable and would provide an acceptable level of internal living accommodation.

External Amenity Space:

Point (g) of Policy DM3 of the Hastings 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 proposal includes 11 flats, flats do not have a requirement for private amenity space within policy DM3. However, the proposal includes a large rear garden which will be used as communal rear amenity space for the properties. Given that there is no requirement within the local plan for amenity space for flats the provision of communal amenity space is considered to be a benefit of the scheme and this is therefore considered to be acceptable

e) Flooding and drainage

Paragraph 167 of the NPPF states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere and where appropriate, applications should be supported by a site-specific flood-risk assessment.

This application is a brownfield site and therefore drainage matters are an important consideration. Policy SC7 of the Hastings Local Plan – Planning Strategy 2014 states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

In support of the application the applicant has submitted a Surface Water Drainage Strategy produced by MONSON which sets out that a 6.0m x 3.0m x 0.8m attenuation storage tank can be employed on site to offset the increased drainage issues on site at a peak discharge rate on 2.0l/s. ESCC Flood Risk Team and Southern Water have confirmed that these discharge rates are acceptable and have recommended conditions (nos 5, 6 and 8) should the application be approved.

Given the above, it is considered that a development as proposed complies with Policy SC7 of the Hastings Planning Strategy 2014 and Policy DM6 of the Hastings Development Management Plan 2015.

f) Ecology

Policy HN8 of the Hastings DM plan requires that an Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. The proposed development is an extension to an existing dwelling and would not be situated in a location that would be nearby to any protected species or habitats as set out within DEFRA's MAGIC protected species map, nor are the proposed works considered to constitute a form of development that would be likely to harm any protected species. As such there are no significant concerns regarding the impact upon ecology at this site.

The development includes a rear garden which will be shared between properties and has communal access. This area presents an opportunity to implement biodiversity net gain as set out within para 174 of the NPPF. As such a condition will be attached (no 7) to any permission which requires that a soft landscaping plan is submitted demonstrating the inclusion of high biodiversity value planting in order to secure biodiversity net gain at the site. Subject to this condition (7) there are no unacceptable impacts upon ecology resulting from the proposal.

Impact on Great Crested Newts:

The development falls within the red impact risk zone for Great Crested Newts (GCN). However, the development would be built over an existing structure and would not result in any significant loss greenspace or potential habitats for GCN. As such, the proposal is considered to be acceptable and would not unduly harm GCN. The proposal is therefore considered to be acceptable in this case. An informative note 3 is added in the event that protected species are found during construction works, advising development should cease.

g) Environmental health

Air quality and emissions

The proposed development falls within the screening checklist 1 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. The proposal does not propose an increase in parking provision on site and as such emissions in this respect would remain as existing. However, a condition (no 11) will be attached to any permission which requires an emissions mitigation assessment to be submitted to and approved by the council. Environmental Health Officers have no objection in this respect.

Lighting

No excessive external lighting is proposed, and residential amenities are not harmfully affected. Condition 16 is attached to require that any external lighting will be shielded and angled so that there is limited impact in terms of light pollution or impact on neighbouring or future residential amenities. 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). Environmental Health Officers have no objection in this respect.

h) Highway safety/parking

Chapter 9 of the NPPF relates to the promotion of sustainable transport. Paragraph 108 sets out that in assessing applications for development, it should be ensured that appropriate opportunities to promote sustainable transport modes can be, or have been, taken up and that safe and suitable access to the Site can be achieved for all users.

Paragraph 111 of the NPPF sets out that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

ESCC Highways Authority have no objections to the proposed development following amendments to the layout of the site parking and access.

Access:

The application site is currently served by a single access from The Green and the application proposes to widen the existing access to 4.8 metres in width to allow two vehicles to pass each other when entering and exiting the site. The layout of the parking area has been assessed by ESCC highways who have confirmed that the layout would be acceptable to allow access and egress from the site safely.

Parking:

In accordance with the County Council's residential parking guidance each dwelling is required to have 9 car parking spaces. The proposal has provided 9 parking spaces on site including one disabled parking space and two electric vehicle charging points.

It is considered that the application has satisfactorily demonstrated that the development as proposed can provide acceptable car parking for future users and as such in compliance with the provisions of Policy DM4 of the Hastings Development Management Plan 2015 and the East Sussex County Council residential car parking guidance 2017. This is secured by condition no 17

Cycle parking is provided at the rear of the properties and would provide enough spaces for 11 cycles. The cycle storage, location and provision has been assessed by ESCC highways and is considered to be acceptable. However, details of the storage facilities have not been included within the submitted plans. As such these details will be required to be submitted via condition (no 12).

ESCC have requested that the applicant ensures that the scheme would not result in an increase in runoff onto the highway. As such, a condition (no 9) will be attached to any permission which requires details demonstrating that surface water runoff would not be directed to the public highway. Subject to this condition (9) there are no drainage concerns from a highways perspective.

Access for Emergency Vehicles:

In accordance with building regulation requirement B5 (2000) as indicated within the 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 the Manual for Streets a 3.7m carriage way is needed, however, this can be reduced to 2.75 over short distances. ESCC Highways Engineers have reviewed the

submitted vehicle tracking details and have raised no objections regarding the safety of the access for emergency vehicles.

i) refuse and cycle storage

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

The properties have been provided with communal waste and recycling storage at the front of the properties. The waste and Refuse Team have reviewed the proposal and are satisfied a refuse vehicle can access the properties, and they also advise that they are satisfied with the location of bins for collection.

The owner/occupiers of the properties have been provided with space to store bicycles within the communal rear garden of the property. There is a side passageway which enables rear access for owner/occupiers to the rear cycle storage. These details are considered to be satisfactory and this has been confirmed as acceptable by ESCC Highway's response.

Details of the storage lockers for both cycles and refuse has not been provided. As such, conditions (nos 12 and 15) requiring details of cycle and refuse storage will be attached to any permission requiring that these details are submitted to and approved prior to occupation of the development. Subject to these conditions the refuse and cycle storage details are considered acceptable.

j) Sustainability

Paragraph 8 of the NPPF sets out that there are three strands to achieving sustainable development, including an environmental objective. This is for development to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph's 10 and 11 of the NPPF state that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; and support renewable and low carbon energy and associated infrastructure.

Paragraph 149 of the NPPF states that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.

Any new dwelling would need to incorporate the maximum feasible amount of renewable energy, and water and energy efficiency measures and equipment and any such features will be welcomed. A condition (no 11) will be attached to any approval which requires details of sustainability measures on site to be submitted to the Council and approved in writing.

Subject to the implementation of appropriate conditions (11) the proposal is considered to be acceptable in terms of sustainability and climate change.

k) Affordable housing and other contributions

Policy H3 of the Hastings Planning Strategy refers to affordable housing and requires that all residential proposals on previously developed land and comprised of up to 14 dwellings will provide at least 20% of the net units proposed as affordable where viable. As a result, the requirement of affordable housing for this site would be 2.2 units.

Since March 2022 25% of affordable housing is required to be first homes. As such the tenure split of this application has been adjusted accordingly to include 25% first homes, and the remainder of the affordable housing provision has been agreed by the Council's Housing Development Manager in order to ensure that the offer responds to market conditions in accordance with Policy H3. Given the requirement for first homes this unit will be rounded up to a whole unit in order to ensure its provision.

Therefore, the applicant has indicated that one dwelling would be provided as a first home and the remaining 1.2 units will be provided as a commuted sum of approximately £115,200. HBC's Housing Officer has reviewed the proposed provision and is satisfied with the affordable housing provision given the difficulty of locating registered providers that are willing to take custody of single affordable units. As such, this provision will be secured as part of an S106 agreement should the scheme be approved.

6. Conclusion

The proposal seeks to deliver a net gain of 4.9 residential units taking into account the existing HMO. Given the councils lack of a 5 year housing land supply and under provision of housing, infill developments such as this play a vital role in contributing towards housing provision. However, given the scale of the housing deficit the contribution of 4.9 units although a significant number of dwellings would be a minor contribution towards housing delivery. Therefore, this is considered to carry moderate weight in favour of the development.

Affordable housing would be provided to policy compliant levels. However given the relatively minor contribution of 2.2 units to local affordable housing stock this would carry moderate positive weight in the planning balance.

The proposed development would be a large extension to an existing building. Whilst a large addition to the property the design, scale and massing of the proposal would not be considered to unduly harm the character and appearance of the surrounding area, which is comprised of a mix of dwelling styles and sizes. Overall, the proposed design would be considered to be acceptable.

The proposed development would be located approximately 1 metre from the boundary of No. 6 The Green. Although a large extension by reason of its siting and location, the proposed development would not be considered to unduly harm the amenities of the neighbouring property in terms of loss of daylight/sunlight nor would it project beyond the rear building line of the neighbouring property to a degree that it would unduly harm the amenity of the neighbouring property in terms of overbearing, overlooking or overshadowing. This is therefore considered to be acceptable and would bear neutral weight in the planning balance.

The proposal is considered to be acceptable in terms of its highways and flooding impacts and environmental health impacts and this therefore bear neutral weight in the planning balance.

Overall, the scheme proposes benefits in terms of the provision of housing and affordable housing whilst representing sustainable development and is therefore recommended for approval.

Therefore, 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.

7. Recommendation

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- The provision of 1 residential units as a First Home
- The provision of a commuted sum for 1.2 units of affordable housing of approximately £115,200

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions/infrastructure.

In the event that the Agreement is not completed by 28 July 2022, that the application be refused on the grounds that it does not comply with the relevant policies (Policies H3) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above

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. 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.
3. The development hereby permitted shall be carried out in accordance with the approved plans.

4. The use hereby permitted shall not commence until details of the layout of the reconstructed access and the specification for the construction of the access have been submitted to and approved in writing by the Planning Authority and the use hereby permitted shall not commence until the construction of the access has been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.
5. The proposed development shall be carried out in accordance with the submitted Surface Water Drainage Strategy (SuDS, RevA). These details shall be retained and maintained thereafter.

Prior to commencement of the development hereby approved the following details shall be submitted to and approved in writing by the LPA in consultation with ESCC SUDS:

- Detailed drainage drawings and calculations demonstrating that surface water runoff from the proposed development shall be limited to 2 litres per second. Surface water attenuation up to and including storms with a 1 in 100 (plus climate change) annual probability of occurrence shall be stored with onsite or downstream flooding. Evidence of this (in the form hydraulic calculations) shall be submitted with the detailed drainage drawings.
- Details of the outfall connection to the public sewer should be provided as part of the detailed drainage drawings, including approval from the Statutory Sewage Undertaker.
- Information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- A maintenance and management plan which shall clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place through the lifetime of the development shall be provided to the Local Planning Authority.

The approved details shall be implemented prior to occupation of the development. These details shall be retained and maintained thereafter.

6. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
7. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme 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 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.

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.

8. 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. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
9. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; means of enclosure (fences/walls); car parking layouts; other vehicle and pedestrian access and circulation areas; bin collection points, hard surfacing materials; and, proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc).

In addition these details should demonstrate that the proposed surface water drainage would prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

10. All hard landscape works shall be carried out in accordance with the approved details to be approved under condition 8 of this permission. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

11. No development shall commence until a sustainability assessment including an emissions mitigation plan has been submitted to and approved by the LPA. These details shall thereafter be retained for the life of the development unless otherwise agreed in writing by the LPA.
12. The development hereby approved shall not be occupied until full details of the external storage spaces for cycles have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and retained thereafter and once provided the cycle storage area shall not be used for any other purpose other than the storage of cycles.
13. No development shall take place, including any ground works or works of demolition, until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway
 - details of public engagement both prior to and during construction works.detailed measures to manage flood risk, both on and off the site, during the construction phase.
14. No development shall take place above ground until samples 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. Such samples should include bricks, roofing materials, mortar samples, and samples of all windows and doors and rainwater goods. Thereafter development shall be carried out and maintained in accordance with the approved details.
15. The development hereby approved shall not be occupied until full details of the external storage spaces and collection point for refuse bins have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be completed in accordance with the approved details and once provided the refuse storage area shall not be used for any other purpose other than the storage of refuse bins and retained thereafter.
16. Prior to occupation, a "lighting design strategy" shall be submitted to and

approved in writing by the local planning authority. The strategy shall:

- a) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not unacceptably harm the amenities of neighbouring properties.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

17. The development shall not be occupied until the proposed parking arrangements which have been approved in hardlandscaping condition 8 have been provided in accordance with the approved details prior to the occupation of the building and shall thereafter be retained and maintained and would not be used for any purpose other than the parking of vehicles.
18. All windows proposed (Excluding existing windows) on the side elevations of the development (south west and north east) shall be obscurely glazed and non-opening up to 1.7 metres from finished floor level. These details shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.
19. The development hereby approved shall be carried out in accordance with waste management details as set out within BA2070 Waste Statement_Mar 22. These details shall thereafter remain in place for the lifetime of the development unless otherwise agreed in writing by 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. To safeguard the amenity of adjoining residents.
3. For the avoidance of doubt and in the interests of proper planning.
4. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
5. To ensure that the proposal would not result in unacceptable flooding and drainage impacts and to ensure an acceptable form of development.
6. To ensure that the proposal would not result in unacceptable flooding and drainage impacts and to ensure an acceptable form of development
7. In the interests of the visual amenity of the area.
8. In the interests of the visual amenity of the area.

9. To secure a well planned development that functions well and in order to protect the visual amenities of the locality and to ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding
10. To secure a well planned development that functions well and in order to protect the visual amenities of the locality and to ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding
11. To ensure a satisfactory development and in terms of environmental impacts and sustainability
12. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
13. In the interests of highway safety and the amenities of the area.
14. In the interests of the visual amenity of the area.
15. In the interests of the visual amenity of the area and to ensure an acceptable form of development.
16. To ensure a satisfactory design and appearance of the proposal and to minimise the impact upon the amenities of neighbouring properties.
17. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
18. In order to protect the amenities of neighbouring residential properties
19. To ensure an acceptable form of development.

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. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction

works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
6. If during development and excavations any suspicions become evident or are aroused as to the potential or presence for any contaminated land, then works should immediately cease and a contaminated land assessment / ground investigation report be carried out which should then be submitted to and approved in writing by the Local Planning Authority prior to the work, associated with the permission hereby granted, commencing.
7. That applicant is advised that prior to commencement of development details of the applicant shall establish the exact position of the public water main.
8. **THE AREA HIGHWAY MANAGER WILL REQUIRE NOTICE OF COMMENCEMENT OF WORKS ON OR ADJACENT TO THE HIGHWAY. SEE NOTE m).**

Notes to be read in conjunction with attached highway comments and conditions

- a) In urban areas the treatment of the radii shall be accordance with the requirements of the Highway Construction Engineer.
- b) Any existing ditch shall be cleaned out to even fall and piped to a size to accept the maximum flow of water likely to arise (internal diameter 300mm or as agreed with the Highway Construction Engineer).
- c) Where an existing access is to be stopped up the applicant is required to raise the existing dropped kerb and make good the footway/verge and kerb.
- d) Any existing footway shall be made good with similar construction and surfacing.
- e) Where the edge of the carriageway is already defined by Continental Channel, dropped Continental Channel sections (if available) or concrete channel blocks shall be used instead of dropped kerbs and if necessary the transition between the constructions made in in-situ concrete to the satisfaction of the Highway Construction Engineer.
- f) Any gates are to be set back a minimum distance of 5 metres (11 metres for farm or industrial accesses) from the edge of the carriageway and are to open away from the highway.
- g) The applicant's attention is drawn to the necessity to ensure that no surface water is allowed to flow from the development onto the highway and similarly no surface water from the highway should be allowed to flow into the site. The provision (by the applicant) of positive drainage measures may be required to collect any flow of surface water.

- h) Any necessary alterations to the property or services of, any statutory authority or undertaker shall be carried out at the expense of the applicant and under the supervision of such authority or undertaker to their satisfaction.
 - i) If the requirements outlined in these details and/or notes conflict with the requirements of the Fire Officer then the Fire Officer's requirements shall prevail.
 - j) Reference to Sub-Base (Type 1) in the access section diagram refers to graded granular sub base complying with Clause 803 Specification for highway works (SHW), Amendment – February 2016.
 - k) The County Council charges a fee for works on or adjacent to the highway and will expect you to obtain a licence/ enter into a Private Works Agreement prior to the commencement of works. For crossovers (and minor access works) please call 0345 6080193 or email customer@eastsussexhighways.com For other highway works please call Transport Development Control on 01273 482254 or email TDC at developmentcontrol.transport@eastsussex.gov.uk. The Highway Inspectors require at least 15 days notice of your intention to commence works under a PWA in order that the necessary utility service checks may be completed before works commence. Three months notice is required for major schemes
 - l) You must ensure that the contractor has ten million pounds public liability insurance and one of their employees holds a current Supervisors New Roads and Street Works Act Certificate and at least one operative on site should hold an Operators Certificate. A list of contractors with the required certificates is available from East Sussex Highways and the Transport Development Control (TDC) team.
 - m) For crossovers (and minor access works) please call 0345 6080193 or email customer@estsussexhighways.com For other highway works please call TDC on 01273 482254 or email TDC at developmentcontrol.transport@eastsussex.gov.uk
 - n) If you decide to use one that is not on the list, you must ensure that copies of the certificates are supplied by the contractor to East Sussex Highways or the Transport Development Control Team).
 - o) Your attention is drawn to the fact that your contractor will have to book road space under the Traffic Management Act 2004. Please ask them to contact the Network Co-ordination Team on 0845 60 80 193 who will need at least 21 days notice of the commencement of works.
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Officer to Contact

Tom Bagshaw, Telephone 01424 783277

Background Papers

Application No: HS/FA/22/00264 including all letters and documents