

## PLANNING

8 DECEMBER 2021

Present: Councillors Roberts (Chair), Cox (Vice-Chair), Beaver, Bishop, Foster, Marlow-Eastwood, Roark, Sinden, and Williams.

### 306. APOLOGIES FOR ABSENCE

Apologies for absence received from Councillor Bacon. Apologies for lateness received from Councillor Scott. Councillor Sinden was present as a substitute for Councillor Bacon.

### 307. DECLARATIONS OF INTEREST

Councillor	Minute	Interest
Beaver	All items relating to highways	Personal – East Sussex County Councillor
Beaver	309a	Personal – As Borough and Country Councillor has had factual conversations with residents relating to the application but has not expressed an opinion and comes to the meeting with an open mind.
Marlow-Eastwood	All items relating to highways	Personal – East Sussex County Councillor

### 308. MINUTES OF PREVIOUS MEETING

Minutes not circulated.

### 309. PLANNING APPLICATIONS

#### 309.1 Former The St Leonards Academy Darwell Campus, Darwell Close (HS/DS/21/00570)

Proposal	Approval of details relating to layout, scale, external appearance, access and landscaping pursuant to Outline Planning Permission HS/OA/15/00168 (erection of up to 210 dwellings (25% affordable) with associated open space, play areas, landscaping and access).
Application No.	HS/DS/21/00570
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 18 letters of objection received

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The Assistant Planning Manager presented the application for approval of details relating to layout, scale, external appearance, access and landscaping pursuant to Outline Planning Permission HS/OA/15/00168 (erection of up to 210 dwellings (25% affordable) with associated open space, play areas, landscaping and access).

Since publication of the report one additional objection was received, relating to highway matters. Additionally, some minor amendments to the conditions were circulated to members of the Planning Committee. The amendments are not fundamental and relate to the implementation of the conditions.

The site is allocated in the Local Plan for 210 dwellings and received outline planning consent in 2018. The applicant has now submitted the reserved matters application.

The application proposes 25% affordable housing consisting of 36 units offered at affordable rent and 16 with shared ownership. The site will also contain a multi-use games area, 1 equipped play area, and 2 informal open-space play areas.

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

In response to a question regarding access the Assistant Planning Manager confirmed that there is pedestrian access to the site from Crowhurst Road. The Highway Authority have been involved in the process from the Local Plan stage and are content that the access provided is fit for purpose.

Councillor K Beaney was present as Ward Councillor. Councillor K Beaney said it was disappointing that Bellway Homes did not involve local residents before submitting the application. The Design and Access Statement says a programme of consultation has been undertaken and further information is contained in the Statement of Community Involvement, although this document doesn't seem to exist and was not submitted with the application. Councillor K Beaney said the council needs to ensure it fully understands the pressures on existing infrastructure such as the road network, schools and healthcare. The biggest concern is vehicle access, with Darwell Close already the sole access to around 120 homes. Ideally a seconded access route to the site should be provided and the Planning Committee should be insisting on this. It is good that the proposed development makes use of existing footpaths and links to the local woodland and Combe Valley Countryside Park, however there are concerns that with the additional 210 homes more people will use the nearby footpath crossing the railway line. This raises the need for a footbridge over the railway line and removal of the footpath crossing. Councillor K Beaney asked the Planning Committee to consider deferring the application so that the applicant could reconsider the layout of the site.

The Assistant Planning Services Manager said that access and traffic generation had been modelled and considered strategically during the development of the Local Plan and at the outline planning application stage.

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Citing National Planning Policy Framework Section 9, paragraph 110, part B, Councillor Beaver proposed refusal of the application on the basis that the crash map data is flawed, irrelevant and out of date and secondly, because there are no conclusive and definitive reasons as to why a second vehicle access cannot be provided. Councillor Foster seconded the proposal. The proposal was not carried (by 5 against, to 4 for).

Councillor Roberts proposed approval of the recommendations, seconded by Councillor Sinden, subject to the amended conditions as circulated.

**RESOLVED (by 5 for, to 4 against) that reserved matters be approved subject to the following conditions:**

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

S101 A and S102 A

P102 A, P103, P104, P105 A, P106 A, P107 A, P108 A, P109 A, P110, P111, P112, P113, P114, P115, P116, P117, P118, P119, P120, P121, P122, P123, P124, P125, P126, P127, P128, P129, P130, P131, P132, P133, P134, P135, P126, P137, P138, P139, P140, P141, P142, P143, P144, P145, P146, P147, P150, P151, P152, P153, P154 and P155 C101 G, C113 A , C114 C and C115 B

2. The development hereby permitted shall be carried out in accordance with the time scales as imposed on the outline permission HS/OA/15/00168.

3. The development hereby permitted shall comply with the conditions imposed on the grant of the outline planning permission reference HS/OA/15/00168 which was granted on 20 June 2018.

4. No part of the development shall be occupied until the vehicular accesses serving the development have been constructed in accordance with the approved drawings (drawing 15496 H-01 P2 Upgrades to Existing Access and drawing 15496 H-02 P2 Proposed Secondary Access).

5. No property shall be occupied until the relevant parking areas serving that particular property have been provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

6. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).

7. No property shall be occupied until a turning space for vehicles serving that

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particular property has been provided and constructed in accordance with the approved plans. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.

8. The new estate roads (as shown on drawing 15496-H-04 P1 Appendix D of the Transport Technical Note (DHA, May 2021)) shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with the Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

9. Prior to the commencement of development of the dwellings above slab level, the new estate roads that service that dwelling shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Local Planning Authority in consultation with the Highway Authority. Evidence of this must be submitted to, and approved in writing by the Local Planning Authority.

10. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.

11. No part of the development shall be occupied until the road(s), footways and parking areas serving that part of the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

12. No development shall take place until the measures outlined in the submitted ecological and other statements and reports have been fully implemented unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted reports are:

- Air Quality Emissions Mitigation Statement (Lustre Consulting, May 2021)
- Preliminary Ecological Appraisal (Fellgrove, April 2021)
- Badger Mitigation Strategy (Fellgrove, May 2021) and Badger Mitigation Strategy Addendum July 2021
- Dormouse Mitigation Strategy (Fellgrove, May 2021) and Dormouse Mitigation Strategy Addendum July 2021
- Reptile Mitigation Strategy (Fellgrove, May 2021) and Reptile Mitigation Strategy Revision 20th July 2021
- Bat Mitigation Strategy (Fellgrove, August 2021)
- Feasibility Survey Report Proposed MUGA (SSL, May 2021)

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· Arboricultural Tree Survey & Impact Assessment (Fellgrove, May 2021)

13. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan relating to 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 biodiversity Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period in accordance with the approved details.

14. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:

- a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.

15. The landscaping scheme required by Condition 8 of the outline consent HS/OA/15/00168 must include details of tree planting along the adopted highway and pedestrian walkways, as well as additional planting either side of the site entrance.

16. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person, e.g an Ecological Clerk of Works or an on-site Ecologist, have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities, and

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works shall be carried out, in accordance with the approved details.

17. Prior to first use of the Multi Use Games Area (MUGA), a Noise Management Plan must be submitted to, and approved in writing by the Local Planning Authority. This shall include details of (but not be limited to):

- Community liaison
- Complaints Policy
- Restriction on the hours of use

The MUGA shall thereafter be maintained and operated in accordance with the approved detail unless otherwise agreed in writing by the Local Planning Authority.

18. Prior to first occupation of the approved development a Scheme for the layout, configuration and future management/maintenance of the proposed Multi Use Games Area (MUGA), Local Equipped Area for Play (LEAP) and Local Areas for Play (LAPs) shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of (but not limited to):

- a) The layout and configuration of the areas
- b) Full specifications
- c) The hard and soft landscape details
- d) Seating
- e) Lighting
- f) Fencing/railings/protection from roads (as necessary)
- g) Future management and maintenance

The MUGA, LEAP and LAPs shall be constructed and thereafter maintained in accordance with the approved details within the Scheme unless otherwise agreed in writing with the Council.

19. Notwithstanding the requirements of Conditions 6 and 27 of Outline Planning Permission HS/OA/15/00168, the development shall not be occupied until details of enclosures for refuse and cycle storage for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. If the refuse bins or storage area is located within a building, suitable ventilation and sound proofing, where appropriate, shall be included within the details.

No part of the development shall be occupied until the approved details have been implemented. The refuse and cycle stores shall thereafter be retained in perpetuity.

Reasons:

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

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2. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
3. To secure a properly planned development.
4. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
6. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
8. In the interest of highway safety and for this benefit and convenience of the public at large.
9. In the interests of highway safety and for the benefit and convenience of the public at large.
10. In the interests of highway safety and for the benefit and convenience of the public at large.
11. To secure satisfactory standards of access for the proposed development.
12. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
13. To ensure that any adverse environmental impacts of development activities are mitigated.
14. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
15. In the interests of the visual amenity.
16. To ensure adequate professional ecological expertise is available on site during construction to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.

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17. To safeguard the amenity of adjoining and future residents.

18. To safeguard the amenity of adjoining and future residents.

19. To ensure a satisfactory standard of development.

This permission relates only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

### Notes to the applicant.

You are advised:

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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.

4. Consideration should be given to the provision of a domestic sprinkler system.

5. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.

6. Section 38 Agreement of the Highways Act, 1980 - Provision of Adoptable Highway - The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Section 38 agreement being in place are undertaken at their own risk



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7. Section 278 Agreement of the Highways Act, 1980 - Works within the Highway - 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. 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.

8. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. The applicant is therefore advised that surface water discharge rates will need to be agreed with the Water Level Management Board prior to an application for discharge of condition 20 of the outline consent being made.

9. The applicant is reminded to ensure the home buyers pack includes information on refuse storage and collection arrangements, namely that bins must be kept in the storage area unless it is a collection day.

### 309.2 Ashdown House, Sedlescombe Road North (HS/FA/21/00003)

<b>Proposal</b>	Erection of a total of 151 no. dwellings (C3) and a 188 sq.m community centre (Use Class F2(b)) accessed from Harrow Lane, together with a 1,918 sq.m food retail store (Use Class E(a)) accessed from Sedlescombe Road North, and associated car parking, landscaping and servicing areas following demolition of the existing buildings (amended description)
<b>Application No.</b>	HS/FA/21/00003
<b>Conservation Area</b>	No
<b>Listed Building</b>	No
<b>Public Consultation</b>	Yes – 11 letters of objection, 1 letter of support, and 2 neutral comments received

The Planning Services Manager informed the Committee that the applicant has requested the application be deferred to the January meeting in order to allow legal opinion, which has been sought in relation to the application, to be made public.

**RESOLVED (unanimously): that the application be deferred to the January meeting of the Planning Committee.**

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### **310. PLANNING APPEALS AND DELEGATED DECISIONS**

The Committee noted the report.

(The Chair declared the meeting closed at 6.48pm)