

Report to: PLANNING COMMITTEE

Date: 25 May 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: Land at and South of Holmhurst St Mary, The Ridge, St Leonards-on-sea

Proposal: Redevelopment of land to the south of Holmhurst St Mary of up to 208 units with access off of The Ridge

Application No: HS/OA/15/00077

Recommendation: Grant Outline Planning Permission

Ward: CONQUEST
File No: RI10729V
Applicant: Foreman Homes Ltd Unit 1 Station Industrial Park Duncan Road Park Gate, Southampton, Hampshire. SO31 1BX

Interest: House building developer
Existing Use: Undeveloped

Policies

Conservation Area: No
National Planning Policy Framework: Sections 4, 6, 7, 8, 10, 11 and 12
Hastings Local Plan -
The Hastings Planning Strategy: DS1, FA1, SC1, SC2, SC3, SC4, SC5, SC7, EN1, EN2, EN3, EN4, EN6, EN7, EN8, H1, H2, H3, CI1, CI3, T3 and T4
Hastings Local Plan -
Development Management Plan: LP1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8, HN9 and LRA1

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 48
Petitions Received: 1

Application Status: Not delegated - Petition of objection received

Update

This application was previously presented to Planning Committee on the 25th November 2015. At this time a resolution to grant permission subject to conditions was agreed on the following basis:

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

- **a financial contribution towards local highway improvements;**
- **a Travel Plan and associated auditing contribution;**
- **the provision, maintenance and management of open space and play provision;**
- **the maintenance, management and monitoring of trees, protected species and wildlife areas;**
- **a financial contribution towards Sussex Police and their infrastructure requirements;**
- **the repair and restoration of the Statue of Queen Anne - a Grade II* Listed Building;**
- **financial contributions to schools, libraries and Public Rights of Way; and**
- **affordable housing**

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. In the event that the Agreement is not completed, or the viability issue not resolved by 25 May 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, C11, T3, EN3, EN6, EN1, and HN1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan.

As a result of on going discussions the legal agreement has not yet been completed and will not be completed by the deadline of 25 May 2016. The legal agreement discussions are moving forward in a positive manner but the application is brought before the Planning Committee in order to agree an extension to the deadline for the completion of the legal agreement by 3 months

The report below is identical to that previously brought to committee with the exception of the proposed deadline in the recommendation which is amended to remove the deadline of 25 May 2016 and replace it with a new deadline of the 25 August 2016.

Summary

The application relates to over 13ha of land to the south of Holmhurst St Mary to the north of the Borough.

This is an outline planning application for the provision of up to 208 dwellings with all matters, other than access, reserved.

The proposal has been accompanied by indicative plans and an Environment Statement to help explain why the proposal is acceptable.

As the proposal is in outline form only, the main consideration is the principle of the development, but to help with that assessment consideration has been given to the impact on the character and appearance of the area, the standard of the accommodation proposed, the impact on neighbouring residential amenities, highway safety and parking related matters, the impact on protected species and biodiversity (including trees), flooding and surface water drainage issues, air quality, noise and vibration, land contamination, heritage and archaeology.

Having considered these issues, the responses from objectors and the responses from statutory and non-statutory consultees, I consider the proposed development conforms to the development plan and is sustainable development in the context of the NPPF. I recommend that planning permission be granted subject to conditions and a s106 legal agreement.

The Site and its Location

The application site relates to over 13ha of land in the north of the Borough. Part of the land was formerly part of the Holmhurst St Mary estate but the site otherwise extends to the boundary with St Anne's House and the Conquest Hospital to the east, the housing developments branching from Little Ridge Avenue and Harrow Lane to the south (i.e. Welton Rise, Chalvington Drive, Fairfield Road, etc.), and Harrow Lane playing fields to the west. The site wraps around the Holmhurst St Mary building, which is now converted to residential, and the more modern properties at Francis Baird Place and Beaulieu Gardens. Across The Ridge to the north of the site is Beaulieu Farm which is included within the High Weald Area of Outstanding Natural Beauty (AONB).

The site is irregular in shape and is set at an elevated position with a slight slope to the south-east. Access to the site is currently available from Eldridge Way via The Ridge. The site is currently characterised by open fields with densely wooded areas and significant shrub planting. It includes some elements of a former formal garden, old outbuildings and classrooms, old tennis courts, a graveyard and a statue of Queen Anne which is a Grade II* Listed Building.

The site has a Public Right of Way crossing it from north to south (Eldridge Way to Welton Rise).

Part of the application site (over half) is allocated for housing in the Hastings Local Plan: Development Management Plan (DMP) but the site is also constrained by a Local Wildlife Site and Ancient Woodland designations. There are also areas of Tree Preservation Orders from the centre of site southwards and eastwards.

The site is located in a setting comprising residential, commercial, industrial and rural elements.

Details of the Proposal and Other Background Information

This is an outline planning application for the provision of up to 208 new dwellings. As this is an outline planning application, the main consideration is the principle of the development as the applicant has requested that matters of appearance, landscaping, layout and scale are reserved matters and details of these will be submitted at a later date should outline planning permission be granted. The developer has requested that access is approved at this stage and a single point of access is shown (following negotiations to remove a second access) on the indicative layout plan submitted with the application. The access would utilise the existing Eldridge Way. The proposal includes the demolition of existing buildings on site.

As mentioned above, part of the application site, most of the land the applicant proposes to develop on, is currently allocated for housing in the DMP. This allocation is carried forward from the previous Hastings Local Plan 2004 (HLP). In the HLP the site was a 'reserved' allocation which meant the site was intended to come forward towards the end of the last local plan period. This is because the site is a substantial greenfield site and it was appropriate for other brownfield sites to be developed first. The applicant was advised prior to submitting this application that it was considered that the site was ready to come forward for development.

Since this advice and following the submission of the application, the Council has now adopted the DMP. In the DMP the site is no longer a 'reserved' site and can come forward for development at anytime subject to normal planning considerations. The main reason for this is that the Borough has to meet an ambitious housing target up until 2028 and with limited opportunities for developing housing in the Borough, this site needs to be built in order for the Council to achieve its Local Plan objectives.

Since the application was originally submitted, the indicative layout has been amended and further information has been provided to address comments made with regard to the second access into the site (now removed), the works to the listed statue, development around the listed statue and matters related to the environmental statement chapters on air quality, noise and vibrations and soil, geology and land contamination.

This application follows a planning application from 2008 for the development of the site. As explained, at that time the application was a reserved site in the HLP and the application was refused as it was considered premature. It was also refused due to concerns about moving the Statue of Queen Anne, traffic, and the lack of a legal agreement to secure development contributions.

Previous Site History

HS/FA/08/00657 Development of land at Holmhurst St Mary comprising: demolition of existing derelict and dilapidated classrooms; demolition of former staff accommodation at 731 The Ridge; construction of new access roads served from The Ridge, via Eldridge Way; formation of new bus access/emergency vehicle link between the application site and Welton Rise (to south); construction of 173 dwellings, of which 52 are affordable homes, with associated hard and soft landscaping and parking; dismantling, re-positioning and works to Grade II* Listed statue of Queen Anne (subject of separate Listed Building Consent application) and landscaping, planting and enhancement of the Holmhurst St Mary Site of Nature Conservation Importance (SNCI) including provision of an environmental play area.

Refused 23 December 2008

Appealed but appeal withdrawn 04 August 2009

Details of Consultations

Rother District Council has raised no objection.

The **County Archaeologist** has raised no objection subject to conditions to secure the investigation of archaeological interest.

The **Environment & Natural Resources Manager** has provided comments combining all of his team's specialism, which includes ecology, trees, play areas and open space. No objection to the development has been raised but various issues have been raised which will need to be resolved in any detailed submission, by condition or through a s106 legal agreement. Matters include maintenance and management of the undeveloped spaces, appropriate landscaping, protection of trees and ecology.

The **Forestry Commission** has raised no objection.

The **High Weald AONB Unit** has raised no objection.

Natural England has raised no objection to the proposed development and considers that there will be no harm to the Marline Valley Woods Site of Special Scientific Interest (SSSI). They otherwise provide some advice on protected landscapes, trees and ecology.

The **Assistant Director Regeneration & Culture**, subject to meeting the policy requirement of the adopted Local Plan, supports this application in view of the contribution and significant boost this site will make to the supply of market and affordable homes in the short term.

The **Environment Agency** has raised no objection subject to a condition regarding a surface water drainage scheme for the site which must be based on sustainable drainage principles. This is to ensure that surface water run-off for the site does not exceed that of the current undeveloped site.

Southern Water has raised no objection to the development. They have flagged up issues with capacity in the sewerage network and the water mains and sewers crossing the site, but these issues and details of the new drainage infrastructure for the site can be secured by condition.

Sussex Police has raised no objection but advises on the detail that would be required if a reserved matters application were to be submitted. They also require a financial contribution towards policing infrastructure in the Hastings area.

The **Arts & Cultural Development Officer** has raised no objection and welcomes the proposals for the statue of Queen Anne. He recommends that the statue become a public feature for all to enjoy.

Hastings & Rother Building Control Partnership has raised no objection but has flagged up potential issues for the applicant to consider.

The **Waste & Streetscene Services Officer** has raised no objection.

The **Assistant Director Environment & Place** is responsible for the Environmental Protection Team who would usually provide feedback on the matters in this application relating to air quality, noise and vibrations, and ground conditions. Given the scale of the development proposed and the issues raised within the application submission, the Assistant Director sought the advice of an environmental consultancy (ACCON UK) to review the application on behalf of the Council.

The consultant's initial review concluded that:

- The assessment of noise impacts is not considered to have been carried out adequately. The applicant will need to address the matters raised.
- The air quality assessment has not included relevant baseline data from nearby diffusion tubes and no verification has been undertaken. The consultant advised that the assessment should be updated and verified to better reflect local pollutant concentrations.
- The consultant made various comments about the ground conditions assessment. No serious concerns but recommends that Environmental Statement (ES) is updated. Also recommends conditions.

The **County Public Rights of Way Officer** has raised no objections subject to conditions to maintain the footpath through the site during construction, to divert the footpath to reflect its new alignment and to ensure the footpath is brought up to an adoptable standard. These conditions will also address the concerns raised by the Ramblers' Association.

The **County Strategic Economic Infrastructure Team Manager** has raised no objection subject to financial contributions for schools, libraries and Public Rights of Way. These can be secured by s106 legal agreement.

UK Power Networks has raised no objection.

Southern Gas Networks has raised no objection.

The **Housing Needs & Enabling Manager** has raised no objection but has commented on the affordable housing requirement which is 40% of the total development. This would likely be as a mixture of affordable rent and shared ownership with a percentage of the properties being for wheelchair users.

The **Local Highway Authority** has raised no objection with regard to the western access from Eldridge Way, the indicative layout of the development or the impact on the local highway network but insisted on the removal of the second access, which was closer to St Anne's. Now that this has been removed from the scheme they recommend a number of conditions and matters to secure by s106 legal agreement to ensure highway safety, improve the local highway network and to enhance sustainable means of transport.

Stagecoach has raised no objection to the proposed development. Whilst they would have liked a bus link through to Welton Rise they consider this impractical given the design of the highway along Welton Rise. Instead they recommend that a link be made possible through future development at the Harrow Lane playing fields site. Such a link is obviously possible but Stagecoach's other suggestion is that the road be widened to a minimum of 6m. Whether this is possible will be considered at the detailed design stage and it will need to be weighted up against the comments of the Local Highway Authority who consider the site to be adequately served by Public Transport. Stagecoach also request improvement to bus stops and travel packs for new houses which are likely to be secured as part of the financial contribution and travel plan requested by the Local Highway Authority.

Historic England initially raised concerns about the setting of the statue being harmed by the new access road at the western end of the site and the close proximity of proposed houses. As the western access has been removed from the scheme and the houses in close proximity to the statue have been removed, Historic England no longer raised any objection to the proposed development. Historic England note that the indicative plans are still not completely acceptable in terms of the layout and the setting of the statue - particularly the position of the proposed flatted block - but they are satisfied that this matter can be resolved as part of any reserved matters application.

The **Ramblers' Association** has objected to the application. However, this objection is a technicality as it relates to the lack of any formal legislative agreement being in place to secure the necessary changes to the Public Right of Way which runs through the site. This can be dealt with by condition.

The **Licensing Manager** has raised no objection.

There has been a petition of objection with **10 signatories** and **49 individual objections** received against the development proposals. Concerns include:

- Traffic generation and congestion
- Road safety
- Insufficient parking
- Impacts of Bexhill to Hastings Link Road (BHLR) on The Ridge
- Restrictions to emergency vehicles
- Impacts on heritage including gardens and statue
- Impact on the environment
- Harm to ecology
- Loss of trees and hedges
- Conflicts with planning policy
- Development on greenfield land rather than brownfield
- Quantum of development too high
- Land instability
- Presence of Japanese Knotweed and other invasive species
- Protection of the graveyard previously linked to the former convent
- Impact on local schools
- Loss of recreation areas and green space
- Impact on health and social services
- Lack of consultation
- Risk of flooding
- Lack of local facilities
- Harm to ancient woodland
- Air pollution
- Further use of natural resources
- Design and use of materials

The following matters have also been raised but are not considered material to determining the planning application:

- Ownership of the land and sale of the land
- Loss of sports field - this site does not include a sports field so it is presumed that the concerns relate to adjacent Harrow Lane Playing fields which are not part of this proposal
- Poor grammar in the description of the development - the description is as listed by the applicant on their application form.

Planning Considerations

In determining the application Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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".

In this instance the main policies of the development plan include policies SC1, SC7, EN1, EN2, EN3, EN4, EN6, EN7, EN8, H1, H2, H3, CI1, CI3, T3 and T4 of the Hastings Local Plan: The Hastings Planning Strategy (HPS) and policies LRA1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8 and HN9 of the DMP. Others apply and are listed above.

As explained above this is an outline planning application for the provision of up to 208 new dwellings. As this is an outline planning application, the main consideration is whether the principle of the development is acceptable as the applicant has requested that matters of appearance, landscaping, layout and scale are reserved matters and details of these will be submitted at a later date should outline planning permission be granted. The developer has requested that access is approved at this stage and a single point of access is shown (following negotiations to remove a second access) on the indicative layout plan submitted with the application. The access would utilise the existing Eldridge Way. The proposal includes the demolition of existing buildings on site.

In order to establish whether the principle of development is acceptable, the applicant has provided an indicative drawing showing the layout of the development and the design of the houses. Given the size of the development and its potential impact, the application has also been accompanied by an Environmental Statement (ES), in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Between the indicative drawings and the ES an assessment can be made on the main issues, which include, the impact on the character and appearance of the area, the standard of the accommodation proposed, the impact on neighbouring residential amenities, highway safety and parking related matters, the impact on protected species and biodiversity (including trees), flooding and surface water drainage issues, air quality, noise and vibration, land contamination, heritage and archaeology. These considerations will help determine whether the development is acceptable in principle as well as whether the proposed access is appropriate.

Policy LRA1 - Holmhurst St Mary allocation

As mentioned above part of the allocation site - the majority of the part proposed to be developed for housing - is allocated for residential development in DMP. This allocation forms part of policy LRA1. This policy is the first consideration in establishing the principle of developing the site for residential. As the site is allocated, significant weight can be given to residential development and this is particularly true given that the DMP has been recently adopted. This means that the allocation and the suitability for development can be considered up-to-date.

Development in accordance with policy LRA1 requires a number of policy criteria to be met. As this is an outline planning application, explicit detail of the policy criteria has not been provided but where detail is lacking this could form part of any later detailed planning application or could be secured by condition. Considering this, I consider that the proposed development is generally in conformity with policy LRA1 but the table below summarises this in a bit more detail:

Policy LRA1 criteria

a) include 40% affordable housing	The applicant has not contested this requirement although they have stated in their design and access statement that the site could currently provide for 30% affordable housing. The requirement remains at 40% and is currently expected to be provided. It should be secured by a legal agreement.
b) 2% of homes to be adapted for wheelchair users	No details but this matter can be dealt with at any reserved matters stage.

c) sustain and enhance the significance and setting of the Queen Anne statue	This will be achieved and is subject to a separate listed building consent application. The works will be secured by a legal agreement.
d) provide an Ecological Constraints and Opportunities Plan (ECOP), consider the impact to the LWS and provide access to LWS	The application does not include a document specifically referenced as an ECOP but the ecology reports, tree reports and the landscaping information between them identify the constraints of the site. The ecological matters have also been considered and are discussed in more details below.
e) provide a landscape buffer	Landscaping details are listed as reserved matters. That being said the indicative plans show plenty of opportunity for landscape buffering.
f) provide an arboricultural report explaining how trees will be incorporated into the development	Landscaping and layout are reserved matters but the application has been accompanied by an arboricultural report and landscape masterplan and the indicative plans show how trees can be incorporated within the development. This is discussed in further detail below but I am satisfied with the impact on trees. There will be some loss but there is also opportunity for enhancement which is a good balance.
g) include a Flood Risk Assessment (FRA) and drainage details	The applicant has been accompanied by an FRA and has been considered by the Environment Agency. Subject to appropriate conditions there will be no flooding issues.
h) investigate the feasibility of district heating	This is not covered within the application but I am satisfied that such details could be included within any reserved matters application.
i) contribute to existing play facilities	The proposal will include its own play facilities which is considered a suitable alternative.
j) include walking and cycling links	These are either shown indicatively or can be secured by condition. Final details will be included in any reserved matters application.
k) be supported by a transport assessment and travel plan	The proposal has been accompanied by these documents. The matters have been considered by the Local Highway Authority, which is discussed in further detail below, and the recommendations have been incorporated into the proposal. Conditions and contributions have been requested by the LHA.
l) provide connections to the sewerage and water supply systems	As this is an outline application, full details of this have not been provided. Southern Water have also flagged up concerns about capacity in the network. These matters can be addressed by condition.

As can be seen from this summary the proposal currently demonstrates compliance with this policy or the matters can be addressed by condition. This compliance offers support for the development of the site and significant weight is attached to this.

EIA considerations

An EIA has been undertaken in accordance with the relevant legislation. The scope of the EIA was agreed with the Local Planning Authority prior to the submission of the application. The application has been accompanied by an ES which summarises the overall effects of the development including the cumulative impact in association with the development of the allocated sites. The findings are as follows:

- The proposed development and its impact upon the highway network has been assessed both with and without the BHLR in place. Even taking the worst case scenarios into account the development is considered to have a neutral impact in terms of highway related issues.
- The overall impact on air quality is considered to be negligible both during construction and following completion of the development. This is because the pollutant levels will remain well below relevant objective levels.
- During the construction phase the impact on local residents from noise and vibrations is considered to be minor adverse. Mitigation measures are suggested to help address this which will be secured via a construction environmental management plan by condition.
- Once completed the proposed development is considered to have a negligible effect in terms of noise and vibrations due to the proposed uses, the design and mitigation proposed.
- Overall the development is considered to be of benefit in terms of landscape and visual issues. There will be some negative impact in terms of views from neighbouring properties and loss of trees but ultimately the development will have no impact on the AONB, will provide restoration of the statue and will provide significant improvements to open space which will be formally and legally publicly accessible.
- In terms of ecology and nature conservation a range of impacts are considered. These range from negligible impacts to potential significant harm. This assessment includes harm to trees and designated wildlife areas, as well as impacts on specific protected species. Through appropriate mitigation, enhancement and management, many of these impacts have been reduced to negligible levels or even of benefit - particularly the maintenance and management of the LWS.
- The overall impact of the development in terms of water quality, hydrology and flood risk is considered negligible to minor adverse. This is based on the implementation of various mitigation measures during construction and once the development is completed.
- Minor adverse impacts are considered in terms of soils, geology and contamination both during construction and once the development is completed. Subject to mitigation most of these impacts are reduced to negligible or even beneficial impacts.
- The impact of the development on archaeological interest both during construction and after development is considered to be negligible. This is based on appropriate assessments being completed and work being carried out in accordance with good archaeological practice.

Following consultation with statutory and non-statutory consultees, I concur with the findings of the EIA. With appropriate mitigation being agreed and secured via conditions the proposed development will be acceptable and many of the issues remain uncontentious. It is acknowledged that the proposal includes some significant issues and these are discussed in further detail below.

Impact upon the character and appearance of the area, standard of accommodation and impact on neighbouring residential amenities

The proposed development is for up to 208 new units. The applicant has provided indicative drawings of how this may be accommodated on site. Members should be reminded that none of the details, other than access are being approved at this stage, but generally speaking, the development fits quite comfortably on site. The layout is comparable with development along Harrow Lane and Little Ridge Avenue and so is consistent with the prevalent character of the area. Densities and housing mix are also in accordance with current planning policies. The entrance to the site will remain undeveloped which will help with the transition to the AONB north of The Ridge and the proposal includes the creation of a large public open space which is a significant achievement in place-making terms.

The homes appear to be of decent size, include off-street parking and have adequately-sized gardens. The developer has taken care to show that the new properties are either back-to-back with existing properties or are suitably distanced and include landscape buffering to ensure that there will be no harm to neighbouring residents.

The indicative design of the houses is also mostly acceptable, although I agree with some of the local residents who have objected to the application, that better quality will have to be provided closer to the Holmhurst St Mary listed buildings and the statue of Queen Anne. These details will form part of any detailed application.

As the full details have not been submitted at this stage, any issues with regard to the size of the properties, garden provision, issues with the layout and how it impacts on character, relationship with neighbouring properties, etc. can be addressed at the detailed stage. It could mean a reduction in unit numbers but as the proposal is for up to 208 units this would be acceptable.

Details of the green and sustainable design in accordance with policies DC3 and DC4 of the HPS can be secured by condition and submitted as part of the detailed application.

In principle the proposed development is compliment with policy SC1, EN1, EN7, H1 and H2 of the HPS and policies DM1, DM3, HN1 and HN9 of the DMP and will not have an adverse impact on local character or neighbouring amenities and homes will be built to an appropriate standard.

Highway matters and public footpaths

The impact on local highways and more specifically The Ridge, is the most contested issue. Amongst others, many concerns have been raised about increased traffic, congestion, the impact of the opening of the BHLR and the safety of the access at the Eldridge Way/The Ridge junction. All of these objections have been seriously considered, although I consider some of the concerns raised in objections that have been submitted are very general or anecdotal. With that in mind, I am left to consider the information submitted by the applicant and the comments of the Local Highway Authority.

As explained above the LHA very early on objected to the creation of a second access near to the entrance with St Anne's House for strategic as well as safety concerns. This access has now been removed from the scheme and as such resolves some of the submitted objections.

The LHA have highlighted deficiencies within the submitted Transport Assessment but are satisfied that information produced by the County Council itself in relation to traffic, improvements along The Ridge and improvements in relation to allocated development sites covers any concerns they may have had. In that respect, the proposed development is considered acceptable subject to conditions and a s106 legal agreement to secure the necessary improvements.

The LHA, or the County Public Rights of Way Officer, acknowledge many of the concerns residents have raised including access along Eldridge Way, parking, cycle routes, footpaths; all of these matters can be dealt with by condition. For example traffic restrictions can be put in place along Eldridge Way to prevent unsafe congestion of the road and they have advised on the amount of parking that is likely to be required when a detailed application comes forward.

The LHA also make certain recommendations in relation to emergency access (such as a restricted access way to Welton Rise) and how the development may improve sustainable transport modes such as cycling, walking and public transport.

Overall the proposed development is considered to be acceptable in terms of policies C11 and T3 of the HPS and policy DM4 of the DMP.

Ecology, trees and open space

The planning application has been accompanied by appropriate reports in terms of ecology. The reports identify a number of activities on site in relation to protected species and explains how these can be dealt with. It should be noted that the proposal is in outline form so exact details of the impact on ecology and any mitigation will be agreed later but the applicant has provided sufficient information to explain that harm will be limited and in some cases there will even be benefits and enhancements.

As mentioned above the proposed development does encroach into a designated LWS and in this respect policy EN6 of the HPS states:

POLICY EN6: Local Wildlife Sites (LWS)

Development proposals within or adjacent to Local Wildlife Sites (LWS) will only be permitted where there is a local need which outweighs any harm to the nature conservation interest.

The Council may attach conditions to any planning permission and/or may seek to enter into agreement(s) to minimise the harm and/or secure the protection, enhancement and management of the nature conservation interest

In this particular case, the applicant has shown that the encroachment is very small - around 6% - but I consider that the realisation of the housing designation as well as the provision of a well managed public open space and ecological area are substantial public benefits meaning that, in the long term there may actually be improvements to the LWS. The proposal also includes no development around the listed statue and at the entrance to the site which will further enhance ecology, landscape and open space provision.

There will be some tree loss but a significant amount would remain as well as some additional planting. The benefits of this scheme are considered to outweigh the small loss of trees.

No objection has been raised by Natural England in terms of the Marline Valley SSSI.

Subject to appropriate conditions and a legal agreement, the impacts of the development in terms of ecology are considered acceptable. The proposals adequately address policies EN2, EN3, EN4, EN6 and EN8 of the HPS and HN7 and HN8 of the DMP.

Flooding and drainage

The application has been accompanied by a Flood Risk Assessment that advises of minimal risks. The Environment Agency has considered this information and appropriate conditions can be put in place to ensure that any detailed application includes a design that considers appropriate sustainable drainage methods for the site.

Southern Water have noted concerns about capacity in the water supply and sewerage network but again these matters can be dealt with by condition.

The proposed development addresses policy SC7 of the HPS.

Environmental Health matters

The proposed environmental statement includes chapters on air quality, noise and vibrations and land contamination. Following some initial feedback, these particular chapters were updated to include more robust information.

This information has been considered by a specialist consultant on behalf of the Environmental Protection Team and they have confirmed that the submitted information is an appropriate assessment and that the development, subject to certain conditions to control environmental issues during construction and post development, will not result in any concerns.

The proposed development addresses policies DM5 and DM6 of the DMP.

Heritage and archaeology

The applicant has assessed the heritage of the site, taking into account the adjacent listed buildings at Holmhurst St Mary, the Grade II* listed statue of Queen Anne within the site, the sites archaeological potential and the general historic landscaping which includes remnants of a former formal garden for the Holmhurst estate and a nun's graveyard.

This information has been considered by the County Archaeologist and Historic England.

The County Archaeologist has recommended conditions to ensure that archaeology is dealt with appropriately during construction.

Historic England were initially concerned about the impact on the setting of the statue and I raised concerns about the relationship of the development to Holmhurst St Mary. This led to amendments to the indicative layout. The changes show improvements but, like Historic England, I still believe improvements can be made. I am satisfied that a later detailed submission will address remaining concerns about layout and the design of specific buildings.

The specific details of the restoration of the statue are being considered as part of a separate listed building consent application but the restoration of the statue will be secured by legal agreement.

The applicant has confirmed that the nun's graveyard will remain untouched but the old gardens will be remodelled in order to deliver the development,. The gardens have no formal heritage designation so I do not consider that they benefit from any protection.

The scheme has considered heritage impacts appropriately and is acceptable in terms of policy EN1 of the HPS and policies HN1 and HN4 of the DMP.

Other

The presence of invasive species on site and how they will be dealt with can be controlled by condition.

This is an allocated housing site and its impacts on infrastructure are considered in the Borough's Infrastructure Delivery Plan. Matters like road improvements and the impact on schools can be addressed by the financial contributions required but it is not considered that the development needs to provide for health or social related services.

Evidence of Community Involvement

The applicant engaged in a Pre-Application Forum and undertook some of their own public consultation. This dialogue with the local community has helped inform the planning application

Conclusion

Considering the above discussion the proposed development is considered to be sustainable development in accordance with the NPPF. It will provide for much needed residential accommodation and secure benefits such as affordable housing, public open space and improvements to the Local Wildlife Site. These proposals are also considered to comply with or appropriately address the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

Recommendation

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

- **a financial contribution towards local highway improvements;**
- **a Travel Plan and associated auditing contribution;**
- **the provision, maintenance and management of open space and play provision;**
- **the maintenance, management and monitoring of trees, protected species and wildlife areas;**
- **a financial contribution towards Sussex Police and their infrastructure requirements;**
- **the repair and restoration of the Statue of Queen Anne - a Grade II* Listed Building;**
- **financial contributions to schools, libraries and Public Rights of Way; and**
- **affordable housing**

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. In the event that the Agreement is not completed or the viability issue not resolved by 25 August 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, CI1, T3, EN3, EN6, EN1, and HN1) 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:

Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out, in terms of access only, in accordance with the following approved plans:

Indicative Site Layout - Rev K
6. Prior to the commencement of development, details of the proposed surface water drainage to 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. The development shall be carried out in accordance with the approved details.

7. Before house building commences, the new estate road(s) shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with this Authority.
8. Prior to development, including excavation works, commencing on site a Traffic Management Scheme (TMS) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include an outline construction schedule, compound areas for plant, machinery, materials, contractor parking; routing of vehicles and details of wheel washing facilities. Given the proximity to local schools, deliveries should avoid peak periods. The development shall be carried out in accordance with the approved TMS.
9. The development hereby permitted shall not commence until details of the layout of the access roads and the specification for the construction of the access which shall include details of footways, surfaces, lighting, parking, cycle parking and emergency access onto Welton Rise, have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not commence until the construction of the road link has been completed in accordance with the specification to be agreed with the Highway Authority.
10. The new estate road[s] shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details submitted and approved in relation to condition 1 (reserved matters) above. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.
12. The development shall not be occupied until parking area[s] have been provided in accordance with the details which have been submitted and approved in accordance with condition 1 (reserved matters) above. The parking shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
13. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which have been submitted to and approved in relation to condition 1 (reserved matters) above. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
14. The development shall not be brought into use until a Traffic Regulation Order to restrict parking along Eldridge Way or an alternative measures to maintain safe passage of vehicles has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority.

15.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats 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.
16. The details for condition 15 above shall include details of the measures which will be undertaken to protect the public water mains sewers during the course of development.
17. The details required for condition 15 above shall include details of management and maintenance of the SuDS system during the lifetime of the development.
18. The surface water drainage details for condition 15 above shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year (including appropriate climate change allowances) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
19. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
20. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
21. Safe access to footpath Hastings 145 is to be maintained at all times during and following completion of the development.
22. Due to the alteration to footpath Hastings 145 the development shall not be brought into use until it has been formally diverted under s257 of the Town and Country Planning Act 1990.

23. The development shall not be brought into use until footpath Hastings 145, from Welton Rise to The Ridge, has been improved to an adoptable standard in accordance with details submitted to and approved in writing by the Local Planning Authority.
24. The landscaping details required by condition 1 above (reserved matters) shall include details of open space and play provision.
25. No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details in accordance with the submitted environmental statement, which includes matters such as controlling noise, dust, hours of building work and surface water run-off. Development shall be carried out in accordance with the approved CEMP.
26. The reserved matters details submitted for conditions 1 above shall include details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028.
27. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
28. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following;
 - a) Risk assessment of potentially damaging construction activities.
 - b) Identification of "biodiversity protection zones".
 - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the local planning authority.
30. No development shall take place (including demolition, ground works, vegetation clearance) until an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration has been submitted to and approved in writing by the Local Planning Authority.

The Ecological Design Strategy shall include the following;

- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance and management.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The Ecological Design Strategy shall be implemented in accordance with the approved details and phasing and all features shall be retained in that manner thereafter.

32. The details submitted for condition 1 (reserved matters) above shall include provision of at least 2% of the dwellings to be fully adapted for wheelchair users.
33. The details submitted for condition 1 (reserved matters) above shall include provision of a district heating or combined heat and power system, with possible connections to existing and allocated development, unless otherwise agreed in writing by the Local Planning Authority.
34. The sound insulation measures of the dwellings hereby approved (specifically the glazing and ventilation) should ensure that the internal noise levels in habitable rooms do not exceed 35 dB LAeq,16hr during the daytime and 30 dB LAeq,8hr during the daytime. Internal noise levels in bedrooms at night should also not exceed 45 dB L_{Amax,F}.
35. The CEMP required at condition 25 above shall include an addendum report which provides details of the expected noise levels at existing residential receptors during each phase of the construction process. The significance of the predicted construction noise levels should be assessed against the ABC method detailed within BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise". Where a significant adverse impact is identified, appropriate noise mitigation measures will be detailed within and will be implemented in accordance with the approved CEMP.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.

4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. In the interests of highway safety.
7. In the interests of highway safety and for the benefit and convenience of the public at large.
8. In the interests of highway safety and to protect neighbouring residential amenities.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interest of highway safety and for this benefit and convenience of the public at large.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
14. In the interests of highway safety.
15. To prevent increased risk of flooding.
16. To prevent increased risk of flooding.
17. To prevent increased risk of flooding.
18. To prevent increased risk of flooding.
19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
20. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
21. To maintain Public Rights of Way.
22. To maintain Public Rights of Way
23. In the interests of pedestrian safety.

24. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
25. In the interests of the amenity of the neighbouring residential occupiers.
26. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
27. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
28. To protect features of recognised nature conservation importance.
29. To prevent the spread of invasive non-native species.
30. To prevent the spread of invasive non-native species.
31. In the interests of the health of the trees and the visual amenity of the area.
32. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.
33. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.
34. To protect the amenity of future occupiers.
35. In the interests of the amenity of the neighbouring residential occupiers.

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 paragraphs 186 and 187 of the National Planning Policy Framework.
 3. The developer's attention is drawn to the committee report and the consultation responses received as part of the application. Both include comments which will be necessary to take on board when developing a detailed submission.
 4. Consideration should be given to the provision of a domestic sprinkler system.
 5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
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Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/OA/15/00077 including all letters and documents