

Report to: PLANNING COMMITTEE

Date of Meeting: 08 November 2023

Report from: Planning Services Manager

Application address: Land to the Rear of 419 to 447 Bexhill Road, St Leonards-on-sea, TN38 8AR

Proposal: Approval of Reserved Matters relating to conditions 1 & 2 (layout, scale, external appearance, and landscaping); 11 (travel plan); 14 (drainage calculations); 25 (sustainable construction); and, 27 (bin storage) of Outline Planning Permission HS/OA/19/00153 (Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 units and proposed flood risk mitigation measures). (Includes renewable energy).

Application No: HS/DS/22/00912

Recommendation: Approve Reserved Matters

Ward: WEST ST LEONARDS 2018

Conservation Area: No

Listed Building: No

Applicant: Hastings Borough Council per Kember Loudon Williams Ltd Ridgers Barn Bunny Lane Eridge, Nr. Tunbridge Wells, Kent. TN3 9HA

Public Consultation

Site notice: Yes

Press advertisement: Yes - General Interest

Neighbour Letters: No

People objecting: 0

Petitions of objection received: 0

People in support: 0

Petitions of support received: 0

Neutral comments received: 0

Application status: Not delegated - Council application on Council owned land

1. Site and surrounding area

The 0.73ha site is situated to the south of the A259 (Bexhill Road), in the West St Leonards Ward.

The site is made up of two distinct areas; one adjacent to Bexhill Road which comprises of a gravel surfaced car park; the other, which is the main body of the site is fenced off and undeveloped and contains low level vegetation, and, is situated between the rear boundaries of the residential properties on Bexhill Road to the north and the railway embankment to the south.

The surrounding area is primarily residential, with residential properties to the north (Bexhill Road) and to the west (Amsterdam Way). To the south of the site is the railway line, beyond which is Bulverhythe Coastal Path and the beach / seafront, and to the east of the site is an industrial area.

Southern Water have a pumping station to the south west which is adjacent to but not within the site, and associated rising main sewers cross the application site and there is a rising main between the pumping station and Bexhill Road. There is a no-build zone around Southern Water's infrastructure, amounting to approximately 35% of the site and access is required at all times for maintenance.

The current access to the car parking area is from Bexhill Road, between 445 and 435 Bexhill Road.

The site gently rises to the rear of the houses on Bexhill Road; existing ground levels are 2.4m to 4.2m AOD (above ordnance datum). The site is level where the car park is located.

Constraints

- Archaeological notification area (south part of site)
- Flooding surface water 1 in 100
- Groundwater Flooding Area Susceptible
- Within the 2km buffer of High Pressure Pipeline
- Pevensey / Cuckmere Water Level Management Board Area
- Railway Land Ownership Buffer 10m
- Southern Water Infrastructure
- Historic Landfill Buffer 250m
- Flood Zone 3a Environment Agency
- HBC Owned Land

2. Proposed development

The application seeks approval of the reserved matters relating to layout, scale, appearance, and landscaping, of Outline Planning Permission HS/OA/19/00153. The outline approval established the principle of the provision of 16 dwellings, the access onto Bexhill Road (A259), the reconfiguration of the car park, and flood risk mitigation measures.

As a departure from the indicative layout provided at the outline stage, the proposal is for a single terrace of 16 modular houses across the site from east to west. The houses would be of a modular design, constructed in a local factory (Boutique Modern) and transported for assembly on site. The scheme would provide 100% affordable units, with a mix of 8x two bedroom houses and 8x one bedroom houses to be allocated to households on the Council's housing register.

Vehicular and pedestrian access would utilise the existing access on Bexhill Road, with access to the dwellings gained through the car park.

The houses would have a private terrace to the rear, with a private communal open space between the rear of the houses and the railway. To the north of the houses would be a new internal road and footways, communal garden areas, bin & cycle storage areas, and 20 car parking spaces.

Works to the existing public car park would result in 30 formal vehicle spaces.

The application also seeks approval of details reserved by conditions 11 (Travel Plan); 14 (Drainage Calculations); 25 (Sustainable Construction); and, 27 (Bin Storage) (which were required to be submitted with the reserved matters).

The application is supported by the following documents:

- Planning & Affordable Housing Statement
- Design & Access Statement
- Statement of Community Involvement
- Energy & Sustainability Statement
- Transport Statement
- Travel Plan Statement
- Surface Water Drainage Scheme Management & Maintenance Plan (+ Addendum Letter)
- Landscape Strategy Report
- Preliminary Ecological Appraisal
- Reptile Survey Report

Relevant planning history

Application No.	HS/OA/19/00153
Description	Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 residential units and proposed flood risk mitigation measures.
Decision	Outline Application with Conditions on 05/12/19

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy DS1 - New Housing Development
Policy FA1 - Strategic Policy for Western Area
Policy FA6 - Strategic Policy for The Seafront
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy SC7 - Flood Risk
Policy EN1 - Built and Historic Environment
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy H1 - Housing Density
Policy H2 - Housing Mix
Policy H3 - Provision of Affordable Housing
Policy T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy DM6 - Pollution and Hazards
Policy HN8 - Biodiversity and Green Space

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP2 - New and Affordable Housing
Policy SP5 - Conserving and Enhancing the Natural Environment
Policy SP7 - Managing Coastal Erosion and Flood Risk
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 DP7 - Access, Servicing and Parking

Other policies/guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013
Technical housing standards - nationally described space standard, March 2015, Department for Communities and Local Government

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:

- approving development proposals that accord with an up-to-date development plan without delay; or
- 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:
- 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
- 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 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 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 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

HBC (Ecology Officer) – **No objection subject to conditions** - see g) in the assessment below for full details

HBC (Environmental Health) - **No objection** - see i) in the assessment below for full details

HBC (Estates) - **Have no comments to make**

HBC (Housing Officer) – **Support** - see l) in the assessment below for full details

HBC (Tackling Climate Change) – **No objection**

HBC (Waste Services) - **No objection** - see o) in the assessment below for full details

ESCC (Archaeology) - **Have no comments to make**

ESCC (County Contributions) – **Have not provided comments** - see l) in the assessment below for full details

ESCC (Highways) - **No objection subject to conditions** - see h) in the assessment below for full details

ESCC (Lead Local Flood Authority / Pevensey & Cuckmere Water Level Management Board) - **No objection subject to conditions following initial objection being overcome** - see n) in the assessment below for full details

Air Quality Management Area - **Have not provided comments**

Environment Agency - **No objection** - see n) in the assessment below for full details

Natural England – **Have no comments to make** - see g) in the assessment below for full details

Network Rail – **Have provided advice** - see p) in the assessment below for full details

Southern Water – **Have provided advice recommending conditions and informatives** - see n) in the assessment below for full details

4. Representations

In respect of this application site notices were displayed on Bexhill Road opposite the site entrance and within the site close to the public car park entrance, and an advert placed in the local paper.

No responses were received.

5. Determining issues

This application is to consider the reserved matters relating to layout, scale, appearance, and landscaping pursuant to Outline Planning Permission HS/OA/19/00153. The provision of 16 residential units; access from the A259; reconfiguration of the car park; and, flood mitigation measures were approved as part of the outline consent, as such this application is to consider the detailed design of the proposed development, which when considering the siting, scale, appearance and landscaping include assessment of:

- Layout and Design
- Character and Appearance
- Residential amenity

- Ecology
- Highways and parking
- Affordable housing
- Flooding and drainage

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 8 of the NPPF set out a presumption in favour of sustainable development.

Whilst not allocated in the Local Plan for housing, the site is within a sustainable location with reasonable access to public transport (the nearest bus stop is less than 25m from the site entrance and West St Leonards Railway Station is nearby), shops, services and facilities and as such the site has outline planning permission on the basis the development is considered acceptable in principle.

This application is to seek approval of reserved matters pursuant to the outline consent and as stated above, the principle of a development of 16 houses on the site and the access has been accepted by the granting of outline planning permission. As such, it is not relevant to consider the principle of development in the determination of this application.

b) 5 Year Housing Land Supply

Housing supply figures provided for Local Plan Monitoring Report purposes have identified there is insufficient supply of deliverable housing sites to meet the 5-year housing land supply at the current time within the Borough. This site is within the urban area and the development of this windfall site would provide much needed affordable housing, to assist in meeting the Council's housing land supply.

c) Layout and design

It was acknowledged at the outline stage that the site layout is dictated by Southern Water easements and sewers, therefore, the layout of the scheme has evolved to respond to these site constraints, as the southern third of the site cannot be developed due to the Southern Water infrastructure restrictions. At the outline stage, the application included an indicative layout of semi-detached dwellings in two rows. This has had to be reconsidered, as it would have resulted in domestic back gardens being over Southern Water infrastructure, which is subject to an easement allowing Southern Water access for maintenance purposes. As such, the proposed layout is now a single terrace of 16 units across the northern section of the site, which would result in the houses and their rear gardens being completely outside the easement area. The 'no build' zone is proposed to be a private communal space for the residents accessed from the rear of their properties, acting as an undeveloped buffer between the proposed dwellings and the railway.

To the north of the dwellings will be a new internal road and footpaths, formal communal garden areas, communal bin and cycle storage, and vehicle parking, all of which create a legible layout when working within the scope of the existing layout and site constraints, and would enclose these service areas from views from both Bexhill Road and the seafront to the south.

The predominant building typology in the immediate area is semi-detached and to a lesser extent detached dwellings, particularly along Bexhill Road. However, the proposed terrace of 16 houses would not form part of any existing building line, and as such the introduction of terraced houses which are smaller in footprint and plot size than is the norm in the area, would not be discernibly incompatible, especially as there is less uniformity of built form to the south of the regular rhythm of houses along Bexhill Road itself. The site has a loose arrangement of industrial buildings to the east and a modern residential close (Amsterdam Way) to the west, so a terrace running parallel with Bexhill Road would not be incongruous

with the irregular form of development between this section of Bexhill Road and the seafront. The scale of the houses is appropriate, being two storey in keeping with the outline consent and the surrounding built form, however, the flat roof design would be a juxtaposition to the more traditional houses along Bexhill Road. Also, the units proposed would be smaller than that envisaged at the outline stage, being one and two bed dwellings, rather than a mix of one to four bed dwellings. Nonetheless, in design terms this would make them visually subservient to the houses to the north, which would mean they would sit comfortably against the backdrop of the houses on Bexhill Road in views from the railway and seafront, without appearing overly dominant. The modular units have been designed to be well insulated and energy efficient, delivering sustainable affordable living for the occupants. In light of the above, it is considered the site is capable of accommodating a terrace of 16 dwellings, making efficient use of the site when allowing for the specific constraints the site presents, whilst still respecting local character and complimenting the local built environment, in accordance with Policy DM1 of the Development Management Plan 2015.

d) Impact on character and appearance of area

The character of the locality is primarily residential, but also with nearby commercial uses. The proposed dwellings would be behind the existing dwellings on Bexhill Road and separated by rear gardens, so would in the main not be visible in views from Bexhill Road, other than in limited views through the site access and between the houses. The development would however, be visible from the public domain along the coastal path and railway to the south. Nevertheless, the proposed flat roof form would mean the proposed terrace would sit subserviently against the backdrop of the houses on Bexhill Road, without dominating the skyline nor appearing overly prominent. Mixing up the one and two bed units within the terrace and the staggered plan arrangement, would break up the building massing and would add visual interest, both from the internal streetscene within the site, and in wider views from public areas to the south of the site.

It is considered the modern design would make a visual statement through the utilisation of a contemporary external appearance, accentuated by the modular form, the use of light coloured horizontal charred timber cladding, and dark framed windows. The use of timber cladding is characteristic of buildings in coastal settings and is therefore considered suitable for this location and overall, it is considered the appearance of the proposed dwellings would be appropriate for the site setting.

The rear gardens would be surfaced with paving slabs and enclosed with timber fencing. Residents would be able to access the communal green space from their back gardens, which would feature a mix of grasses and wildflowers that suit the coastal location. This aesthetically pleasing communal space would be routinely maintained, secured by condition 4. To the north of the site, separated from the parking areas would be further landscaping including raised planters, a rain garden, and opportunities for communal growing areas for residents, including a community orchard. Further to this, planting would be introduced to the car park and site boundaries to soften the overall appearance of the development. In general terms, the existing car park and scrubland across the site is unkempt and contributes little to the visual amenity of the area. It is considered that the car park upgrade, the introduction of contemporary dwellings, and a well-maintained open landscaped area to the south, would represent a visual improvement.

In the context of its surroundings, namely the rear elevations of dwellings to the north, modern residential development to the west and industrial structures to the east, it is considered the development will introduce a visually pleasing modern development that would not dominate the existing built form, whilst complimenting the character and appearance of the area, which would be consistent with the aims of Policy DM1 of the Development Management Plan 2015.

e) Impact on neighbouring residential amenities

The front elevation of the proposed terrace would be between 15-22m (approximately) from the rear garden boundaries of the closest properties on Bexhill Road and over 40m from the houses. The closest proposed vehicle parking spaces would be between 20-25m (approximately) from the rear elevations of the houses on Bexhill Road. As such, due to this degree of space separation from existing dwellings, it is not considered there would be any significant detrimental impact by way of overshadowing, loss of privacy, loss of light, or noise disturbance from vehicles to the residential amenity of the occupiers of these properties. As such, the development would be provided without any significant detrimental impact on residential amenity in accordance with Policy DM3 of the Development Management Plan 2015.

f) Future residential amenities

DCLG guidance, 'Technical housing standards - nationally described space standards' provides a minimum standard for internal floorspace that must be applied to new residential development. The plans show all the dwellings meet or exceed these standards. The one bed dwellings would be 59.84sqm (the minimum standard is 58sqm). The two bed dwellings would be 80sqm (the minimum standard is 79sqm). As such, there are no issues regarding internal living space or providing an adequate standard of living accommodation for future residents. This is considered to be in accordance with the requirements of Policy DM3 of the Development Management Plan 2015 to secure an acceptable living environment for future residents.

Policy DM3 of the Development Management Plan 2015 also requires 2+ bed homes to have rear gardens of at least 10m in depth. Due to the easement restrictions discussed in this report, this cannot be achieved, and the gardens are between 1.5m and 3m short of this policy requirement. However, given the extent of the accessible open communal recreational space exclusively available to residents, this is deemed acceptable. It should also be noted that the one bed units also have private rear gardens, despite there being no policy requirement to provide this. The east to west axis of the terrace has the further benefit of maximising the southern aspect of the back gardens of the dwellings, to maximise sunlight for the amenity spaces and sea views. Overall, the development is considered to provide adequate private and communal outdoor amenity space, enhanced by an attractive landscaping layout, which would meet the overarching objectives of Policy DM3 to provide a good standard living environment for future residents.

All of the two bed dwellings would be M4(2) compliant in terms of accessibility for end users.

g) Ecology

The outline application was supported by an Ecological Assessment Report which outlined how wildlife would be protected during and after the development. The report was accepted, and a condition was attached to the outline permission (condition 24) to ensure the ecological measures identified in the report were implemented. This appraisal is now considered out of date, as the site ecological baseline conditions have changed since the previous assessment was undertaken in 2017. As such, a Preliminary Ecological Appraisal (PEA) has been provided with the current application, which supersedes the previous Ecological Assessment. The new PEA recommended that a reptile survey should be carried out, and as such, a Reptile Survey Report was submitted subsequent to the initial submission of the application, when the reptile season allowed for this to be undertaken. The reptile survey identified that the site held a good population of slow worms and recommended that a reptile translocation would be required before any works are commenced on site. This recommendation is based upon an assessment that long term management of the reptiles on-site is unrealistic. The Council's Ecology manager has reviewed the submitted reports and given the previous Ecological Assessment has been superseded (as acknowledged in the submitted Planning Statement), has recommended two additional conditions to be attached to the reserved matters decision. It is considered there are good planning reasons to justify this, given the changed on-site ecological circumstances and that the reserved matters include landscaping.

The proposed conditions would secure a Construction Environmental Management Plan: Biodiversity (CEMP: Biodiversity) to protect biodiversity during construction; and, a Biodiversity Method Statement for the translocation of protected species. It is considered that these conditions (numbers 5 & 6) will provide mitigation measures to minimise any adverse ecological impacts from the development in accordance with Policy HN8 of the Development Management Plan 2015 and therefore, the proposal is acceptable in terms of impact on biodiversity and ecology.

In general terms, additional conditions at the reserved matters stage, should be limited to the reserved matters, i.e. appearance, siting, landscaping etc. as the Outline Permission is the planning permission. As such, the outline permission was granted in 2019 before Biodiversity Net Gain was a planning consideration, and it would not be reasonable now to require this retrospectively. Notwithstanding this, the scheme now proposed has significantly increased the open landscaped area on the southern section of the site, from that envisaged at the outline stage. The open grassland to be created on the southern part of the site, could to a limited extent provide foraging habitat for a wide variety of invertebrates, reptiles, amphibians, birds and bats. Although, this would be somewhat constrained by the regular maintenance of the area. The proposed rain garden and 'living roofs' of the bin and cycle stores would also offer opportunities for wildlife. Overall, the increased communal garden areas across the site would be considered to encourage biodiversity and represent ecological gain. It is noted that the 10% Biodiversity Net Gain uplift, required by the Environment Act 2021, will not come into force as a mandatory requirement for major applications until January 2024 and will only be applicable to those applications submitted from January 2024 onwards.

h) Highway safety, parking and access

This application is accompanied by a Transport Statement and a Travel Plan Statement as supporting documents. At the outline stage it was concluded that the expected increase in trips to the site as a result of the proposed development would not have a severe impact on the local highway network. This reserved matters proposal is for smaller units, and as such the quantum of vehicle movements associated with the development would be less. As such, the case remains that the proposal would not adversely impact on the local highway network.

The access was approved at the outline stage, which includes narrowing the existing vehicle access in order to provide a pedestrian footway. The proposals included a swept path for an 11.2m length refuse vehicle turning in and out of the site access, which demonstrates that the proposed access arrangement for service vehicles is suitable. The design of the proposed access was considered to be in line with East Sussex County Council's standards. The bus cage immediately west of the access is shown on the plans to be relocated to reduce the impact this would have on the visibility for vehicles exiting the site and to tie in with corridor improvement works. These works would be secured by a s278 agreement for highway works as part of the s106 Agreement which accompanies the outline consent, which includes alterations to the current access, a right turn lane, bus cage relocation and Traffic Regulation Order (TRO) costs of £5,000.

The proposal would provide 20 vehicle parking spaces (1 space per unit and 4 visitor parking spaces). This would be secured by condition 7 & 10 of the outline consent. East Sussex County Council's guidance suggests the development may require 22 spaces. However, County Highway's officers consider this to be acceptable, as the slight shortfall is unlikely to impact on the local highway network.

Pedestrian accessibility to the dwellings will be provided by steps, and ramps in the form of gently inclined paths (required due to the raised levels of the houses to mitigate flood risk). A continuous footway of 1.8m width connects the site access to the dwellings, which

Highway's officers confirm is acceptable.

The Travel Plan Statement submitted with the application focuses on maximising sustainable access to the development by encouraging reduced dependency on the private car. A Travel Plan was required at the detailed design stage, secured by condition 11 of the outline consent. The applicant has submitted a Travel Plan Statement prepared by Inspire Transport with the application. Highways officers, having reviewed the submitted details, confirm the condition can be discharged. As such, the details reserved by condition 11 can be approved. A further condition (7) will be added to the reserved matters to ensure the Travel Plan is implemented in full.

Two cycle parking spaces are provided per dwelling, within two covered, secure cycle stores, which County Highway's officers confirm meets the County Council's cycle space standards. This would be secured by condition 10 of the outline consent.

The proposal also formalises the parking arrangements in the public car park area of the site, to include pedestrian routes, curbs and 30 formal parking spaces.

East Sussex County Council the local highways authority having reviewed the submitted details, raise no objection to the proposals, and as such, matters relating to the layout of the internal roads, parking provision, pedestrian routes and the public car park are considered acceptable and in accordance with Policy DM4 of the Development Management Plan 2015.

i) Air quality, emissions and land contamination

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers raise no objection. A Construction Environmental Management Plan (CEMP) is secured by condition 23 of the outline consent to control this during construction, as well as amongst other things, external lighting and noise during construction to protect residential amenity.

The site is located within a 250m buffer zone of a historic landfill site which means it has potential to include contaminated land. As such, at the request of the Council's Environmental Health Team conditions 19-22 were attached to the outline consent to cover land investigation, risk assessment and any remediation needed. As such the development would comply with Policy DM5 b) of the Development Management Plan 2015 with regards to contaminated land.

The development is not considered to give rise to ground or surface water pollution and condition 12 is attached to the outline consent which requires details of surface and foul water drainage along with the above conditions regarding contaminated land. The development is therefore in accordance with Policy DM6 of the Development Management Plan 2015.

Overall, HBC Environmental Health have no objection to the reserved matters application, and all matters relating to potential risks associated with pollutants and contamination are adequately covered by the outline consent.

j) Environmental Impact Assessment

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

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

k) Screening and Habitat Regulations

The Council undertook an Air Quality Impact Assessment in 2018. The purpose of the assessment was to identify likely significant effects of planned housing and employment growth in Hastings Borough on the conservation objectives of Ashdown Forest Special Area of Conservation (SAC) from 2017 to 2033. The assessment took account of the traffic growth expected on roads within the vicinity of the Ashdown Forest SAC/Special Protection Area (SPA), not just arising from development within Hastings, but also, compliant with the requirement of the Conservation of Habitats and Species Regulations 2017, in combination with the anticipated growth arising from the development plans of other neighbouring authorities. The focus of the Assessment was on Ashdown Forest SAC and SPA.

It was not considered necessary to consider air quality implications of growth in Hastings Borough on the Pevensey Levels SAC and Ramsar site or the Lewes Downs SAC. In respect of Pevensey Levels SAC/Ramsar site the interest feature of this SAC (*Anisus vorticulus* - aka. a snail) is not affected by nitrogen from vehicle emissions. Lewes Downs SAC is too far removed to be affected. Nitrogen deposition from additional traffic beyond that modelled would have to be four times that currently expected from all traffic to exceed critical load at this location.

The Council has modelled the expected growth in Hastings to 2033 including the Local Plan, existing planning permissions and demonstrated that development will not result in an adverse effect on the integrity of Ashdown Forest either alone or in combination with other plans or projects. As such the proposed development is considered to be within the allowances made within the strategic modelling and is not considered to harm the special conservation objectives of Ashdown Forest, Pevensey Levels or Lewes Downs Special Areas of Conservation.

l) Affordable housing and other contributions

As set out at the outline stage Policy H3 of the Hastings Planning Strategy 2014 establishes the criteria for the provision of affordable housing. On Greenfield sites such as this, a 40% provision of affordable housing is required. This equates to 6.4 units. Consequently, at the outline stage the scheme proposed 7 affordable units. The Council has already committed to providing that level of affordable housing through a s106 Agreement that accompanied the outline planning permission.

However, the proposal has taken a divergence since then, and the proposal now presented, is for a development of 100% of the houses being available for affordable rent, all 16 units, an even split of two and one bedroom units, to meet a specific local housing need for the Council. Affordable housing is not a reserved matter and therefore is not a consideration here. It is also important to note that changing the tenure of the properties does not constitute development and therefore is outside of the remit of this application process. Nevertheless, the proposal is considered to make an important contribution towards housing need in the Borough, and as such, would meet the overarching objectives of Policies H2 and H3 of the Planning Strategy 2014.

East Sussex Country Council had requested a financial contribution of £4208 towards library services at the outline stage, which was also secured through the s106 Agreement attached to the outline permission.

All financial contributions and other planning obligations have been agreed as part of the s106 Agreement signed pursuant to the outline consent, including the provision of affordable housing. Of the 16 housing units, the s106 Agreement requires at least 7 to be affordable. The proposed development will fully comply with this requirement. The s106 Agreement does not impose any negative obligation preventing more than a certain number of affordable homes being provided, nor is there a condition attached to the outline consent limiting the

amount of affordable homes. Details of the affordable housing mix will be dealt with directly in consultation with the Housing Options Manager as required by the s106 Agreement.

m) Sustainable construction

The application is accompanied by an Energy & Sustainability Statement pursuant to condition 25 of the outline permission, which required details of sustainable construction to be submitted at the reserved matters stage. This document sets out that the proposal would exceed the carbon reduction and energy efficiency requirements of Part L 2021 of the Building Regulations. This would be achieved through a combination of passive design measures, a highly insulated building fabric, natural ventilation, low energy lighting, Air Source Heat Pumps (to heat water), PV arrays on the dwellings, and 100% Electric (no fossil fuels). The proposal will also include Electric Vehicle charging points.

A further element to the sustainability credentials of the proposal, is that the modular units will be produced in a local factory in Newhaven.

The Tackling Climate Team have reviewed the submitted details, and confirm that they are acceptable and as such, the details reserved by condition 25 can be approved. A further condition (8) will be added to the reserved matters to ensure the development is constructed in accordance with the approved sustainability measures. In the light of this, the proposal is considered to be in accordance with Policies SC3 and SC4 of the Planning Strategy 2014.

n) Flood risk and drainage

The site is located within Flood Zone 3a and is at high risk of flooding from coastal sources. Planning policy at both the national and local level states that inappropriate development in areas at risk of flooding should be avoided where possible, but if it is necessary, it should be appropriately flood resistant and resilient, and incorporate sustainable drainage systems, and ensure that any residual risk can be safely managed. A sequential and exception test should also be undertaken for the development of such sites.

At the outline stage, the application was supported by technical reports, which included a Flood Risk Assessment and Drainage Strategy. To address the flood risk, strategically raising the land levels was approved at the outline stage, to allow the finished ground floor levels of the houses to remain safely above the predicted flood water levels and provide a natural flood defence. Ground floor levels will be set no lower than 4.1m AOD, and all sleeping accommodation is at first floor level only. The external levels outside of the buildings will be between 0.15 - 0.3m below this level. The approved mitigation was developed in consultation with the Environment Agency to ensure that it is robust for the 1 in 200 year + climate change allowance.

Consequently, when applying the sequential and exception test the development was deemed by the LPA to pass, and, met the necessary exceptions when taking into account flood risk mitigation measures, subject to condition 13 of the outline planning permission.

In terms of surface water drainage, the Drainage Strategy submitted at the outline stage demonstrated to the satisfaction of the statutory consultees (County Lead Local Flood Authority, Pevensy and Cuckmere Water Level Management Board and Southern Water) that surface water can be safely managed on site, subject to conditions 14-18 of the outline planning permission.

Furthermore, condition 12 of the outline permission required details of the foul and surface water sewerage disposal to be submitted for approval prior to commencement of development.

As part of this reserved matters application, a Drainage Layout Drawing and a Surface Water Drainage Scheme Management & Maintenance Plan prepared by Monsons have been submitted as supporting documents to demonstrate the approved drainage recommendations

and flood mitigation measures have been incorporated into the reserved matters proposal. Southern Water in their consultation responses stated they had undertaken a study which shows that the additional surface water flows from the proposed development may lead to an increased risk of flooding from the public sewer system. Southern Water would provide any network reinforcement required, which will take time to design and deliver. Furthermore, they will carry out further network modelling to establish the extent of the work required, and they will endeavour to provide reinforcements within 24 months of planning consent being granted. In the meantime, no surface water from the site shall be discharged into the public network until offsite drainage works to provide sufficient capacity to cope with the additional flows are undertaken, and it is likely most or all of the units will not be able to be occupied until this reinforcement programme to the sewer network is completed. Consequently, whilst acknowledging that drainage is an in principal matter that as set out above has been agreed at the outline stage subject to conditions 14-18 of the outline permission, condition 9 would be attached to any reserved matters approval to ensure there is sufficient network capacity to adequately drain the development, prior to occupation. Southern Water have also requested informatives 6 & 7 are added to any decision notice.

Environment Agency have no objection to the reserved matters application, and the condition (13) they recommended, which is attached to the outline planning permission, has been fully adhered to in the reserved matters design details.

Lead Local Flood Authority

East Sussex County Council Lead Local Flood Authority / Pevensey & Cuckmere Water Level Management Board initially raised an objection to the application, as the submitted details failed to properly assess the schemes acceptability in flood risk terms. In particular, by not evidencing that the development would not displace predicted flood levels and increase flood risk elsewhere. As the application is proposing to discharge surface water run-off to the sewer under Bexhill Road, the applicant needed to provide evidence there would be sufficient capacity in the Southern Water network to receive the run-off from the development.

East Sussex County Council Lead Local Flood Authority / Pevensey & Cuckmere Water Level Management Board maintained their objection following receipt of a surface water drainage and flood risk addendum to address the initial objection, as the evidence submitted from Southern Water related to the foul water system and indicated there is no capacity for surface water run-off.

Following receipt of further information (Southern Water Capacity Check Response dated 11 May 2023) East Sussex County Council Lead Local Flood Authority / Pevensey & Cuckmere Water Level Management Board withdrew their holding objection as initial concerns were considered to be overcome, subject to pre-commencement conditions to ensure surface water runoff from the development is managed safely (conditions 14-18 of the outline consent). As such, the information submitted with the application is now adequate to show that the development could be made capable of managing flood risk effectively. Overall, it is considered that subject to the above conditions, the development would be safe for its lifetime, protecting people and property from flooding without increasing flood risk elsewhere, in accordance with Policy SC7 of the Planning Strategy 2014.

The application also seeks approval of condition 14 of the outline planning permission (Surface Water Run-off Calculations). The submitted Surface Water Drainage Scheme Management & Maintenance Plan prepared by Monsons demonstrates the scheme would achieve the run-off rates required by condition 14. The development would mimic greenfield run-off rates, with run-off being directed to an underground attenuation tank, where water will be stored before being released into the public sewer beneath Bexhill Road, at the required rate of 3.2 l/s. As the LLFA have raised no objection, the details reserved by condition 14 can be approved. The condition would be fully discharged when the approved details are

incorporated into the final detailed drainage design and implemented and evidenced in accordance with the aforementioned drainage conditions (14-18) of the outline consent.

o) Waste

The proposal is to provide communal bin stores to serve the dwellings. Two lockable enclosures would be provided to facilitate this, one at each end of the terrace to make them readily accessible for residents, as well as designated bin collection areas for collection day. Each compound would serve eight dwellings and include two 1100ltr bins for recycling and two for general waste (eight bins in total to serve the development). Green waste would not be necessary, as the dwellings rear gardens are laid out as patio. Both secure bin enclosures would be timber clad with a living green roof, so as not to detract from the aesthetics of the overall design concept. Vehicle swept path drawings demonstrate that refuse vehicles would be able to access the site, and turn within it, utilising a turning head in the south west corner of the car park and reversing to the bin collection points from there, and then exit the site in a forward gear.

HBC Waste Services team were consulted on the application. Ideally, the preference would be for each dwelling having its own bins at the front of the dwellings. However, in this instance this is not feasible, due to the ramped access as a result of the raised levels of the housing, the modular design of the dwellings which does not lend itself to bin storage, and the negative impact 32 bins would have on the appearance of the front of the terrace. As such, the Council's waste team accept the twin bin area communal arrangement and raise no objection. This will need to be managed and maintained, and as such condition 10 would be attached to any approval of the reserved matters to secure a management plan for the waste facilities, which will be overseen by a management company.

Overall, it is considered the site can adequately provide waste storage facilities and waste collection, in accordance with Policy DM3 of the Development Management Plan 2015.

The application also seeks approval of condition 27 (Waste Collection) of the outline permission. The submitted details as outlined above are considered to fulfil the requirements of this condition. Highways officers, having reviewed the submitted details, confirm the condition can be discharged. As such, the details reserved by condition 27 can be approved. Condition 10 of any reserved matters approval would ensure the waste collection strategy is implemented in full for the lifetime of the development.

p) Railway Land

As the site is within the 10m buffer of railway land and an operational railway track, Network Rail are a statutory consultee. The developer will need to liaise with Network Rail's Asset Protection and Optimisation team to ensure the development is completed without any risk to the operations of the railway. Informative 8 will advise the applicant the course of action needed in this regard.

6. Local finance considerations

East Sussex County Council would receive a payment towards library facilities, which was secured at the outline stage through the signing of a s106 agreement.

7. Evidence of community involvement

A Statement of Community Involvement has been submitted to support the application. This sets out pre-application discussions with officers at Hastings Borough Council, and discussions with Hastings Borough Council's Elected Members and Ward Councillors. Further to this, as part of consultation with local residents, a leaflet was posted to 91

properties in the surrounding area, inviting them to complete a survey. Wider community consultation was carried out through a survey on the Council's website which was widely publicised on social media. Pre-application consultation was also carried out with statutory consultees, including Southern Water, and the County Highways authority.

The statement sets out the responses received from the consultations and the applicant's responses to them.

8. Conclusion

The proposed development is considered to be sustainable development in accordance with the NPPF and in compliance with the relevant policies of the Hastings Development Management Plan (2015) and Hastings Planning Strategy (2014). Approval of the reserved matters will secure the delivery of much needed affordable housing within the Borough. Safe access onto the public highway and protection from flood risk has already been established at the outline stage.

Furthermore, it has been verified that the layout of the 16 dwellings as a terrace, as demonstrated in the submitted plans at this reserved matters stage, can successfully be accommodated on the site without conflict with the relevant local plan policies and national planning guidance, as set out in this report.

Therefore, it is recommended that the submitted reserved matters details pursuant to outline planning permission HS/OA/19/00153 are approved, subject to any additional conditions required to supplement the existing conditions attached to the outline permission (as itemised in the above assessment).

The recommendation for approval also includes approval of the details reserved by conditions 11 (Travel Plan); 14 (Drainage Calculations); 25 (Sustainable Construction); and, 27 (Bin Storage) of the outline consent (which were required to be submitted with the reserved matters). Where required, additional conditions would be attached to the reserved matters approval, to ensure the approved details are adhered to during construction and thereafter.

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.

9. Recommendation

Approve reserved matters relating to conditions 1 & 2 (layout, scale, appearance, and landscaping); 11 (Travel Plan); 14 (Drainage Calculations); 25 (Sustainable Construction); and, 27 (Bin Storage) of Outline Planning Permission HS/OA/19/00153, subject to the following conditions:

Approve Reserved Matters subject to the following conditions:

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

Proposed Block Plan 0004 Rev P; Proposed Site Plan 0005 Rev J; Proposed Site Wide Sections 0006 Rev H; Proposed Floor Plans 0007 Rev G; Proposed Floor Plans - 1B2P House 0008 Rev H; Proposed Floor Plans - 2B4P House 0009 Rev G; Proposed Elevations 0010 Rev H; CCommunal Bin Storage 0011 Rev I; Communal Cycle Storage 0012 Rev G; Ramp Access 0013 Rev G; Proposed Site Access 0014 Rev C; Landscape Masterplan RCo453 Fig01 Rev 02; and, Drainage Layout 22309/10 Rev D
2. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been made available on site for inspection and approval in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and maintained as such at all times thereafter.
3. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted, no extensions or external alterations to the dwellings hereby permitted shall take place without the grant of an additional planning permission.
4. A maintenance and management plan, for the private communal spaces provided for the use of the residents of the dwellings hereby permitted, including details of the management company responsible, should be submitted to the Local Planning Authority for written approval prior to the occupation of any dwelling. This maintenance and management plan should evidence that these arrangements will remain in place throughout the lifetime of the development. The private communal spaces shall be maintained and managed in accordance with the approved details at all times thereafter.
5. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (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 shall be adhered to and implemented throughout the construction period in accordance with the approved details.

6. No development shall take place (including any demolition, ground works, site clearance) until a method statement for translocation of protected species has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) purpose and objectives for the proposed works;
 - b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used including preparation of suitable receptor sites);
 - c) extent and location of proposed works shown on appropriate scale maps and plans;
 - d) timetable for implementation, demonstrating that translocation works are aligned with the proposed phasing of construction;
 - e) persons responsible for implementing the works;
 - f) initial aftercare and long-term maintenance (where relevant);

The works shall be carried out in accordance with the approved details to ensure the conservation status of protected species.

7. The approved development shall operate in accordance with the Travel Plan Statement hereby approved, which shall be adhered to in full.
8. The approved development shall be constructed in accordance with the Energy & Sustainability Statement hereby approved, and maintained as such at all times thereafter.
9. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate surface water network capacity is available to adequately drain the development. No occupation of any dwelling hereby approved shall occur until the Local Planning Authority in consultation with Southern Water has confirmed in writing the necessary drainage infrastructure capacity is available to serve the development. Thereafter, the phased occupation shall be in accordance with the approved implementation details.
10. A maintenance and management plan for the waste facilities should be submitted to and approved in writing by the Local Planning Authority before occupation of any dwelling hereby permitted. This plan should clearly state who will be responsible for managing all aspects of the household waste storage and collection. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided within the maintenance and management plan. The approved details shall be adhered to in full at all times thereafter.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity of the area.
3. In the interests of the visual amenity of the area.
4. In the interests of visual and residential amenity.
5. To ensure that any adverse environmental impacts of development activities are mitigated.
6. To protect habitats and species identified in the ecological surveys from adverse impacts during construction.
7. To secure a sustainable development that functions well and provides opportunities for sustainable modes of transport.
8. To secure a sustainable development.
9. To prevent increased risk of flooding.
10. In the interests of residential amenity.

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. This approval is linked to a S106 legal agreement attached to outline planning permission HS/OA/19/00153 and the obligations within that legal agreement must be complied with.
4. This approval of reserved matters is subject to conditions attached to outline planning permission HS/OA/19/00153 being fully complied with.
5. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

6. Under current legislation, Southern Water can consider the adoption of SuDS if they are to be designed and constructed in line with the Design and Construction Guidance (water.org.uk/sewage-sector-guidance-approved-documents/). No new soakaways, swales, ponds, watercourses, associated attenuation tanks or any other surface water retaining or conveying features should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main.
7. If the applicant proposes to offer a new on-site drainage and pumping station for adoption as part of the foul/surface water public sewerage system, this would have to be designed and constructed to the specification of Southern Water Services Ltd. A secure compound would be required, to which access for large vehicles would need to be possible at all times. The compound will be required to be 100 square metres in area, or of some such approved lesser area as would provide an operationally satisfactory layout. In order to protect the amenity of prospective residents, no habitable rooms shall be located within 15 metres to the boundary of the proposed adoptable pumping station, due to the potential odour, vibration and noise generated by all types of pumping stations. The transfer of land ownership will be required at a later stage for adoption.

Please note: There is a decommissioned 800 mm public foul rising main within the development site.

8. Due to the proximity of the site to an operational railway line, the applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works.

To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/assetprotection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer.

Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

Officer to Contact

Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/DS/22/00912 including all letters and documents

