

Planning Agenda

Wednesday, 3 June 2020 at 6.00 pm

This meeting will be held digitally. A link to viewing the meeting will be placed onto our website nearer the time.

For further information, please contact Democratic Services on 01424 451484 or email: democraticservices@hastings.gov.uk

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Present: Councillors Roberts (Chair), Cox (Vice-Chair), Beaver, Bishop, Davies, Edwards, Marlow-Eastwood, O'Callaghan, Scott and Webb.

179. APOLOGIES FOR ABSENCE

None.

180. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Beaver, Scott & Webb	All items relating to highways	Personal – East Sussex County Councillor
Beaver	5a	Personal – Knows the agent

181. MINUTES OF THE PREVIOUS MEETING HELD ON 8TH JANUARY 2020

RESOLVED – that the minutes of the meeting held on 8 January 2020 be approved by the Chair as a true record.

182. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received.

183. PLANNING APPLICATIONS ATTRACTING A PETITION

183.1 Christ Church, 458 Old London Road (HS/FA/19/00889)

Proposal	Installation of 30 Solar panels on church roof
Application No	HS/FA/19/00889
Conservation Area	No
Listed Building	Grade II
Public Consultation	Yes – 50 letters of support and 1 petition of support received

The Planning Services Manager presented the application for installation of 30 Solar panels on church roof at Christ Church, 458 Old London Road.

The Planning Services Manager informed the Committee that since publication of the agenda 1 additional letter of support had been received. It was also confirmed that the agent had sent a letter addressing the need for a structural engineer's report for the church roof.

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A separate application for 26 solar panels on the roof of the church hall adjacent to Christ Church was approved under delegated authority subject to conditions. The Church Hall is unlisted and is part of the overall Church grounds.

The application is for 30 solar panels to the eastern slope of the roof, facing and running parallel to Old London Road.

Each panel will be 1650mm high, 991mm wide and 35mm in depth. The panels will project 70mm from the roof. The solar panels are noted as having an outstanding performance in low levels of sun light.

The Church positively contributes to the character and appearance of the area which is generally commercial with some residential above shops.

The Planning Services Manager explained that any external changes to a heritage asset and proposals for renewable energy are considered in line with national and local policy. Local Plan Policy FC6 of the Hastings Planning Strategy supports renewable energy unless the scale and impact is not compatible with, amongst other things, listed buildings and the purpose of their destination. Policy HN1 of the Hastings Development Management Plan states that permission should only be given for schemes that affect the heritage asset where the scheme shows the full understanding of the significance of the heritage asset.

The Church is highly visible and prominent. The panels would be clearly visible against the background of the roof and there is no clear or convincing justification for the harm that will be provided. The church and its roof are currently prominent and positive features and it has not been made clear if the church roof can accommodate the weight of the panels.

The solar panels would have a shiny surface contrasting with the matt tiles of the church roof. The difference between the roof and the solar panels would be such that they would appear as an incongruous and harmful feature on the roof and the building.

The Planning Services Manager said that there had been no clear and convincing justification provided for the harm that has been identified. Therefore, whilst the proposal will make a small contribution to the effects of climate change it is not considered that it would outweigh the effects of the harm to the listed building.

Councillors were shown plans, photographs and elevations of the application site.

The petitioner, Val Smith, was present and spoke in favour of the application. Ms Smith said the application was extremely important as the project will reduce electricity costs, helping both the Church and many local groups who use the busy premises. The project also hopes to provide help to residents in fuel poverty. The panels will be installed and maintained by Energise Sussex Coast. The panels are not a permanent fixture and after 25 years they will be reviewed. The visibility of the panels sends the message that this is an eco-church. The benefit of these panels is evident and are in

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response to the climate change emergency declared by Hastings Borough Council. The Church of England, as custodians of church buildings, have given overwhelming support for the application.

Councillors asked questions of the petitioner.

In response to a question from the Committee it was confirmed that a structural engineer is looking at the roof to ensure it can take the weight of the solar panels. The petitioner said that after spending many years raising money to replace the Church roof there is no intention to install panels which might damage the structure.

The Planning Services Manager clarified that no data has been submitted to suggest that the solar panels could not be relocated to the inner pitch of the double pitch roof, particularly as these have been identified as solar panels which have high performance in low levels of daylight.

Councillor Battley, Ward Councillor, spoke in favour of the application. Councillor Battley said he appreciates that the Church is a heritage asset, however it must be remembered that the Council voted unanimously last year to declare a climate emergency and do everything to tackle climate change. The Council has a target in its Corporate Plan to champion plans to make the Borough carbon neutral and energy self-sufficient. If we are going to make an impact on climate change, we will have to consider some unusual sites for solar arrays. We should be welcoming proposals of this nature because it is hopefully going to be part of a bigger scheme.

The Committee asked questions of the Planning Services Manager and the Conservation Officer.

In response to a question the Planning Services Manager confirmed there are 2 areas of concern. The first is the impact on the character of the area, to which the church very positively contributes. The second is the impact on the listed building itself.

The Conservation Officer explained that the Government sets the levels of harm in relation to heritage assets. Less than substantial harm covers a broad spectrum. The key issue is the architectural significance of the Church and this is what is supposed to be protected through the listing.

Councillor Scott proposed a motion, seconded by Councillor Marlow-Eastwood, to refuse the application. This motion was rejected by 6 against, to 4 for.

Councillor Davies proposed a motion, seconded by Councillor Edwards, to approve the planning application as set out in the resolution below.

RESOLVED - (by 6 for, to 4 against) that Full Planning Permission be granted, subject to the following conditions:

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1518-01A, 1518-08A & 1518-09A.
3. No works shall take place until a glint and glare report has been submitted to and approved in writing by the Local Planning Authority.
4. Before any works are carried out, a roof stability assessment by a qualified structural engineer shall be carried out and submitted to and approved in writing by the Local Planning Authority
5. The solar panels shall be anti-reflective and retained as such thereafter.
6. Prior to the solar array coming into use, the supporting framework shall be painted black to the satisfaction of the local planning authority.
7. Once the solar array has reached the end of its productive life, all of the equipment shall (the panels, supporting frameworks, any associated wiring and other plant), within 3 months of this end date, be removed from the roof and interior of the church. The church roof shall then be re-slatted, in a matching slate, to the satisfaction of the Local Planning Authority.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interest of highways safety and the neighbouring amenity.
4. In the Interest of health and safety and to ensure the listed building is capable of accommodating the solar panels.
5. In the interest of highways safety.
6. To reduce the visual impact of the new installation.
7. To ensure that all unused plant is removed from the roof as soon as possible after it is decommissioned.

Notes to the Applicant

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1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. In dealing with this application, Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised in respect of condition 3, that should the glint and glare report demonstrate that there is an unacceptable level of reflection and glare, condition 3 will not be discharged.

184. OTHER PLANNING APPLICATIONS

184.1 Hastings Museum & Art Gallery, Bohemia Road (HS/FA/19/00926)

Councillor Bishop was not present for all of this item so did not take part in the debate or vote and remained in the public gallery.

Proposal	To install three new sections of high-security fencing and gates at the north, south and east boundaries of the site to permit emergency access and maintenance (amended description).
Application No	HS/FA/19/00926
Conservation Area	No
Listed Building	No
Public Consultation	Yes Council application on Council owned land

The Planning Services Manager presented the application to install three new sections of high-security fencing and gates at the north, south and east boundaries of the site to permit emergency access and maintenance (amended description). There were no updates.

Councillors were shown plans, photographs and elevations of the application site.

The Planning Services Manager stated that the proposed fencing and gates were not visible from the public realm and were not harmful to the character or appearance of the area.

Councillor Beaver proposed a motion, seconded by Councillor Davies, to grant the application as set out in the resolution below.

RESOLVED – (unanimously) that Full Planning Permission be granted subject to the following conditions:

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1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

BT/M2/4/1, BT/M2/4/2, BT/M2/4/3A, BT/M2/4/4A, BT/M2/4/5A and BT/M2/4/6

3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:

08.00 - 18.00 Monday to Friday 08.00 - 13.00 on Saturdays No working on Sundays or Public Holidays.

4. The materials to be used must be galvanised steel fence posts and gates with galvanised steel wire mesh panels. All posts, gates and mesh are to be polyester powder-coated, colour: green.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. For the avoidance of doubt and in the interests of proper planning.

3. To safeguard the amenity of adjoining residents.

4. To ensure a satisfactory visual appearance in the interest of the amenities of the area.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.

2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

3. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.

Address is:

Southern Gas Networks Plc
SGN Plant Location Team
95 Kilbirnie Street
Glasgow

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G5 8JD

Tel: 01414 184093 OR 0845 0703497

Search online at:

www.linesearchbeforeyoudig.co.uk SGN personnel will contact you accordingly.

185. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager informed the Committee that the Council is potentially going to enter into a Planning Performance Agreement for Archery Road.

A Planning Performance Agreement is not a legal contract but is an agreement between the Council and the Developer to deal with an application in a certain time period. That is enabled by the Council getting funding from the developer for additional resources.

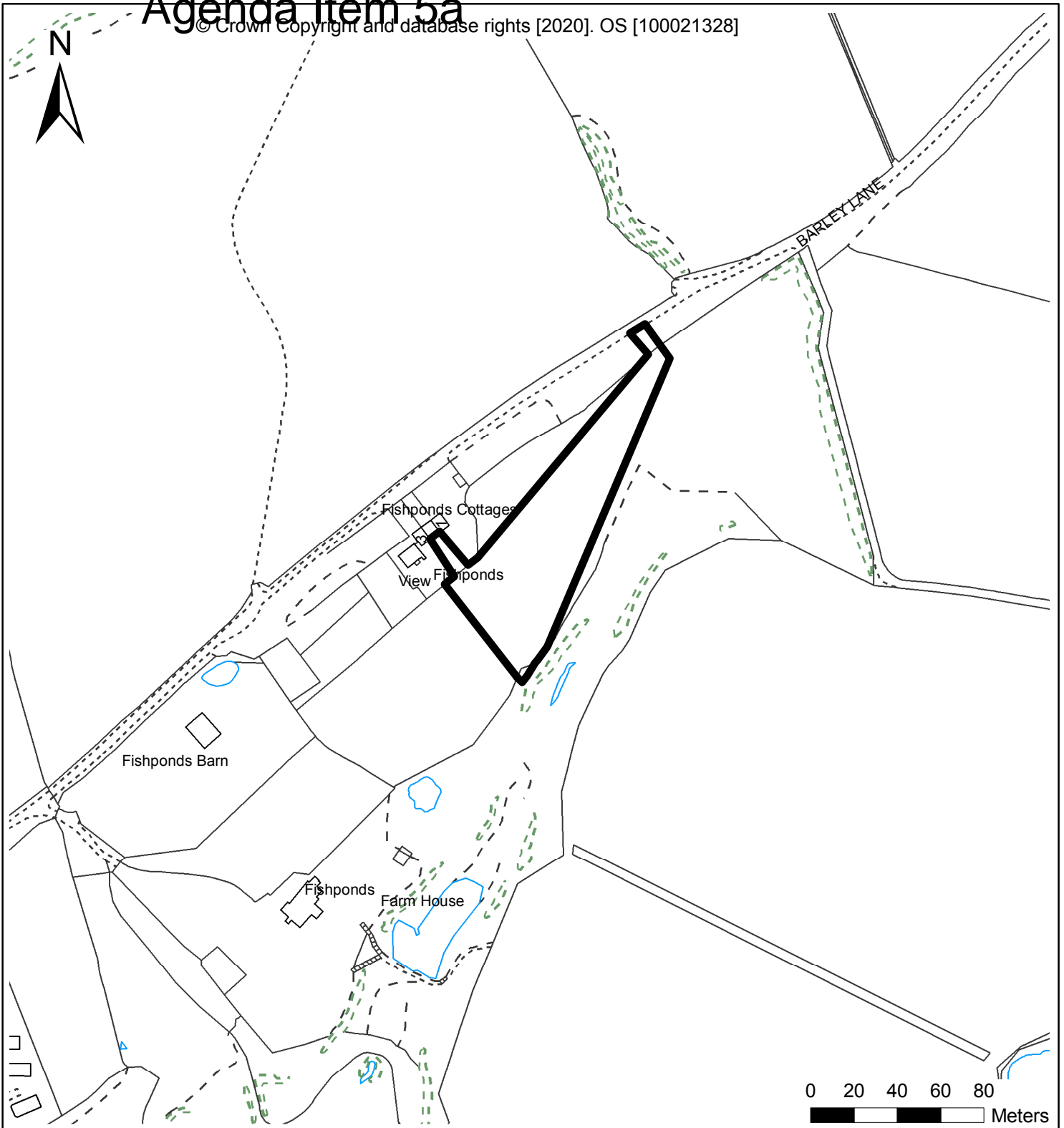
The report was noted by the Committee.

(The Chair declared the meeting closed at 7.06pm)

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Agenda Item 5a

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**Land Adjoining Fishponds Cottages
Barley Lane
Hastings Country Park
Hastings**

Installation of domestic sewage treatment plant
to replace failing old system



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: May 2020

Scale: 1:2,500

Application No. HS/FA/19/00871

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Report to: PLANNING COMMITTEE

Date of Meeting: 03 June 2020

Report from: Assistant Director of Housing and Built Environment

Application address: **Land Adjoining Fishponds Cottages, Barley Lane, Hastings Country Park, Hastings**

Proposal: **Installation of domestic sewage treatment plant to replace septic tank (amended description)**

Application No: **HS/FA/19/00871**

Recommendation: **Grant Full Planning Permission**

Ward: ORE 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Davidson per Action Enviro Ltd Ivy Farm
Deanland Road Golden Cross, Chiddingly. BN27
3RP

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	1
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated -
Application by serving employee in restricted post

1. Site and surrounding area

This application refers to a plot of land forming part of No 2 Fishponds Cottages, and part of land located to the rear of No 1, No 2 and No 3 Fishponds Cottages, which are located on the south east side of Barley Lane, in Hastings Country Park.

The application site is in the High Weald Area of Outstanding Natural Beauty, a Local Nature Reserve and a Local Wildlife Site, with only a very small portion of the application site, located to south east, being within an Ancient Woodland and Site of Special Scientific Interest.

Constraints

Ancient Woodland

High Weald Area of Outstanding Natural Beauty (AONB)

Land Owned Leased Licensed or held by Tenancy at Will by HBC

Local Nature Reserve (LNR)

Hastings Country Park Local Wildlife Sites (LWS)

Risk of surface water flooding

Risk of ground water flooding

Site of Special Scientific Interest (SSSI)

Adjacent to Hastings Cliffs to Pett Beach Site of Special Scientific Interest (SSSI),

Within c. 517m of Hastings Cliffs Special Area of Conservation (SAC)

2. Proposed development

This application is seeking planning permission for the installation of a domestic sewage treatment plant, serving No 1, 2 and 3 Fishponds Cottages, which is to replace an existing septic tank that is considered to be failing.

The proposed sewage treatment plant is to be a standard (not shallow) Marsh 16 model, measuring:

- 2.860 metres in length
- 1.912 metres in width
- 2.284 metres in height

This is to be buried below ground, will stand on a concrete slab, and will be encased in concrete with a minimum thickness of 0.15 metres, with a small compressor above ground.

The tank is to be sited in the west corner of the field at the rear of the properties, as there is insufficient space within the garden of No 2 Fishponds Cottages. The proposal will make use of an existing perforated discharge pipe which runs from the original tank, across a field owned by Hastings Borough Council, but does not reach Fishponds Gill, therefore additional works are required to extend the discharge pipe, by some 18.00 metres, to reach Fishponds Gill. The tank will require emptying twice a year, similar to existing arrangements with the septic tank.

Supporting documents

The application is supported by the following documents:

- Statement of proposed works
- Equipment brochure

Relevant planning history

HS/56/00058	Alterations, additions and construction of septic tank. Granted 13/03/1956
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National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

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

Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN4 - Ancient Woodland
Policy EN5 - Local Nature Reserves (LNR)
Policy EN6 - Local Wildlife Sites (LWS)
Policy EN7 - Conservation and Enhancement of Landscape

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM6 - Pollution and Hazards
Policy HN8 - Biodiversity and Green Space
Policy HN9 - Areas of Landscape Value

Other policies/guidance

High Weald AONB Management Plan
High Weald AONB Legislation and Planning advice note
Wildlife and Countryside Act 1981
Protection of Badgers Act 1992
Conservation of Habitats and Species Regulations 2017
Natural Environment and Rural Communities Act 2006
National Parks and Access to the Countryside Act 1949
Countryside and Rights of Way Act 2000

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst 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.

Section 12 sets out the requirement for good design in development, and Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 170 requires planning decisions to contribute to, and enhance, the natural and local environment. This should be achieved by protecting and enhancing sites of biodiversity or geological value, and, minimising impacts on and providing net gains for biodiversity.

Paragraph 172 states: Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within these designated areas should be limited. Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- b) The cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
- c) Any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

Footnote 55 states: For the purposes of paragraphs 172 and 173, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined'.

Paragraph 175 requires local planning authorities to apply the following principles when determining an application:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are

- wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

Paragraph 177 states that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

3. Consultation comments

With regards to this application the following consultations were undertaken:

East Sussex County Council Ecologist – No objection subject to the imposition of conditions

The officer notes the following:

ESCC Ecologist notes that whilst a small section of the trench for the proposed treatment plant would extend into an area of ancient woodland, both Natural England and the Environment Agency do not consider that the proposal will have an adverse impact on the SSSI or SAC.

The footprint of the works is small, subject to the ground cover being reinstated post works it is considered there would be no harm to protected species, the ancient woodland and to the LWS subject to Condition 4.

ESCC Ecologist therefore has no objection to the proposed works.

East Sussex County Council Flood Risk Management – No comment to make

The officer has noted that the current application falls outside the remit of the Flood Risk Management team, and it is their understanding that the Environment Agency has agreed to the discharge of treated effluent into the Gill at the rear of the houses, under other regulations and outside of the planning process. However, the applicant will be required to contact the Lead Local Flood Authority to establish whether ordinary watercourse consent is required. This will be added as an Informative.

Hastings Borough Council Environment Health Pollution – No objection

No objection subject to the Estates Department being satisfied that all necessary permissions and permits have been granted.

Hastings Borough Council Estates Team – No comment to make

Hastings Borough Council Arboriculturalist Officer – Further information required

The officer requires further information in order to be able to confirm whether trees in the ancient woodland would be affected by the outfall pipe and associated installation works. The officer confirms this information can be requested through a pre-development commencement condition requiring a method statement that fully explains the extent of the works required to install the discharge/outfall pipe, to be submitted to and approved by the Local Planning Authority prior to the commencement of any development.

Natural England & Environment Agency – No objection subject to Condition 4 and Informative no. 8.

Prior to submission of this application for planning permission, an environmental permit

application was submitted to the Environment Agency by the applicants. As part of this environmental permit application, the Environment Agency consulted with Natural England.

The Environment Agency, as part of CRoW Appendix 4, application for permission formal notice, note that the proposal is for a maximum daily discharge of 2 metres cubed of domestic secondary treated sewage effluent from three properties, into Fishponds Gill, via a partial infiltration system from a sewage treatment plant. That the sewage treatment plant is to replace an existing septic tank and infiltration system. The existing septic tank is failing due to poor permeability of the ground, it being subject to occasional water logging. It is not considered reasonable for the properties to connect to the public foul sewer due to being approximately 800 metres away, and would require crossing neighbouring land. Whilst the treatment plant is 86 metres outside of the SSSI, the discharge point into Fishponds Gill is wholly within the SSSI.

Both Natural England and the Environment Agency raise no objection to this application subject to the imposition of Condition 4 and Informative no. 8.

4. Representations

In respect of this application a site notice was displayed outside the property. One response was received from one property, objecting to the application. However this objection is not considered to be a material planning consideration, and therefore is not addressed in this report.

5. Determining issues

The main issues to consider are the impact on the character and appearance of the area, the impact on neighbouring residential amenities, the impact on ecology and trees, and the impact on the High Weald AONB.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

b) Impact on character and appearance of the area

Policy DM1 of the Development Management Plan (2015) seeks to ensure a good standard of design which protects and enhances the local character.

The main sewage treatment tank is to be buried below ground in a field located at the rear of No 1, No 2 and No 3 Fishponds Cottages, with the ground above being reinstated, and only a small compressor above ground. Therefore, given the nature of this development, the siting and scale of the proposed works, it is not considered to have any negative impact on the character and appearance of the area.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

c) Impact on neighbouring residential amenities

Policy DM3 of the Development Management Plan (2015) requires proposals to achieve a good living standard for future users of proposed development and its neighbours in terms of amenity.

The main sewage treatment tank is to be buried below ground in a field located at the rear of No 1, No 2 and No 3 Fishponds Cottages, with the ground above being reinstated, and only a small compressor above ground. Therefore, given the nature of this development, the siting and scale of the proposed works, it is not considered to have any negative impact on the neighbouring residential amenities.

The proposed works are therefore considered acceptable in this respect and are in agreement with Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

d) Trees – Ancient Woodland

Policy EN3 and EN4 of the Planning Strategy (2014), are relevant and seek to protect biodiversity and ancient woodland. This is supported by paragraph 175 of the NPPF is relevant in that it states that any development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.

Planning guidance from the Forestry Commission and Natural England requires, that in making planning decisions, consideration should be given to, conserving and enhancing biodiversity, and reducing the level of impact of the proposed development on ancient woodland, and ancient and veteran trees.

The proposed development is to replace an existing sewage treatment plant, which is no longer fit for purpose and does not comply with current standards. The septic tank is resulting in the discharge of pollution in to the field, which is a Local Wildlife Site and Local Nature Reserve. The siting of the proposed sewage treatment plant itself is not within the Ancient Woodland or SSSI, however, the proposed discharge pipe is proposed to be extended so that it terminates in the Ancient Woodland (a SSSI). Specifically, the pipe will extend 3m into the ancient woodland.

Therefore, the impact on the trees and their root systems, within the Ancient Woodland, needs to be considered.

The proposed sewage plant will retain solid waste which will sink to the bottom of the treatment plant, emptied twice a year. The solid waste will not reach the SSSI, Ancient Woodland, Local Wildlife Site and Local Nature Reserve or other protected features. In terms of waste water, before it leaves the plant it will be treated so that it is without pollutants. The water then leaves the tank via a perforated pipe. As the pipe is perforated, most of this water will drain out of the pipe and into the ground before it reaches the SSSI and ancient woodland. The pipe is proposed to be extended so that it would terminate within the ancient woodland and SSSI. In the event that any water does reach the end of the pipe as extended, it will not be harmful.

There has been no evidence submitted to precisely show how and where the new pipe will be constructed, relative to the trees within the ancient woodland. Based on the current information, it is not possible to confirm that no trees or their roots would be impacted by the proposed development. Therefore, as requested by the Arboricultural Officer, in order to ensure that the application is in accordance with relevant local and national policy, a method statement is required by Condition no. 4. This method statement will show how the works are carried out and how the trees within the ancient forest are protected. Condition 4 is a pre-commencement condition, which means development cannot proceed until the necessary information is submitted to the Local Planning Authority and approved. Therefore subject to this pre-commencement condition, providing information is received to satisfy the

conditions, it is considered that the proposed development would not result in the loss or deterioration of the Ancient Woodland and the development would be in accordance with both national and local plan policy in this respect.

e) Ecology

Local Nature Reserve and Local Wildlife Site

The site is located within a Local Nature Reserve (LNR), a Local Wildlife Site (LWS) and a SSSI and as such Policies EN3, EN5, EN6 of the Hastings Planning Strategy (2014) and paragraphs 170 and 175 of the NPPF are relevant.

These policies seek to protect the various designations in terms of biodiversity or geological value. They seek to minimise impact associated with development, provide mitigation where appropriate and encourage gains for biodiversity.

The existing septic tank is failing and potentially polluting the land. It is not considered reasonable for the applicant to connect to the existing public foul sewer, due to the connection point being approximately 800 metres from the application site, and would require crossing neighbouring land. Its replacement is therefore required and seen as an improvement to the existing situation. The way in which the treatment plant works is discussed above. Its impact in terms of biodiversity, the SSSI, LWS, LNR is minor and not considered harmful. The ESCC Ecologist, Natural England and the Environment Agency have no objections subject to the imposition of Condition no. 4 and Informative no. 8 which require the submission of additional information such as a method statement for the protection of ancient woodland, Great Crested Newts, and badgers, and the reinstatement of the Local Wildlife Site. Providing information is received to satisfy the conditions, it is considered that the proposed development would not result in a harmful impact to the ecology and biodiversity of the LNR or LWS and would be in keeping with Policies EN3, EN5 and EN6 of the Hastings Local Plan - Planning Strategy (2014) and the relevant national policies.

SSSI (Hastings Cliffs to Pett Beach SSSI)

Policy EN3 of the Planning Strategy (2014) and paragraph 175 of the NPPF are relevant and seek to protect SSSIs and prevent development which is likely to have an adverse effect on it. For the reasons noted above, the proposed development is not considered to harm the SSSI, subject to Condition 4 and Informative note no. 8.

The proposed works are therefore considered acceptable, subject to conditions, and are in agreement with Policy EN3 of the Hastings Local Plan - Planning Strategy (2014) and relevant national policy.

f) High Weald AONB

Policy HN9 of the Development Management Plan (2015), Policy EN7 of the Planning Strategy (2014) and the High Weald Area of Outstanding Natural Beauty Management Plan are relevant and seek to prevent inappropriate development within the AONB and protect distinctive landscape.

The proposed works will see the sewage treatment plant and associated discharge pipes being located below ground, with only a small compressor above ground, all of which are located within the High Weald AONB. As such, the proposed works are not considered to have any negative impact on the character, scenic quality or visual benefit, of the High Weald AONB and thus satisfy Policy HN9 of the Development Management Plan (2015).

The proposed works are therefore considered acceptable, subject to conditions, and are in

agreement with Policy HN9 of the Hastings Local Plan - Development Management Plan (2015), Policy EN7 of the Hastings Local Plan – Planning Strategy (2014), and the High Weald AONB Management Plan and relevant national planning policy.

g) Constraints – Risk of groundwater and surface water flooding

Whilst the application site as a whole is identified as being at risk of groundwater and surface water flooding, the specific area proposed for the siting of the sewage treatment plant is not within these areas. As such the impact in terms of ground or surface water flooding is considered to be negligible. No further action is therefore required in this respect.

6. Conclusion

The proposed works are considered appropriate for this location, and with the imposition of the proposed Conditions and Informatives would not cause harm to the character or appearance of the area, would not harm residential amenities, and would not have a negative impact on biodiversity, protected species, trees within the ancient woodland, the SSSI, LNR, LWS, or the High Weald AONB.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

7. Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

ESAD1810SP & ESAD1810

3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. No development shall take place (including any demolition, ground works or site clearance) until a Method Statement for the protection of Ancient Woodland, Great Crested Newts, and badgers, and the reinstatement of the Local Wildlife Site, has been submitted to and approved in writing by the

Local Planning Authority. The content of the Method Statement shall include the following:

- 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)
- c) Extent and location of proposed works shown on appropriate scale maps and plans
- d) Timetable for implementation, demonstrating that 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)
- g) Disposal of any wastes arising from the works
- h) Full details on the extent of the work required to extend the discharge pipe to Fishponds Gill

The works shall be carried out in accordance with the approved details, before the use of the sewage treatment plant hereby approved commences. The approved works shall be retained and maintained in accordance with the approved Method Statement thereafter.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To protect habitats from adverse impacts during construction and to avoid an offence under the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992 and the Conservation of Habitats and Species Regulations 2017.

Notes to the Applicant

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

4. There may be badgers on or near the application site, and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.
5. To comply with Condition No. 4 above the applicant must consult the Borough Arboriculturist (telephone: 01424 451147).
6. The applicant is required to consult with the land drainage team to discuss whether the works to establish an outfall from the package treatment works into the watercourse will require ordinary watercourse consent. The applicant should contact the Local Lead Flood Authority at watercourse.consenting@eastsussex.gov.uk
7. The applicant is advised that should protected species be encountered during development, work should stop with immediate effect, and advice should be sought from a suitably qualified and experienced ecologist on how to proceed.
8. The applicant is advised that they must seek SSSI consent from Natural England prior to any development taking place (including any demolition, ground works or site clearance).

Officer to Contact

Mr G Fownes, Telephone 01424 783250

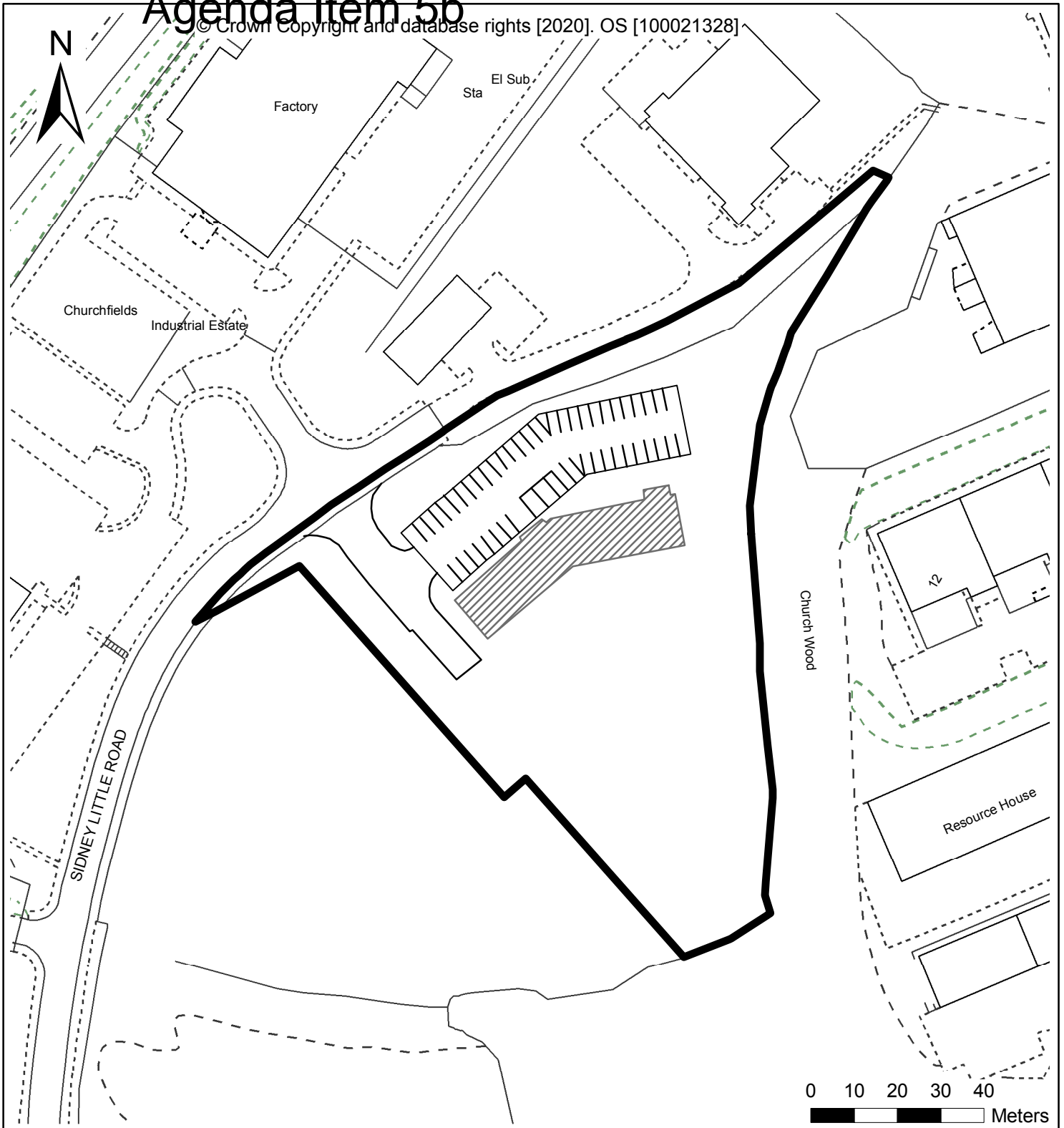
Background Papers

Application No: HS/FA/19/00871 including all letters and documents

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Agenda Item 5b

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**Land at Plot Px and Plot Qx
Sidney Little Road
St Leonards-on-sea**

Develop a new 2 storey business incubation complex consisting of 29 units for a total area of approx 888m2 lettable space complex with associated car and cycle parking spaces



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Mar 2020

Scale: 1:1,250

Application No. HS/FA/19/00803

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Report to: PLANNING COMMITTEE

Date of Meeting: 03 June 2020

Report from: Assistant Director of Housing and Built Environment

Application address: Land at Plot PX and Plot QX, Sidney Little Road, St Leonards-on-sea

Proposal: Develop a new 2 storey business incubation complex consisting of 29 units for a total area of approx 888m2 lettable space complex with associated car and cycle parking spaces

Application No: HS/FA/19/00803

Recommendation: Grant Full Planning Permission

Ward: HOLLINGTON 2018
Conservation Area: No
Listed Building: No

Applicant: Hastings Borough Council per Allen Construction Consultancy Highlands House Highlands Road Shirley/Solihull B90 4ND

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Council Application
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 site is located within the Churchfields Industrial Estate and is accessed via Sidney Little Road which is a no through road leading from Highfield Drive, and provides access to several existing industrial units. Sidney Little Road lies to the west of the application site and to the

east there is an ancient woodland (Church Wood and Robsack Wood). The immediate surrounding area is predominantly industrial.

The site is overgrown with trees and hedges and comprises an oval shaped plot of vacant land which is currently contained within an existing 2.1m high blue palisade fence and gate. The area to the west is currently vacant and adjoins the ancient woodland (Church Wood and Robsack Wood). Residential properties are located a minimum of 200 metres from the application site and the site is well screened from these properties by the woodland.

The site is allocated in the Hastings Local Plan - Development Management Plan 2015 for employment (B uses) and is an allocated site under Policy GH8 - Sites PX and QX, Churchfields.

Constraints

- Low Pressure Pipeline SGN
- High Pressure Pipeline 2km Buffer SGN
- Flooding Surface Water 1 in 1000
- Public Right of Way - to the rear of the site
- SSSI Impact Risk Zone
- Ancient woodland located to the south east and north east of the site (approx. 15m distance at closest point)

2. Proposed development

The application proposes a detached modern two storey business incubation complex accommodating a total of 29 units with a total area of 888m² lettable floor space. The units are proposed to be used as modern B1a office units with high technology space, together with in house management for tenants, together with shared services and amenities. The building will accommodate new business ventures from start-ups to maturity business units.

The proposed development will use the existing vehicular access at the front (north) of the site, and the existing visibility splays will be improved to accommodate the new use, a total of 47 car parking spaces (3no. disabled bays and 3no. motorcycles) and 20 cycle parking spaces are proposed to serve the proposed incubation complex. A covered and uncovered waste storage area is also proposed, together with a smoking shelter to the west of the proposed building.

The proposed building will be rectangular in shape, have a contemporary design and would be two storey in height with a maximum height of 8.5m increasing to 10m at the front entrance of the building. The proposed building will be built of brick walls at ground floor level and aluminium cladding at first floor. All windows and doors will be aluminium frames and it would have a flat roof that is a green roof with solar PV mounting system.

The rear (south) of the proposed building will incorporate a wildlife pond to compliment the woodland setting and would also provide an area of amenity space to employees. The west side of the development will remain undeveloped as Plot PX and will be reserved for future development.

A 15m buffer zone is proposed to be retained adjacent to the woodland as required by Natural England so as to protect the existing Ancient Woodland.

The application is supported by the following documents:-

- Design and Access Statement
- List of Materials
- Site Waste Management Plan
- Transport and Highways Supporting Document
- Stage 1 FRA
- Stage 2 FRA
- Assessment of Proposed PV System
- Ecological and Arboricultural Report
- Transport Statement
- Stage 1 Road Safety Audit
- Broadband Capacity Check
- Ground Appraisal Report

Relevant planning history

HS/FA/16/00120 Replace existing boundary fence and gate - Granted 4 May 2016.

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

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 EN4 - Ancient Woodland

Policy EN5 - Local Nature Reserves (LNR)

Policy EN6 - Local Wildlife Site (LWR)

Policy E1 - Existing employment land and premises

Policy DS2 - Employment Growth

Policy CI1 - Infrastructure and Development Contributions

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy LP2 - Overall Approach to Site Allocations

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy DM6 - Pollution and Hazards

Policy LP2 - Overall Approach to Site Allocations

Policy GH8 - Sites PX and QX, Churchfields

Policy HN8 - Biodiversity and Green Space

Policy T3 - Sustainable Transport

Other policies/guidance

- National Design Guide
- ESCC (East Sussex County Council) Guidance for parking at non-residential development.
- Air quality and emissions mitigation guidance for Sussex (2019)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Policies SP6 and WMP6.

National Planning Policy Guidance (NPPG)

Paragraph: 001

Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

Paragraph: 004

Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.

Local planning authorities are required to take design into consideration and should refuse permission for development of poor design. Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques. Planning permission should not be refused for buildings and infrastructure that promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

Paragraph: 007

The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.

National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Three dimensions of sustainability given in paragraph 8 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst 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 80 of the NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 117 of the NPPF states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 175 (d) of the NPPF advises that when determining planning applications, local planning authorities should apply the following principles:-

d) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

3. Consultation comments

ESCC Highways - No objection subject to imposition of conditions 6, 12, 13, 15, 16, 17, 18 and 19, and a legal agreement securing a contribution for highway works.

Environment and Natural Resources Manager – No objection subject to imposition of conditions 8, 10 and 11.

Arboricultural Specialist – No objection subject to imposition of conditions 8, 9, 20, 21, 22, 23 and 25.

Environmental Health - Contaminated Land - No objection subject to imposition of condition 7.

Environmental Health - Noise - No objection subject to imposition of conditions 26 and 27.

SSE Water - No objection subject to imposition of conditions 28 and 29.

Natural England - No objection subject to retention of a 15m vegetation buffer between the proposed development and Ancient Woodland.

ESCC Flood Risk Team – No objection subject to imposition of conditions 14, 24, 28 and 29.

Forestry Commission – No objection

Council Estates Team – No comment to make as they have an interest in the land

4. Representations

In respect of this application a site notice was displayed at front of the site and an advert placed in the local paper. No responses were received.

5. Determining issues

The key considerations are the principle of development, design and impact on the character of the area, neighbour amenity, Impact on trees and ecological matters, highway safety, drainage matters and air quality emissions.

a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable and good access to public transport, shops, services and facilities, and as such the development is considered acceptable in principle subject to other matters complying with the local plan policies.

In addition, Policy E1 of the Hastings Local Plan – Planning Strategy 2014 seeks to secure the effective use of employment land and premises and seeks the retention of land and premises currently in B1, B2 and B8 use and Policy DS2 of the Hastings Local Plan – Planning Strategy 2014 seeks to support employment space. This policy advises that economic regeneration, local economic growth and diversification will be met through the development of up to 70,000 sq.m employment floorspace between 2008 and 2028. This will be achieved by the development of existing employment sites including Churchfields

Industrial Estate.

In addition, Policy FA1 of the Hastings Local Plan – Planning Strategy 2014 seeks to provide around 13,300 sq.m of additional employment land (class B1, B2 and B8) over the plan period at Churchfields, Castleham and Ponswood Industrial Estates in the Western Area of the Borough. The proposed development will therefore make a positive contribution towards this target.

The application site is an allocated site under Policy GH8 (Sites PX and QX, Churchfields) of the Hastings Local Plan - Development Management Plan (2015) as an employment site that can accommodate B use class employment with a floor space of approximately 6,900m². This policy advises that an ecological survey is required prior to redevelopment, together with a Transport Assessment and a Travel Plan. This application is accompanied by these documents. In addition, this policy advises that trees along the southern and eastern boundaries should be safeguarded. It is considered that the proposed development accords with the key provisions of this policy.

Given this, it is considered that this site will positively contribute in meeting the employment aims of the Council. The proposal will preserve, enhance the function of the Industrial estate through providing an increased range of suitable employment units to satisfy modern operator requirements, optimising use of the site, and providing a modern office hub that can be flexibly used. This would be a positive addition to the existing employment and office space in the Borough thereby complying with Hastings Local Plan – Planning Strategy 2014 Policies E1 and FA1 and Policy LP1 of the Hastings Development Management Plan (HDMP) 2015.

b) Impact on character and appearance of area

Policy DM1 of Hastings Development Management Plan (HDMP) 2015 sets out design principles including that all proposals must reach a good standard of design, which includes efficient use of resources and takes into account protecting and enhancing local character and good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

The development would create a detached two storey modern and contemporary building that would be of a size, scale and bulk drawn from industrial buildings in the vicinity of the site. The building would be constructed of modern materials being brick walls at ground floor and aluminium cladding at first floor, all windows and doors will be aluminium frames and it would have a flat roof that is a green roof with solar PV mounting system and rooflights. It is considered that whilst Churchfields Industrial Estate is characterised by warehouse type industrial buildings of a mixture of brick and profiled metal sheeting with pitched roofs no more than 2 storeys high, a development as proposed with a modern and contemporary design is acceptable and would provide a modern office hub that can be flexibly used to meet today's business needs, and the proposed natural looking materials would integrate well with the design and detailing of the Innovation Centre located in the local area.

As such it is considered that the design, size, scale and detailing of the proposed building will be acceptable and would not appear out of character nor visually dominating within the established industrial area. In addition, the site is well screened by a mature woodland to the eastern boundary and there would be a 15m buffer Zone to protect the woodland as required by Natural England. Any views of the building will be local views from Sidney Little Road, and

these views would be from within Churchfields Industrial Estate.

As such the design and appearance of the development is considered to be acceptable and that a development as proposed would be integrated well with existing and as such it is considered that the development complies with Development Management Plan 2015 Policy DM1.

c) Impact on neighbouring residential amenities

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

Given that the proposed development would be located a minimum of 200 metres from the nearest dwellings and when combined with the level of screening that is afforded by the existing ancient woodland, that the applicant proposes the retention of a 15m vegetation buffer between the proposed development and the existing Ancient Woodland, and that there are industrial units between the Ancient Woodland and the nearest residential development, it is considered that no neighbour amenity will be lost as a result of this development.

Furthermore, given that the use of the site would be a B use similar to neighbouring uses it is considered that any impact (by way of harmful noise, nuisance and disturbance) to these neighbouring properties as a result of the development, would not be significantly different to impact caused by existing uses in this location. Subject to the imposition of conditions as recommended by the Council's Environmental Health Officers, the development is considered to be acceptable and that it complies with Policy DM3 of the Hastings Development Management Plan 2015.

d) Trees and Ecology matters

Policy EN4 of the Hastings Local Plan – Planning Strategy 2014 states that planning permission will only be granted for development near or adjacent to an Ancient Woodland if it is demonstrated that the proposals will not adversely affect the ancient woodland and the need for the development outweighs the importance of the ancient woodland.

Policy EN5 of the Hastings Local Plan – Planning Strategy 2014 states that proposals for development within or likely to have an impact on Local Nature Reserves will only be permitted if the need of the development outweighs the importance of the site for nature conservation; and any harm to the nature conservation interest of the site is clearly and demonstrably kept to a minimum.

In addition, paragraph 175 (d) of the NPPF advises that when determining planning applications, local planning authorities should apply the following principles:-

d) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

The site adjoins an Ancient Woodland. An Ecology Report and Tree Survey are submitted as

part of the application. It is noted that whilst the ancient woodland is in close proximity to the footprint of the proposed building, there remains a 15m buffer strip as required by Natural England. No protected or mature trees, or their roots will be lost/affected as a result of the development. The development has been sensitively located to minimise impact of existing mature trees and their roots, and paying particular attention to those in close proximity to the Ancient Woodland. There are 3 no. of trees proposed to be removed that are not protected and not located within the ancient woodland. These are T8 Ash, T9 Blackthorn and T43 Hornbeam and they are not considered to be healthy trees. These trees will be replaced via a tree planting scheme. As such the development will not cause harm to the Ancient Woodland or trees covered by a Tree Preservation Order. The Council's Arboriculture Specialist was consulted and they have no objection to the development subject to the imposition of conditions 8, 9, 20, 21, 22, 23 and 25. As such the proposed development is in accordance with the relevant local plan policies.

The NPPF requires that the Planning System should contribute to and enhance the natural and local environment by minimising the impact of the development on biodiversity and providing net gains in biodiversity wherever possible, In regards to ecology matters, the submitted Ecology report sets out a number of biodiversity enhancements, such as a wildlife pond at the rear of the proposed building and a soft landscaping scheme with a tree replacement planting plan, together with a green roof so as to replenish any ecology lost due to the proposed development. In addition, the application proposes retention of a 15m buffer strip around adjacent the Ancient Woodland, retention of a reptile population, installation of tree mounted bat boxes, together with the installation of boxes to attract nesting birds and European Hedgehogs. Furthermore, the Ecology reports concludes in respect of protected species that the site does not contain trees with bat roosting features and as such any bats that were detected were using the site either for foraging or commuting. As such if planning permission is given for the development the location and intensity of lighting should be controlled as the proposed industrial building has the potential to impact the commuting and foraging behaviours of the local bat population. The report also concludes that the site has a population of reptiles such as Slow Worms and Common Lizard and as such it would be necessary to relocate reptiles into a Receptor site and this should be conditioned if planning permission is given for the development. In regards to birds, the submitted Ecology Report concludes that a total of 20 bird species were recorded within the site and any removal of trees should be done outside the bird breeding season and this should be within the autumn and winter months. Given this it is considered that a development as proposed will make a positive contribution towards biodiversity enhancements and there would be a net gain in line with biodiversity thereby complying with the NPPF policies and Local Plan Policies. There is no objection raised by the Environment and Natural Resources Manager, subject to the imposition of conditions as recommended. As such the proposed development is considered to be acceptable and not harmful to the nearby Local Nature Reserves and therefore in keeping with the relevant Local Plan policies.

e) Highway Safety/Parking

The site is situated in a sustainable location with good pedestrian access to public transport and local facilities, therefore, future employees of the business will not be wholly reliant on private cars to access work.

The application is accompanied by a Transport Statement and Travel Plan to justify the development. The submitted Transport Plan concludes that the proposed B1a use would be likely to generate 1 vehicle every 4 minutes and this is not considered to cause harmful impact on traffic flows. In addition, the application is also supported by a Stage 1 Road Safety Audit which details the proposed access arrangements and adequately addresses

earlier concerns raised by the County Highway Engineer. The application proposes the altering of the existing site entrance by improving visibility splays as recommended by ESCC Highways. In addition, an existing lighting column will need to be relocated, and this together with a new location for the lighting column will be secured via a section 278 agreement as requested by ESCC Highways.

The application proposes 47 car parking spaces for the proposed office hub. The East Sussex County Council Parking Guidelines requires a B1a Office use as proposed to provide 1 car parking space per 30m². As such this development requires 37 car parking spaces. This then means that the 47 car parking spaces provided are over and above the requirements, and as such no concern is raised regarding this element of the scheme. In regards to cycle parking, the ESCC Guidelines require 1 short term space per 500 sq.m and 1 long term covered and secure space per 10 full time staff, and these are required to be provided in a secure and convenient. The application proposes 20 cycle spaces which over exceed the ESCC requirements, and as such there is no concern raised to the proposed development on this ground.

The application is accompanied by a Travel Plan which proposes measures to reduce the frequency of car travel and encourage use of sustainable modes of transport to and from the site. The measures include local cycle parking, car clubs, public transport details which include the location of bus stops, walking and cycling information or maps. These measures are considered acceptable and should be conditioned if planning permission is given for the development.

The Travel Plan further advises that a Travel Pack produced in accordance with BREEAM 2018 guidance will be given to each tenant to encourage the uptake of sustainable modes of travel. There will be a Travel Plan Coordinator (TPC) appointed for the site and each tenant and their members of staff will receive a Travel Information Pack.

The Travel Information Pack will contain the following:-

- Details of the Travel Plan and its purpose;
- Contact details and responsibilities of the TPC;
- Details of local cycle parking;
- Details of local Car Clubs;
- Details of Liftshare opportunities available at: <https://liftshare.comuk>
- Public transport details including location of bus stops;
- Calendar of key annual events (Bike Week, Walk to Work Week etc);
- Promotion of Smartphone apps for up-to-date/real-time public transport, walking and cycling information/maps etc; and
- Details of relevant websites and resources such as Sustrans, Traveline and ESCC travel information pages.

In addition, the submitted Travel Plan proposes the installation of a Real Time Passenger Information display at the Bodiam Drive Bus Stop which will give passengers actual waiting times and will inform passengers about any delays so as to encourage use of sustainable transport. These infrastructure improvements are considered acceptable and should be secured if planning permission is given for the development.

The ESCC Highways Engineer advises that a contribution of £12,000 should be made by the applicant to finance the installation of the Real Time Passenger Information display at the

Bodiam Drive Bus Stop. Such contributions should be secured by a legal agreement, if planning permission is given for the development. Requests for developer contributions must be assessed in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. This has strict criteria setting out that any planning obligation must meet the following requirements:- It is :

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The applicants have agreed to make the highway contribution as requested by County Highways and it is considered that the proposed development will deliver the necessary highway improvements in accordance with the provisions of the Policy CI1 of the Hastings Local Plan – Planning Strategy 2014.

As such, it is considered that a development as proposed will represent a balanced proposal by delivering local highway infrastructure improvements in accordance with local plan policy provisions, that the development will not pose highway danger, and that it provides adequate car and cycle parking on site for vehicles in compliance with Policies T3, DM3 and DM4 of the Development Management Plan 2015 and the ESCC Parking Guidelines. Car and cycle parking provision would be secured by condition (Condition 6) if planning permission is given for the development.

f) Surface and Ground Water Drainage

The application is accompanied by a Flood Risk Assessment which has been amended following initial concerns raised by the County Flood Risk Team. The ESCC Flood Risk Team (Local Lead Flood Authority) advise that whilst the area of land occupied by the footprint of the proposed building would be impermeable, the submitted FRA advises that the applicant will provide attenuation through the use of permeable paving in the parking areas and hydraulic calculations have been provided for this. In addition, the applicant proposes to use an attenuation pond to manage surface runoff. It is not considered that the development would give rise to ground or surface water pollutions. The ESCC Flood Risk Team advise that the proposed drainage system is acceptable subject to the imposition of conditions requiring details of surface and foul water drainage. As such, there is no objection to the development subject to conditions relating to the management of surface water run-off from the development. The development is considered to comply with the NPPF and local policies.

g) Air quality and emissions

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 have no objection in this respect. No external lighting is proposed and no residential amenities would be harmfully affected. As such it is considered that the development is in accordance with Policy DM6 of the Hastings Development Management Plan 2015.

h) 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.

i) Sustainable Construction

Hastings Planning Strategy (2014) Policies SC3 and SC4 promote sustainable and green design, and Policy SC4 specifically advises developers of non-residential development to follow the hierarchical approach in achieving the energy and carbon dioxide emission requirements of Building Regulations. This aspect of the scheme will be assessed by the building regulation officers.

This application proposes a green roof, Bauder Biosolar integrated solar PV mounting system and water and energy saving measures so as to achieve a minimum of BREEAM 'Very Good' rating and a high DEC/EPC rating in line with the requirements of Policy SC4 and SC4 of the Hastings Planning Strategy (2014).

In addition, the proposed development proposes a sustainable urban drainage system, and the development would have a limited impact on biodiversity, proposes a wild life pond at the rear of the office building and other biodiversity enhancements such as the installation of bird and bat boxes on existing trees, will provide a new and modern building that would have better insulation properties than most existing office buildings in the Borough, and will provide recycling facilities in compliance with Policy SC3 of the Hastings Planning Strategy (2014). Furthermore, the development will be required to meet building regulations should it be constructed to meet the low carbon levels required within the building regulations. Given the above, it is considered that a development as proposed is acceptable and complies with Policies SC3 and SC4 of the Hastings Planning Strategy 2014.

6. Conclusion

This is an allocated site under Policy GH8 - Sites PX and QX, Churchfields and the proposed development accords with the key provisions of this policy.

The proposed B1a office use is acceptable in this location as the proposed modern office hub complies with local and national policies, subject to a legal agreement to secure highway contributions and conditions as recommended herein. The development will increase the amount of modern office and employment space available in the area in accordance with the Borough's employment policies, whilst ensuring visual and residential amenity is protected, local wildlife and trees are protected and biodiversity is enhanced. In addition, an acceptable level of on-site car and cycling parking is provided, which would not lead to highway danger. Whilst the proposed building is of modern and contemporary appearance, it does not detract from the established character of the Churchfields Industrial Estate and would offer future users of the space much needed flexible, modern office space to meet current business needs of start-ups, growing and established businesses.

As such it is considered that a development as proposed would be will be assimilated well with existing industrial buildings within Churchfields Industrial Estate, and complies with the

Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states that:-

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

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

7. Recommendation

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act for the entire redevelopment site covered under HS/FA/19/00803 to secure:

- **a financial contribution of £12,000 towards Real Time Passenger Information;**
- **a Travel Plan in the form of the Travel Plan Framework**
- **a S278 Agreement with ESCC highways for the detailed design of the highway works and improvements required, and the relocation of a lighting column.**

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 by 3 December 2020 that permission be refused on the grounds that the application does not comply with the relevant policies (Policy CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

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

6400-ACC-00-ZZ-DR-A-1002 Rev.P1 Proposed Visibility Splay
6400-ACC-00-ZZ-DR-A-1002 Rev.P3 Proposed Site Plan amended
6400-ACC-00-ZZ-DR-A-0003 Rev.P0 Topographical Survey
6400-ACC-00-ZZ-DR-A-1006 Rev P2 Proposed Hard Landscaping
6400-ACC-00-ZZ-DR-A-1300 Rev P1 Elevations
6400-ACC-00-ZZ-DR-A-1110 Rev P1 Proposed Ground Floor
6400-ACC-00-ZZ-DR-A-1130 Rev P0 Proposed Roof Plan
6400-ACC-00-ZZ-DR-A-1120 Rev P1 Proposed First Floor Plan
6400-ACC-00-ZZ-DR-A-1400 Rev P1 3D Views
6400-ACC-00-ZZ-DR-A-1008 Rev P1 Ecological Constraints and Opportunities
6400-ACC-00-ZZ-DR-A-1009 Rev P1 Site Plan Hoarding Plan
6400-ACC-00-ZZ-DR-A-1010 Rev P1 Site Compound and Haulage Routes
6400-ACC-00-XX-DR-A-1205 Rev P0 Section Through Access Road

4. No external lighting shall be placed anywhere within the site without first obtaining the prior consent in writing from the Local Planning Authority. The submitted details shall include details of the type of luminaire and output measures to shield and direct light and illuminance. Thereafter lighting shall only be installed and maintained in accordance with the approved details.
5. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
6. The development shall not be occupied until the cycle parking, car parking areas and turning spaces for cycles and vehicles have been provided and constructed in accordance with the amended approved drawing no.6400-ACC-00-ZZ-DR-A-1002 Rev.P2 Proposed Site. Thereafter the approved areas shall be retained for that use as approved and shall not be used for any other purpose.
7. If any identified or significant additional or unforeseen contamination is encountered, it shall be immediately notified to the Local Planning Authority. If development has started, it shall cease in the affected area and should not commence until a programme of remediation has been submitted to and approved in writing by the Local Planning Authority.
8. All arboricultural, tree and ecological measures and/or works shall be carried out prior to commencement of this development hereby approved in accordance with the details contained in the Ecology and Arboricultural Report prepared by The Ash Partnership dated August 2019, and submitted as part of this planning application. These arboricultural, tree and ecological measures and/or works shall thereafter be maintained as approved.

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

10. No development shall commence until a Construction Environmental Management Plan (not including biodiversity) which details how the environmental impact of the construction work associated with this development will be controlled, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be adhered to throughout the construction period.

The plan should provide for:-

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) construction traffic management;
- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) measures to control noise disturbance;
- ix) measures to investigate and remediate any land contamination;
- x) measures to maintain land stability during construction;
- xi) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- xii) working hours.

11. 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.

12. No development shall take place until details of the layout of the new access and the specification for the construction of the access which shall include details of protection markings have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence or be occupied until the construction of the access has been completed in accordance with the agreed specification. The access shall thereafter be maintained as approved.
13. The access shall not be used until visibility splays as shown on the amended Drawing No 6400-ACC-00-ZZ-DR-A-1003 P1 are provided and are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.
14. Prior to the commencement of the development hereby approved 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 and approved in writing by the Local Planning Authority. Thereafter the agreed surface water drainage shall be maintained as approved.

15. The development hereby permitted shall be carried out in accordance with the measures detailed in the submitted Transport and Highways Supporting Document prepared by The Transportation Consultancy and dated November 2019, and submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.
16. The development hereby permitted shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
17. The completed access shall have maximum gradients as indicated on the approved plan Drawing No. 6400-ACC-00ZZ-DR-A-1006 P2 Proposed Hard Landscaping and the agreed gradients shall thereafter be maintained as approved.
18. The development shall not be occupied until a grit bin has been provided within the site to reduce the occurrence of ice on the access road in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the grit bin shall thereafter be retained for that use and shall not be used for any other purpose.
19. 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.
20. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. Thereafter the scheme shall be carried out as approved and maintained in accordance with the approved scheme.

21. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same.
22. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.
23. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
24. Prior to first occupation of the development hereby approved, evidence, including photographs shall be submitted to and approved in writing by the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
25. All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees where needed and their origin and how long they have been in the nursery should be supplied to the Local Planning Authority prior to the commencement of any tree planting.
26. No plant or equipment, for instance to heat the building, shall be installed within the building hereby permitted without first obtaining the prior consent in writing of the Local Planning Authority. The plant or equipment shall thereafter be implemented and maintained as approved.
27. Work which is audible at the site boundary and deliveries to and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
28. (i) Prior to construction of the development hereby approved, details of the proposed means of foul sewerage and surface water disposal/management is to be submitted to and approved in writing by the Local Planning Authority. These details shall include formal agreement from Southern Water for any new connection to the Public Sewer, including evidence that Southern Water

has capacity within their system to accommodate the development. Along with a maintenance and management plan for the entire drainage system identifying those responsible for managing all aspects of the surface water drainage system and piped drains.

(ii) Development shall then be carried out in accordance with the details approved under (i)

(iii) The development hereby approved shall not be occupied until evidence (including photographs) has been submitted to and approved in writing by the Local Planning Authority demonstrating that the drainage system has been constructed as per the final agreed detailed drainage designs.

29. No part of the development hereby approved shall commence until detailed drainage drawings and calculations have been submitted to and approved in writing by the Local Planning Authority.

i) The submitted details shall include evidence (in the form of hydraulic calculations) that surface water discharge rates are limited to 0.9 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Such hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

ii) The details of the outfall of the proposed attenuation pond and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.

iii) Prior to the construction of the outfall, a survey of the condition of the ditch/ordinary watercourse (or sewer/drain) which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse/sewer/drain shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

iv) A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

a) This plan should clearly state who will be responsible for managing all aspects of

the surface water drainage system, including piped drains.

b) Evidence of how these responsibility arrangements will remain in place throughout

the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure an acceptable form of development.
3. For the avoidance of doubt and in the interests of proper planning.
4. In the interests of amenity.
5. In the interests of the visual amenity of the area.
6. To ensure an adequate level of off-street parking to serve the development, in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, and in the interests of highway safety.
7. To ensure a satisfactory standard of development.
8. To protect features of recognised nature conservation importance.
9. To protect features of recognised nature conservation importance and the existing ancient woodland.
10. In the interests of neighbour amenity and to ensure an acceptable form of development.
11. To ensure that any adverse environmental impacts of development activities are mitigated.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. To ensure a satisfactory standard of development.
15. To ensure an acceptable form of development and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

17. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
18. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
19. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
20. To ensure an acceptable form of development.
21. To ensure an acceptable form of development.
22. To ensure an acceptable form of development.
23. To ensure an acceptable form of development.
24. To ensure a satisfactory standard of development.
25. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.
26. To ensure an acceptable form of development.
27. To ensure an acceptable form of development.
28. To ensure a satisfactory standard of development.
29. To ensure a satisfactory standard of development.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The proposed activities may constitute a prescribed process under the Environmental Protection Act 1990. Please contact the Environmental Protection Team on: 01424 451079 for further information.
4. 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.

5. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. This includes the construction of the new access and advisory keep clear marking across the junction. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
6. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).
7. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
8. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).
9. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

T Zulu, Telephone 01424 783254

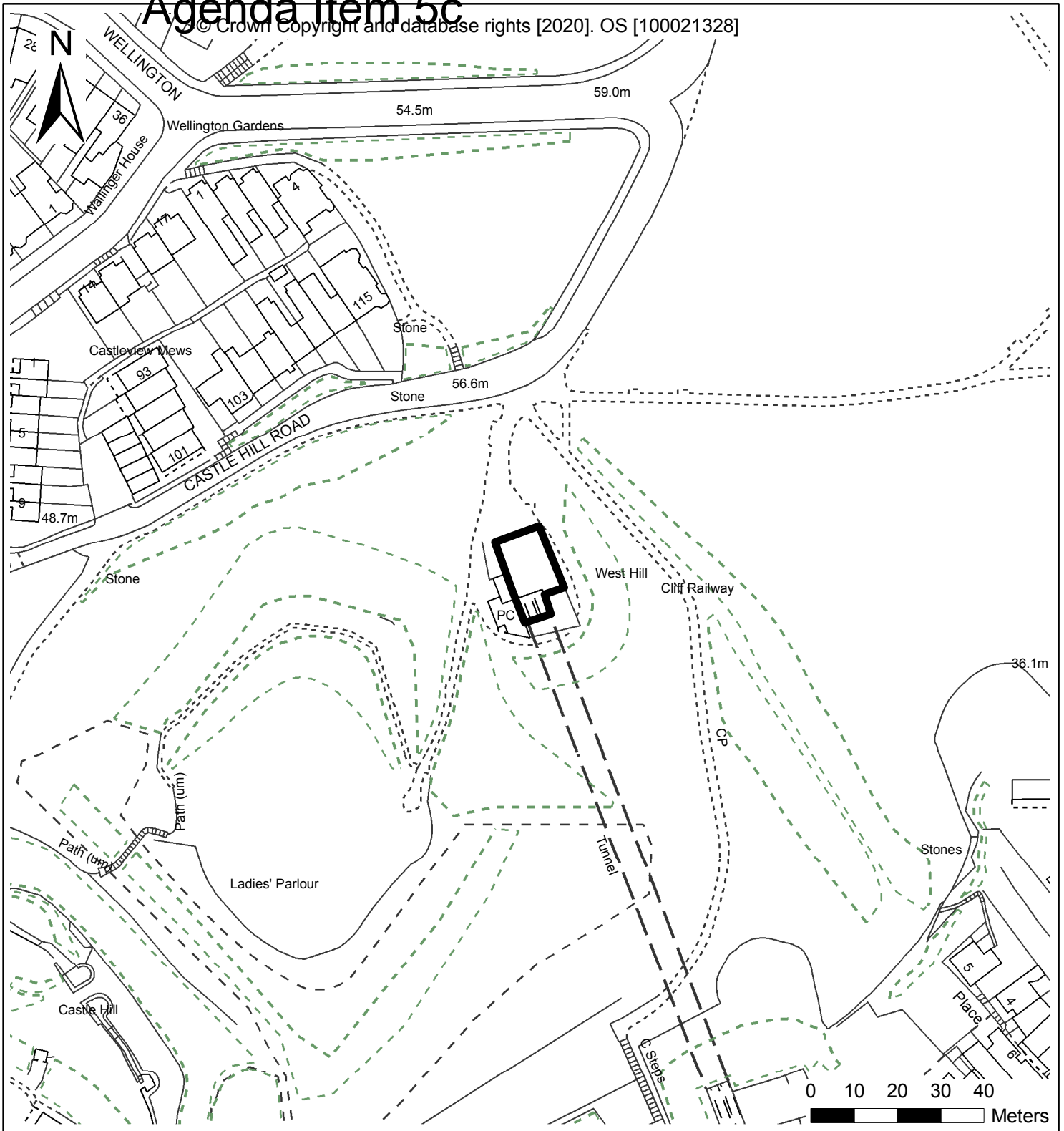
Background Papers

Application No: HS/FA/19/00803 including all letters and documents

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Agenda Item 5c

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**West Hill Lift
George Street
Hastings
TN34 3EA**

Scaffold structure to provide additional support to existing temporary and other roof support structure to Upper Station Old Motor Room. Consolidation works to steel ceiling beam (amended description)



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: May 2020

Scale: 1:1,250

Application No. HS/LB/19/00699

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Report to: PLANNING COMMITTEE

Date of Meeting: 03 June 2020

Report from: Assistant Director of Housing and Built Environment

Application address: **West Hill Lift, George Street, Hastings, TN34 3EA**

Proposal: **Scaffold structure to provide additional support to existing temporary and other roof support structure to Upper Station, Old Motor Room. Consolidation works to steel ceiling beam (amended description)**

Application No: **HS/LB/19/00699**

Recommendation: **Grant Listed Building Consent**

Ward: CASTLE 2018
Conservation Area: Yes - Old Town
Listed Building: Grade II

Applicant: Hastings Borough Council Muriel Matters House
Breeds Place Hastings TN34 3UY

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Affects a Listed Building
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 United Kingdom's funicular railway is not only a structure of national importance but also a source of immense local pride. The top station of the West Hill Lift is set in the immediate vicinity of the scheduled ancient monument, Hastings Castle, the top station also integrates

the use of the railway with a café for residents and visitors alike to enjoy with both a station and motor room below the café . From the top of the route on the West Hill some of the most spectacular views of the English Channel and Hastings Old Town below. The immediate surroundings are of an open public space with some late 19th and early 20th Century buildings framing the appearance of the area.

The West Hill and East Hill lifts are both an enduring symbol of the unique charm and character of Hastings. The West Hill Lift retains its original wooden Victorian coaches, and also runs through a tunnel, which is considered to be very unusual for a funicular railway.

The bottom station opens onto George Street which is home to the Old Towns retail offering of shops, bars, and restaurants set in a dense piecemeal development that is predominantly 17th and 18th Century in origin. The buildings on George street vary in height from 2 to 5 storeys, the narrows street creates a sense of historical character and the materials used such as timber, render and slate further contribute to the character. Many of the buildings on George Street are designated heritage assets by way of being Grade II Listed Buildings.

Constraints

Old Town Conservation Area

Grade II Listed Building

SSSI Impact Risk Zone

Listing Details

GEORGE STREET 1. 5204 (North Side) West Hill Lift TQ 8209 SW 14/588 TQ 8209 NW 7/588 II GV 2. 1902. The lower terminus onto George Street, stuccoed entrance with pilasters, round arch doorway and balustrade. A red brick tunnel which the tracks pass through up to West Hill high above. The upper terminus is incorporated into modern building (cafe etc).

All listed buildings in George Street form a group.

Listing NGR: TQ8217809570

2. Proposed development

The proposed development relates to the upper portion of the West Hill Lift where it terminates at the top of the West Hill. The application proposes the erection of scaffolding and acro prop supports (a temporary steel support strut) to provide additional support to existing temporary and other roof support structure to the Old Motor Room at the Upper Station. The roof of the Old Motor room is part of the floor to the café above the Old Motor Room. The consolidation works to the steel ceiling beam and the use of additional props will address any potential movement that otherwise could occur. No external or public facing works are proposed.

The application is supported by the following documents:

Design and Access Statement

Planning Statement

Paint Details

Primer Details

Details of areas to be painted

Existing Photos

Relevant planning history

Application No. HS/61/00848

Description Proposed tea room.

Decision Permission with conditions on 29/09/61

Application No. HS/63/00293

Description Amended proposal for the patio at West Hill Cafe.

Decision Refused on 22/04/63

Application No. HS/FA/77/00415

Description Demolish roof and windows to existing solarium and construct covered portion to servery area.

Decision Permission with conditions on 24/08/77

Application No. HS/79/00531

Description Interpretive centre for Hastings Castle.

Decision Withdrawn on 31/12/79

Application No. HS/OA/84/00128

Description Redevelopment of the existing cafe by a new and extended restaurant and interpretive centre

Decision Outline Application with Conditions on 31/05/84

Application No. HS/FA/86/00726

Description Construction of new roof and exterior refurbishment

Decision Permission with conditions on 08/12/86

Application No. HS/FA/90/00818

Description ERECTION OF SINGLE STOREY EXTENSION

Decision Permission with conditions on 31/01/91

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

National Planning Policy Framework (NPPF)

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 189 (of Section 16. "Conserving and enhancing the historic environment") states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 190 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 192 states: "In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character

and distinctiveness."

Paragraph 193 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- a) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Paragraph 196 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Paragraph 200 states: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Paragraph 202 states: "Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

3. Consultation comments

Conservation Officer – The application has been assessed by the Assistant Planning and Conservation Officer. Therefore no additional advice is required.

4. Representations

In respect of this application a site notice was displayed at the bottom and top stations and an advert placed in the local paper. No responses were received.

5. Determining issues

In determining listed building applications consideration needs to be given to matters of heritage. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected.

The main issue for consideration is whether the proposal causes harm to the heritage asset

and whether the temporary nature of the proposal is controllable and justified.

a) Heritage

The top station is now an integral part of a tea room, which is recorded as being granted planning permission in 1961. The presence of the tea rooms has remained despite outline permission for a post-modern styled interpretive centre being approved in 1984. However, that scheme was not realised and a subsequent planning application for a single storey extension submitted in 1990 was approved and implemented. This established the form and appearance of the West Hill top station and Café as it is known today.

The establishment and continued operation of the tea room has provided economic activity in the area of the top station, which otherwise have affected the lifts popularity. However, the formation of the tea room and existing arrangements has led to a situation where repair to the structure of the lift motor room below the café cannot be carried out in terms of both cost and disturbance to the café business. The café business has lost the passing trade from the operation of the West Hill Lift since the lifts closure for mechanical reasons in 2019. However, repair work to the lift mechanism is now underway. It is considered that the repairs required to the old motor room would cause disturbance that the business cannot accommodate and as such the cafe remains closed.

In order to sustain the situation and not allow deterioration of a heritage asset, a temporary propping of the steel work that forms part of the motor room ceiling has been proposed.

It is also noted that the motor room is not in the public realm and therefore the impact in terms of appearance is minimised to be only visible to employees entering the room.

Following a site meeting and discussion regarding the situation with Mr Guy Thorpe; the Councils Building Surveyor, it is considered that clear and convincing justification has been provided on the basis of health and safety, and the need for the café to continue uninterrupted trade. However, approval of temporary arrangements should by their nature be temporary and not by default become permanent solutions. The justification provided is sufficient for a temporary arrangement but plans should be made during the temporary period for a long term solution.

6. Conclusion

Paragraph 194 of the NPPF allows for clear and convincing justification to mitigate against the harm caused to a heritage asset. The temporary propping, although restricted to the motor room, is considered to cause less than substantial harm due to its temporary nature, form and appearance being an incongruous addition to the form of the room. It is purely functional and does not consider the character of the heritage asset. However justification in terms of health and safety provides clear and convincing justification for a temporary period only and therefore satisfies the aforementioned paragraph of the NPPF.

In relation to the Hastings Development Management Plan it is considered that the temporary work sustains the heritage asset and subsequently satisfies Policy HN1.

However, considering the need for the proposal to be temporary the consent will expire 5 years after the date of consent being granted and a new permanent proposal will be required

to address the issue in a more long term and satisfactory manner.

These proposals comply with the Development Plan in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

7. Recommendation

Grant Listed Building Consent subject to the following conditions:

1. The temporary supports hereby approved shall be for a period not exceeding 5 years, expiring on 2nd June 2025.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:

Site plan, H5436/01, HBC2358-01-1A

Reasons:

1. The supports have been justified in line with paragraph 194 of the NPPF as a temporary measure and therefore should only be permitted to remain for a limited period.
2. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning.
2. The applicant is advised that on or before the expiry of this listed building consent, a new proposal shall be submitted to the local authority for approval that is considered to be a permanent solution regarding structural support.
3. 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.

The reason for granting this consent is:

- 1 National Planning Policy Framework Section 16 applies. The works proposed causes less than substantial harm to the designated heritage asset, and that harm has been mitigated by provision of clear and convincing justification.

Officer to Contact

Mr Simon Richard, Telephone 01424 783320

Background Papers

Application No: HS/LB/19/00699 including all letters and documents

Agenda Item 6

Agenda Item:

Report to:	Planning Committee
Date:	3 June 2020
Report from:	Planning Services Manager
Title of report:	PLANNING APPEALS & DELEGATED DECISIONS
Purpose of report:	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 21/02/2020 to 20/05/2020
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
1A Park Wood Road, Hastings, HS/FA/19/00188	Removal of existing flat roof and the construction of a new Mansard roof extension to provide two bedrooms with ensuite showers	Refuse Planning Permission	Planning Committee	Planning
Land to the rear of 11 Linton Road, Hastings, HS/OA/18/00335	Outline application (seeking approval for Access, Layout & Scale) for the erection of a detached house on land rear of 11 Linton Road, with proposed	Refuse planning permission	Delegated	Planning

	new vehicle access from Winterbourne Gardens.			
77 St Helens Road, Hastings, HS/FA/19/00810	Proposed Rear Extension and Improvements	Refuse Planning Permission	DELEGATED	Planning
14 Beauharrow Road, St Leonards-on-sea, HS/FA/19/00275	Construction of two dwellings (as amended)	Refuse Planning Permission	DELEGATED	Planning
25 Queens Road, Hastings, HS/FA/19/00627	Change of use of 2nd and 3rd floors from C3 (dwelling) to D1 (dental practice), construction of a first floor extension to front of building (as amended).	Refuse Planning Permission	DELEGATED	Planning
Land at Ore Place & Centurion Rise, Hastings, HS/OA/19/00680	Outline Planning Permission (all matters reserved) for the development of the site to accommodate a single house.	Refuse Planning Permission	DELEGATED	Planning
5 Carisbrooke Road, St Leonards-on-sea, HS/FA/19/00765	Change of use to a HMO(Sui Generis) [Retrospective]	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been allowed:

39 Croft Road, Hastings, HS/LB/18/00288	Amend window and door access to rear elevation. Partial removal of internal wall with new steel beam. New flue for boiler.	Refuse Planning Permission	DELEGATED	Planning
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The following appeals have been dismissed:

77 St Helens Road, Hastings, HS/FA/19/00810	Proposed Rear Extension and Improvements	Refuse Planning Permission	DELEGATED	Planning
Flat 9, Moreton Court, HS/EX/19/00002	Application for a certificate of lawful development for existing use as roof terrace	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	108
Part Granted	2
Part Granted- Part Refused	2
Prior Approval Approved	1
Self Certificate – Not Permitted	2
EIA Not Required	1
No Jurisdiction to Determine	1
Refused	17
Withdrawn by Applicant	8
Non Determination	2
Appeal against non-determine	2
Total	146

Background Papers:

Various correspondences with Planning Inspectorate

Report written by

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