

Planning Agenda

Wednesday, 19 January 2022 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
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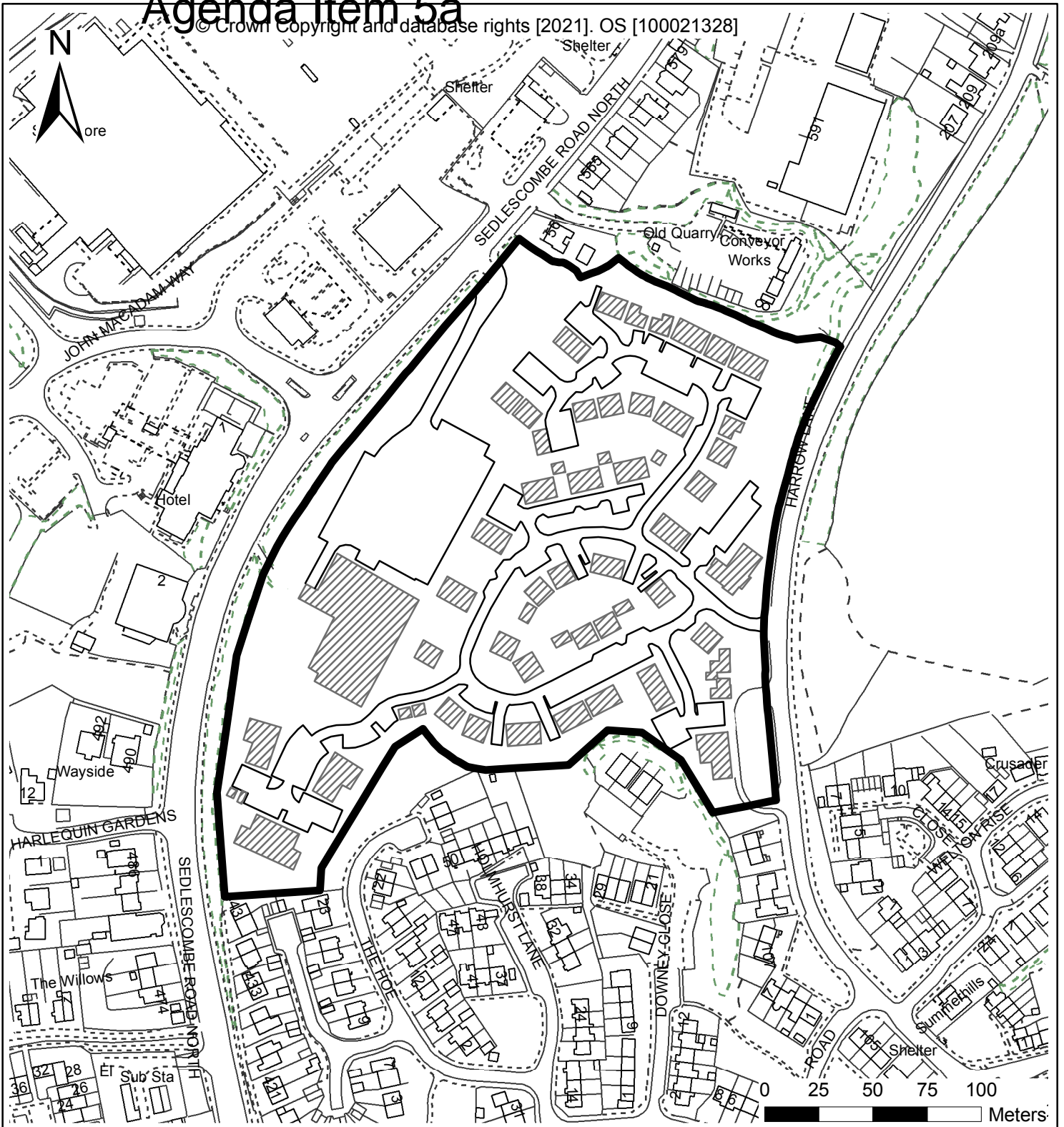
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democraticservices@hastings.gov.uk

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Agenda Item 5a

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**Ashdown House
Sedlescombe Road North
St Leonards-on-sea
TN37 7PB**

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)



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Date: Nov 2021

Scale: 1:2,500

Application No. HS/FA/21/00003

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Report to: PLANNING COMMITTEE

Date of Meeting: 19 January 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Ashdown House, Sedlescombe Road North, St Leonards-on-sea, TN37 7PB

Proposal: 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)

Application No: HS/FA/21/00003

Recommendation: Grant Full Planning Permission

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

Applicant: Danescroft (Hastings) LLP per Neame Sutton Limited West Suite Coles Yard Barn North Lane, Clanfield. PO8 0RN

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	Yes
People objecting:	12
Petitions of objection received:	0
People in support:	1
Petitions of support received:	0
Neutral comments received:	3

Application status: Not delegated - 5 or more letters of objection received

1. Site and surrounding area

Ashdown House itself is a vacant 1960s office block situated on a sloping/tiered site in the northern part of the Borough. The office block is up to 6 storeys high, and its design detail has a horizontal emphasis typical of its date. Other buildings occupying the wider site include a sports facility providing target shooting and axe throwing, and a currently vacant social club, previously also used as a gym. Existing buildings on the site are screened from view from Sedlescombe Road North by a mature tree boundary. There are more open views into the site from the Harrow Lane side, although significant screening also exists on this boundary. The existing buildings on the site have no heritage or architectural interest.

The site is elevated above ground level on a hill that slopes upwards from the A21 (Sedlescombe Road North) to the west and Harrow Lane to the east. The highest point is at the south-east of the site at approximately 123m above Ordnance Datum (aOD). The lowest point is on the south-western boundary at approximately 102m aOD.

There are three vehicular access points, one on Sedlescombe Road North and two on Harrow Lane. One of the Harrow Lane accesses leads to the community centre and flats above only. The area is in a sustainable location well served by a range of services, facilities, public transport, and employment opportunities.

In terms of geology the site lies above a bedrock comprised of a mix of sandstone, siltstone, and mudstone.

An existing Public Right of Way ("PROW") also runs along the site's northwest and east boundaries.

The site is subject to extensive tree cover mainly on the periphery. Whilst there are no Tree Preservation Orders within the site itself, Tree Preservation Orders do border the site on its northern and southern boundaries.

To the east of the site are three Local Plan housing allocations, sites LRA 1-3 - a cluster of sites with the potential to deliver a strategically important housing yield, all of which benefiting from either outline or full planning consent. Commercial uses are sited to the north and west.

Relevant site constraints

- Area affected by surface water flooding
- Area affected by groundwater flooding
- Waste and Minerals Consultation Area
- Medium/Low pressure pipeline
- 250m buffer zone of historic landfill site

The following constraints adjoin or are located nearby the boundaries of the site but do not affect the site directly.

- Waste and Minerals Safeguarded Sites
- Tree Preservation Orders
- Land owned by Hastings Borough Council (Ashdown and The Willows - McDonalds, SLM Toyota, SLM Vauxhall, and Harrow Lane Recreation Ground)

2. Proposed development

The application proposes to demolish the existing buildings on site and redevelop to provide 151 residential dwellings, a community centre and a 1,918sqm food retail store, together with associated car parking, landscaping, and servicing areas.

The main residential element of the scheme is to be accessed from the existing vehicular access at Harrow Lane, comprising a mix of detached, semi-detached, and terraced houses, and 5 apartment blocks, with associated car parking areas.

The new homes are predominantly 2 storeys in height, with 2.5 - 3.5 storey buildings proposed on key locations within the site, providing a transition to the 4 storey block of apartments at the southern end of the site.

The proposed housing mix is as follows:

	Market housing	Affordable housing (Affordable rent)
1 bed flat	0	2
2 bed flat	43	15
2 bed house	33	0
3 bed house	43	0
4 bed house	15	0
Total	134 (88.7%)	17 (11.26%)

Vehicular access to the retail element of the scheme is proposed from Sedlescombe Road North to include a sales area, ancillary office and staff space, servicing, and customer parking of 122 cars (including 12 family bays, 7 wheelchair accessible and 2 electric vehicle parking spaces).

188sqm of community floor space is proposed in the location of, and replacing, the existing (redundant) community building, with 6 residential flats above.

A new pedestrian and cycle connection will be delivered that links through the site from Sedlescombe Road North to Harrow Lane.

The scheme will be set within the mature landscape framework that exists around the site boundaries currently. New landscape planting and publicly accessible open space/pocket parks will be provided across the site to serve the new dwellings.

The application is supported by the following documents:

- Design and Access Statement (Ascot Design, December 2020)
- Heritage Statement (EDP, October 2020)
- Landscape Design Statement Rev A (Allen Pyke, September 2021)
- Planning Statement (Neame Sutton, December 2020)
- Planning Statement Addendum - Retail (Neame Sutton, May 2021)
- Planning Statement Addendum (Neame Sutton, August 2021)
- Statement of Community Involvement (Marengo Communications, December 2020)
- Utilities Statement - Issue 3 (Stuart Michael Associates, September 2021)
- Desk Study and Preliminary Risk Assessment (Discovery, October 2020)
- Framework Travel Plan, Stuart Michael Associates, December 2020)
- Stage 1 Road Safety Audit (B N & A, January 2021)
- Stage 1 Road Safety Audit (Designers Response) (Stuart Michael Associates, August

2021)

- Economic Statement (Neame Sutton, January 2021)
- Transport Assessment - Issue 2 (Stuart Michael Associates, September 2021)
- Arboricultural Implications Report Rev A (SAJ Trees, September 2021)
- Ecological Assessment (Ecology Solutions, December 2020)
- Flood Risk Assessment and Drainage Strategy, December 2020)
- Viability Assessment (BNP Paribas Real Estate, September 2020)
- Retail Statement (Neame Sutton, May 2021)
- Air Quality Assessment (Stuart Michael Associates, May 2021)
- Noise Assessment - Issue 3 (Stuart Michael Associates, September 2021)
- Noise and Air Quality Technical Note (Stuart Michael Associates, September 2021)
- Urban Design and Placemaking Appraisal (Lichfields, July 2021)
- Sequential Site Assessment (JLL, July 2021)
- Sequential Assessment Addendum (JLL, August 2021)
- Sequential Test Scoping Note (JLL, July 2021)
- Response to Retail Matters (JLL, October 2021)
- Topographical Survey
- Accommodation Schedule
- Energy Strategy Statement (Briary Energy, September 2021)

Relevant planning history

HS/PA/19/00339 Notification for prior approval for a proposed change of use of a building from office class (Class B1(a)) to dwellinghouse (Class C3)

GRANTED 27 June 2019

HS/FA/13/00835 Change of use of part of Ashdown House to Target Shooting centre and ancillary document storage

GRANTED 19 December 2013

HS/GC/03/00864 Provide new A/C plant and associated system located on the roof level as per M & E Engineers specification

RAISE NO OBJECTION 14 October 2003

HS/GC/92/00400 Erection of nursery for the Child Support Agency

RAISE OBJECTION 21 September 1992

HS/OA/84/00003 Erection of a single storey building as a computer hall (application in accordance with circular 7/77)

RAISE NO OBJECTION 1 February 1984

HS/FA/76/00234 Single storey extension to existing computer building and plant room and erection of new stationery store with parking for 64 cars to replace existing 64 car park (application under circular 80/71)

RAISE NO OBJECTION 25 June 1976

HS/65/00322	87 Private Houses with 87 Garages; 154 Council Houses with 216 Garages or Parking Spaces
	GRANTED 26 March 1965
HS/64/00062	Erection of offices for Min of PB & W
	GRANTED 30 January 1964
HS/55/00037	Use of land for council housing purposes during first five year period of development plan
	GRANTED 22 March 1955

National and local policies

Hastings Planning Strategy 2014

Policy DS1 - New housing Development
 Policy DS3 - Location of Retail Development
 Policy FA1 - Strategic Policy for Western Area
 Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
 Policy SC2 - Design and Access Statements
 Policy SC3 - Promoting Sustainable and Green Design
 Policy SC4 - Working Towards Zero Carbon Development
 Policy SC7 - Flood Risk
 Policy EN1 - Built and Historic Environment
 Policy EN2 - Green Infrastructure Network
 Policy EN3 - Nature Conservation and Improvement of Biodiversity
 Policy EN8 - Open Spaces - Enhancement, Provision and Protection
 Policy H1 - Housing Density
 Policy H2 - Housing Mix
 Policy H3 - Provision of Affordable Housing
 Policy E1 - Existing Employment Land and Premises
 Policy E2 - Skills and Access to Jobs
 Policy CI1 - Infrastructure and Development Contributions
 Policy CI3 - Children's Play Provision
 Policy T4 - Travel Plans

Development Management Plan 2015

Policy LP1 - Considering planning applications
 Policy DM1 - Design Principles
 Policy DM3 - General Amenity
 Policy DM4 - General Access
 Policy DM5 - Ground Conditions
 Policy DM6 - Pollution and Hazards
 Policy HC3 - Community Facilities
 Policy HN7 - Green Infrastructure in New Developments
 Policy HN8 - Biodiversity and Green Space

Draft Local Plan

Policy OSP1 - Tackling Climate Change
Policy SP1 - Directing Growth
Policy SP2 - New and Affordable Housing
Policy SP3 - Business Development - Office and Industrial Uses
Policy SP4 - Business Development - Retail and Leisure Uses
Policy SP5 - Conserving and Enhancing the Natural Environment
Policy SP6 - Enhancing the Historic Environment
Policy SP7 - Managing Coastal Erosion and Flood Risk
Policy DP1 - Design - Key Principles
Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP4 - Flood Risk and Water Quality
Policy DP5 - Biodiversity
Policy DP6 - Green Infrastructure
Policy DP7 - Access, Servicing and Parking
Policy DP8 - Planning Obligations (Section 106)

Other policies/guidance

National Model Design Code (July 2021)
Air Quality and Emissions Mitigation Guidance for Sussex (2020)

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.

Paragraph 87 requires local planning authorities to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 88 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Paragraph 91 makes clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

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.

3. Consultation comments

Highways England - **no objection**

Offer no objection on the basis that the development does not materially affect the safety, reliability and/or operation of the Strategic Road Network.

Environment Agency - **no comment**

Do not wish to submit comments on the application as it falls outside of their remit.

Natural England - **no objection**

Do not consider that the development will have a significant adverse impact on statutorily protected nature conservation sites.

Southern Water - **no objection subject to the imposition of conditions (Conditions 10-13)**

Require surface water flows to be reduced from existing, and drainage strategy to be submitted.

Sussex Police - **no objection subject to payment of financial contributions**

Require financial contributions to provide additional services required as a result of the development.

East Sussex County Council (Highways) – **no objection subject to the imposition of conditions and a S106 Agreement (Conditions 9, 31 - 41)**

Consider the proposal to be acceptable in highway terms, subject to the imposition of conditions and off site highway improvements, and payment of financial contributions.

East Sussex County Council (Rights of Way) - **no objection**

Do not consider the proposed development to impact on any existing Rights of Way.

East Sussex County Council (S106 team) - **no objection subject to payment of financial contributions**

Require contributions towards library provision and rights of way.

East Sussex County Council (Waste and Minerals) – **no objection subject to the imposition of a condition (Condition 44)**

Require Mitigation Plan to be submitted to ensure nearby residential properties are not affected by Concrete Batching Plant.

East Sussex County Council (SUDs) - **no objection subject to the imposition of conditions (Conditions 10-13)**

Note that the discharge rates will need to be agreed with Southern Water. Require a detailed surface water drainage strategy, together with management and maintenance plan to be submitted, to be secured by condition.

East Sussex County Council (Archaeology) - **no objection subject to the imposition of conditions (Conditions 4 and 5)**

Consider that the risk of damage to archaeology can be mitigated by conditions requiring a Written Scheme of Investigation and a programme of archaeological works, together with archaeological site investigation and post investigation assessment.

Hastings Borough Council (Planning Policy) - **objection**

Concern regarding fragmentation of the site and whether the most efficient use of land would be to provide residential instead of retail element.

Hastings Borough Council (Play) - **objection**

Consider inadequate and unacceptable provision for play. Will require financial contribution to improve off site facilities (now secured through Section 106 Agreement).

Hastings Borough Council (Sports and Leisure) - **objection**

Consider there to be inadequate provision for play, and there is a need to improve pedestrian and cycle links within the site, and linking into adjacent open spaces (connectivity improved).

Hastings Borough Council (Waste) - **no objection subject to the imposition of a condition (Condition 21)**

Require details to be submitted regarding communal and individual waste storage and collection.

Hastings Borough Council (Arboriculturalist) - **objection**

Objections on the basis that tree planting should be further considered and designed into parking provision.

Hastings Borough Council (Natural Environment and Resources Manager) - **no objection subject to the imposition of conditions (Conditions 25-30)**

Considers that the mitigation measures set out in the submitted ecological reports provide sufficient compensation for harm to biodiversity and/or protected species.

Hastings Borough Council (Environmental Health) - **no objection subject to the imposition of conditions (Conditions 14-20)**

Require the recommendations and mitigation measures as set out in the noise and air quality reports to be adhered to.

Hastings Borough Council (Housing) – **no objection**

Acknowledge that whilst the development is not policy compliant with regard to the provision of affordable housing, the proposed offer is acceptable given the existing site constraints and viability issues.

Hastings Borough Council (Conservation) - **no objection**

Suggested some amendments to house type and design but does not consider the development to cause harm to the significance or setting of designated heritage assets.

Hastings Borough Council (Estates) - **no comment**

Advise that they have no comments to make on the application.

Hastings Borough Council (Marketing and Tourism) - **no comment**

Advise that they have no comments to make on the application.

Southern Gas Networks - **no objection subject to the imposition of an informative (Informative 4)**

Recommend safe digging practices.

ESP Utilities Group - **no objection**

Advise the developer to update ESP to fully establish whether any additional precautionary or diversionary works are necessary to protect the gas network. However, the proposed site is not within the vicinity of ESP plant.

UK Power Networks - **no objection**

Note safe digging practices should be applied and provided information regarding positioning of cables and overhead lines.

Building control - **no objection**

Note that consideration should be given to land stability and accessibility for future residents.

4. Representations

In respect of this application, neighbour notification letters were sent out to neighbouring properties, and an advert placed in the local newspaper. 18 letters of representation were received from 16 different properties/organisations. 14 of these represent an objection, with 1 letter of support and 3 neutral comments. The objections raise the following concerns:

- Object to additional food retail store - not required
- Access to food retail store from A21 is not safe and will cause more traffic problems
- Additional food retail store is detrimental to existing businesses in the area, particularly the smaller ones
- Retail should be a town centre use
- Security/anti-social behaviour concerns (including litter) surrounding proposed food retail store
- Increased traffic on Sedlescombe Road North and Harrow Lane, which is already experiencing problems
- Drainage problems on site
- Development should include other amenities, including provision for additional services

such as dentists, doctors, and schools

- Already too many empty properties in the town, this will create more
- All green and amenity space in the area will be lost, when taken together with surrounding housing sites
- Do not need 2 community centres in the area
- Impact regarding the Concrete Batching Plant has not been effectively considered
- The Sequential Test has not been properly applied and assessed

5. Determining issues

The main issues to consider in the determination of this application relate to the principle of retail development on the site, the effect this has on housing land supply, whether access and transport improvements are acceptable, layout, flood risk and drainage, impact on ecology and trees, design and the impact on existing and future residential amenities.

a) Background

Whilst the site is not allocated for development in the adopted Local Plan, it has been identified as a potential housing site in the emerging Local Plan, currently only at Regulation 18 stage. Whilst this document currently carries only minimal weight given its early stage of preparation, the supporting evidence base clearly shows a significant level of housing need in the town. This results in a balance needing to be made regarding the provision of retail on the site, and whether this should take the place of additional housing that could potentially be delivered.

It is also important to note that in terms of strategic infrastructure such as traffic flows, healthcare and school provision, the relevant statutory consultees have already been consulted, both through the emerging Local Plan process and this application. No additional capacity (subject to highway improvements mentioned in this report) have been demonstrated as being required as a result of this development.

b) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings 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/good access to public transport, shops, services, and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

c) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged.

As at 1st April 2020, the 5-year requirement was 2,150 (430 x 5). As the annual Housing Delivery Test is not being met, a 20% buffer must also be added to this figure, which increases the 5-year requirement figure to 2,580.

Housing need and supply figures are currently being updated for Local Plan Monitoring Report purposes, but in August 2020 only 60% or 3.02 years of the 5-year requirement was met. The lack of a current 5-year housing land supply, together with under performance against the housing delivery test are two important considerations that need to be considered alongside other planning policies, discussed further in this report.

In light of the above, it is clear that the development provides both affordable and market housing that will contribute to the town's housing stock and overall need for affordable

housing. In addition, the proposal offers opportunities for a revitalised community facility, development achieving carbon reductions over and above national requirements, as well as financial contributions to enhance surrounding areas for play and open space. However, the quality of the open space on site, together with whether there is an identified need for such significant retail development on site, needs to be balanced against these positives.

Overall, as will be discussed throughout the remainder of this report, it is determined that the benefits to the town arising from the significant level of additional housing to be provided, significantly and demonstrably outweigh the negatives of the scheme.

d) Impact on character and appearance of area

The site is relatively well screened from the surrounding area given the existing mature boundary landscaping to be retained, thereby providing an opportunity to create a sense of place within. It is not located within a conservation area, and there are no listed buildings on site, or within proximity.

The application is supported by an Urban Design & Placemaking Appraisal (Lichfields, July 2021), which provides an appraisal of the surrounding area's character and context, prior to determining the type and appearance of the new development being proposed within the site. Specifically, this Appraisal considers:

1. Whether the scheme has responded appropriately to the character of the existing townscape and taken opportunities to enhance existing character.
2. Whether the scheme has created an appropriate sense of place and identity.
3. Whether the architectural and urban design quality of the scheme is of high quality and accords with the requirements of the design policy and guidance.

The scheme has been amended in response to minor design concerns throughout the course of the planning application process.

Residential element

National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.

The proposed development comprises 4 character areas as follows:

Arrival - characterised by:

- A feature apartment building sited at the entrance with a generous area of landscaping to the front.
- Other fewer imposing homes are orientated towards the entrance and set within area of landscaping.
- Just to the south of the entrance and slightly set back from the road is the new community facility with apartments above.

Green spine – focused on the centre of the site:

- Front to front distances increased.
- Rendered features are dominant.
- An increase in massing to 2.5 storeys in key locations.

Neighbourhood areas – the remainder of the site:

- Buildings are typically set close to the back edge of pavements and predominately 2

storeys.

- Mix of house types and sizes.
- Streets are formed by a mix of detached/semi-detached and terraced properties.

Mansions cluster – apartment blocks to the south west of the site, well screened and set within established vegetation:

- Featured by local topography, an increase in storey height to 3.5-4 storeys
- The use of timber cladding as a feature material combined with feature balconies
- Fronting directly into door-step playing area, green SUDs basin and a retail store to the north.

The housing consists of detached, semi-detached, short terraces and apartments that range from two to four storeys. The housing is of a standard modern form, although has been improved over the course of the application following detailed consideration of the design.

The primary facing materials include the use of brick (mainly red tones) with some render and brickwork banding and decorative detailing. Roofs are red and grey tiles. Buildings have mainly gabled roof forms within some eaves gables, dormers, and porches. The apartment buildings are in brick with feature timber cladding and expressed metal balconies.

The proposed material palate is considered to respect the varied character of the surrounding new build residential developments and the cladding and detailing would provide a degree of interest and articulation.

Overall, given that the surrounding area is varied and has limited set identity, also taking account of the fact that the residential element of the scheme offers the opportunity for its own sense of place, it is considered that the proposed development pattern and layout respects the varied urban grain within the immediate and wider locality, and positively contributes to the visual amenity of the streetscene. Policy DM1 of the Development Management Plan is therefore complied with in that the residential element of the scheme represents a good standard of design which protects and enhances local character.

Retail element

The retail element of the scheme is located in the western portion of the site, screened almost in its entirety from the existing established vegetation alongside Sedlescombe Road North (A21), and therefore fails to create an active frontage. Whilst this is regrettable, it is acknowledged that the amenity value of these trees, as well as the topography of the land make an active frontage a less desirable option than the retention of the trees.

The retail unit itself is of a relatively standard form of such buildings. It is orientated to face the parking area to the north and would be faced in cladding and brick. Whilst only presenting as a single storey facility, the roof height at its highest point measures 10.3m, sloping downwards towards the centre of the store to 5.7m in height. However, given the sloping nature of the land (the retail element being set down a minimum of 3m from the residential development to the east), and the existence of established screening, it is not considered to be incongruous in the streetscene. Policy DM1 of the Development Management Plan is therefore also complied with in respect of the retail element of the scheme.

Community facility

The proposed community facility is to be provided at ground floor level with two storeys of apartments above. The building is to be constructed in red brick with a hipped roof, and gable fronts to provide interest. This will provide for part of the "gateway" into the new

development and is considered to be of acceptable design.

There is a separation distance of approximately 28m from the site of the community facility to the nearest existing residential property to the south, 117 Harrow Lane. Whilst the increase in height of an additional storey to this building will have some impact on the streetscene, it will be a gradual increase in height from the existing established development, northwards to the apartment block the other side of the main access, increasing from three to four storeys in height. This is a sympathetic increase in height, that will not cause a detrimental impact on the streetscene. Policy DM1 is therefore complied with.

Secured by design

Sussex Police have had the opportunity to review the development from a Secured By Design perspective. Recommendations to improve safety include issues such as security lighting, pavement widths, seating in amenity spaces and cycle storage will all be addressed by the imposition of detailed conditions (Conditions 15, 36 and 43).

Heritage

Impact on the significance and setting of designated heritage assets

The existing buildings on the site have no heritage or architectural interest, and there are no above ground heritage assets on the site. The site is not within a conservation area, nor are there any conservation areas within the proximity of the development site.

There are however listed buildings within the wider setting of the site and the impact of the development on the setting of these designated heritage assets has been considered and supported by a Heritage Statement that accompanies the application.

The Heritage Statement concludes that the proposed development would not result in the loss of significance from any designated heritage assets in the wider landscape. This determination has also been agreed by the Council's Conservation Officer. Therefore, Policy EN1 of the Hastings Planning Strategy and Policy HN1 of the Development Management Plan are therefore complied with.

Archaeology

The proposed development lies within a wider landscape that has evidence of activity from the Neolithic period onwards. In addition, there is some evidence to suggest a prehistoric and/or Roman origin for the east/west aligned Fairlight to Netherfield ridgeway route which lies to the north of the site. The site may also lie within the agricultural hinterland of the medieval hamlet of Baldslow, which lays to the north east of the site, and it is possible that features related to medieval and post-medieval agricultural activity may exist on the site.

Whilst the Heritage Statement submitted as part of this application has highlighted extensive truncation associated with the existing office buildings and landscaping of the site, it is not considered that the submitted assessment includes sufficient information to categorically demonstrate the total loss of archaeological horizons across the entirety of the development footprint. Consequently, it is possible that archaeological remains may still survive.

Taking this into account, it is recommended that the proposals are subject to a programme of archaeological works to ensure any that any archaeological deposits and features that could be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. Such mitigation measures are secured by the imposition of Conditions 4 and 5.

e) Layout

Site fragmentation

A primary concern with the scheme relates to the issue of site fragmentation - that is the limited relationship between the retail and residential elements of the site. They are accessed separately, with only pedestrian links within. This in turn, raises concern regarding the methodology used in assessing the sites suitability for retail development, using the Sequential Test, as required by National Planning Policy (see section f, below)

That being said, it is acknowledged that the topography of the site does constrain the layout of the development somewhat, and it is also noted that the retail element of the scheme does continue a commercial element of development along the A21 (Sedlescombe Road North). Similarly, the residential portion of the site forms a natural extension to the existing housing development on Harrow Lane, and the new, forthcoming development at Harrow Lane Playing Fields, Land adjacent to 777 The Ridge and Holmhurst St Mary, all sited to the north east of the application site.

Taking these factors into account, as well as the evidence submitted regarding viability and improved connectivity links to other sites (see section u), it is considered that on balance, the impact of site fragmentation does not outweigh the benefits of providing much needed new housing for the town.

Detailed layout considerations

In response to officer concerns regarding the physical separation of the two parcels within the site, the applicant has sought to amend the housing layout to remove the previously proposed dwelling directly adjacent to the retail store and enhance the boundary landscaping in this location.

Concern was also raised regarding the relative isolation of the apartment blocks in the "mansion cluster" and the impact this may have had in terms of anti-social behaviour. The applicant has since provided further justification for their location, together with an improved landscaping scheme and community growing space, thereby enhancing natural surveillance. Subject to a suitably worded lighting condition (Condition 15), the location of the mansion cluster is now considered acceptable and will not cause harm to future residential amenities.

Communal storage areas for refuse, together with individual locations for the housing provided have been indicated on a refuse storage plan for the development. This shows that the distances for collection are in accordance with the requirements of the buildings regulations, and in accordance with Policy DM3 of the Development Management Plan 2015. However, further detail of the bin stores themselves will be required to be submitted by condition (Condition 21) prior to occupation of the dwellings, in order to secure an appropriate standard of development that doesn't cause harm to the character and appearance of the area.

f) Loss of existing use

The NPPF states that 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 80). Making effective and efficient use of a brownfield site is also supported by national planning policy (NPPF paragraph 117).

Local Plan Policy E1 seeks to protect and manage the loss of existing employment space, allowing redevelopment or change of use to non-employment uses only after robust evidence has been submitted demonstrating a site is no longer viable as a location for employment uses.

The former occupants of the development have now moved out of the site and it has been vacant for many months. Within their economic statement, the applicants state that the occupants of the offices will be relocating to new purpose built offices within Hastings. Moreover, the applicant acknowledges that the site is indeed proposed for allocation in the draft Local Plan with an indicative capacity of 246 dwellings, without a requirement to provide employment space. The applicant then explains that given the lack of housing supply, the provision of housing in lieu of employment land is justified.

Given the current circumstances (a vacant site and the draft new allocation), it is not considered appropriate to apply Policy E1 to this site, on the basis that the emerging Local Plan evidence base in terms of assessing future large scale employment and housing needs, coupled with an assessment of land available for employment and housing purposes, shows that this site will better serve the future sustainable growth needs of the town if it is redeveloped for housing. Although this is not adopted, the evidence base to the emerging Local Plan is highly relevant to this application.

As such it is considered that the principle for the loss of offices in this location and the provision of residential is acceptable. Furthermore, under current permitted development rights, the office space can indeed be converted into residential (subject to requirements) as per the extant Permitted Development Office to Residential Scheme (see planning history at section 2 of this report).

g) Proposed residential and retail use

There is no doubt that the provision of an additional 151 homes will significantly help the town's housing land supply and therefore address the deficit in reaching targets for housing delivery. However, this needs to be balanced with the proposed provision for retail, out of centre, which is contrary to national policy, unless there is substantial evidence in the form of a Sequential Test that demonstrates that such retail floorspace cannot be provided elsewhere, closer to a town centre.

The Sequential Test

A Sequential Test is required in accordance with the NPPF to demonstrate that there are no preferable sites within town centre locations available. A Sequential Test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations. This approach ensures the viability and vitality of town centres in towns and cities.

A Sequential Assessment was originally undertaken by JLL and submitted to the Council in July 2021. The Sequential Assessment followed the submission of a Scoping Exercise undertaken in June 2021 and considered alternative sites and applied appropriate flexibility based on the retail product to review all potential alternatives.

The Council raised concern at this point that given the site's out of centre location, the assessment of alternatives may not have been carried out in line with national guidance. In response to these concerns, an Addendum to the Assessment was submitted that identified further alternative sites for consideration. In reviewing each of the alternative sites the applicant applied what is now considered a reasonable approach to flexibility both in terms of scale and format in order to determine whether any of the alternative sites could be suitable. The conclusion of that Assessment was that there are no alternative sequentially preferable sites available. The detail of the approach taken by JLL is set out in the Sequential Assessment, the Addendum to the Sequential Assessment and also a further letter sent to the Council on 7 October 2021.

The financial link between retail and residential

The applicant has argued that there is a functional relationship with the residential and retail elements and thus they should be considered holistically. The food store is a necessary component of the scheme to enable the delivery of residential development on the majority of the site. The significant abnormal costs associated with the demolition of the existing building, clearance and decontamination and then reprofiling mean that a capital injection is required early in the development cashflow to enable the delivery of a viable scheme. The contracted sale of the retail plot, which will be delivered as a serviced parcel to the retail provider, is therefore essential to the success of the scheme as a whole.

This approach has been set out in the Planning Statement and the subsequent retail specific Addendum and is also identified in the extensive financial viability appraisal work that has been submitted and considered by the Council's appointed consultant.

Furthermore, the applicant has advised that the area allocated for retail cannot be used for residential purposes, regardless of the viability due to the extensive land levels which would require large retaining walls which would lead to a poor living environment. In addition, it is argued that the internal layout of the properties would cause mutual overlooking and single aspect dwellings. Whilst this is not considered to have been sufficiently justified during the application process, a further balance has to be made as to whether the provision of an additional 12 homes on the retail portion of the site, outweighs the benefits that such a proposal could provide to the local community.

In summary, it is argued that if the retail component of the scheme was to be removed, the development would no longer be viable to deliver.

Overall, it must be made clear that it is a matter of planning balance as to whether planning permission is granted using all aspects of policy and guidance. That is to say that even if all tests have not been met, the overarching argument still applies as to whether the benefits of the scheme, outweigh the potential impacts of not meeting every policy requirement. To that end, and taking account of further independent legal advice on this issue, it is accepted that the retail element is essential to help the viability of the scheme, thereby helping to deliver the housing element to contribute to the town's housing land supply.

h) Proposed community use

The proposal includes the redevelopment of the currently vacant (former) community facility on site, which will include residential elements on the storeys above. The proposed community facility, at ground floor level will comprise 188sqm of floorspace, and its reprovision is in accordance with Policy HC3 of the Development Management Plan 2015.

The freehold of the new community facility will be given to the appointed Registered Provider (who this will be has not yet been agreed) in control of the affordable housing provided as part of the overall scheme. This provides assurance that the facility will be well managed and used for the benefit of new residents. To ensure that an acceptable use is proposed and maintained, a needs assessment will be secured by the imposition of condition (Condition 6) to ensure opportunities for the optimum use of the facility are fully explored, prior to the construction of the community facility.

i) Housing mix

Policy H2 of the Hastings Planning Strategy requires a balanced mix of housing within each site to support a range of household sizes, ages and incomes to meet both current and projected housing needs.

The proposed development seeks to provide a mixture of 1-4 bedroom units, with the focus being on 2 - 3 bedroom properties. Whilst a more balanced mix with more 1 bedroom, and more 4 bedroom units would have been favoured, the mix is sufficient to ensure help meet current identified need, as well as more family housing. Therefore, no objection is raised in this regard. Policy H2 of the Hastings Planning Strategy is therefore complied with.

It is acknowledged that the housing mix is preferable to the extant Permitted Development Scheme, however this is not considered to be a material consideration on the basis that this permission has not been implemented. This permission will expire in June 2022.

j) Housing density

Whilst the entire site area exceeds 5ha in area, the residential portion of the site is measured in at 4.17ha. Taking account of the 151 dwellings proposed, this amounts to a residential density of 36 dwellings per hectare (dph).

Policy H1 of the Hastings Planning Strategy 2014 requires a density of a minimum of 40dph in more central areas including town and district centres, and a minimum of 30dph in all other locations within the town.

The residential component of the scheme exceeds the minimum requirements in this out of centre location but is still reflective of the character of the surrounding area. Therefore, the proposed density is considered suitable for this location, and in accordance with Policy H1.

k) Affordable housing

Policy H3 of the Hastings Planning Strategy 2014 requires 25% of housing to be provided on site as affordable homes to help meet the town's identified needs. This would equate to 37 homes on site as affordable housing units.

The application was submitted with a viability report that deemed affordable housing provision would make the development unviable due to the high costs associated with the demolition of the existing buildings and other abnormal development costs. The viability report was assessed by Bruton Knowles who did not agree with the findings of the applicant's viability report, and concluded in their report dated 16th August 2021 that although the delivery of policy compliant affordable housing is not viable a surplus of £1.18 million could be available for the provision of Affordable Housing. As a consequence, although the applicant does not agree with the findings of the Bruton Knowles report, the applicant, has offered to provide a total of 17 homes for affordable rent, which equates to just over 11% affordable housing.

Bruton Knowles advise that the provision of 17 x Affordable Rent units has a significant impact on the value of the residential units at the proposed development on completion of the works although the costs base will remain largely unaffected other than a reduction in associated costs relating to developer's profit, disposal costs and the cost of finance. The overall effect of this is that the surplus identified of £1.18 million is required to facilitate the delivery of 17 x Affordable Rent units. On this basis Bruton Knowles confirm that the provision of 17 x Affordable Rent units is the maximum that could reasonably be expected to be provided for the proposed development to remain viable.

In addition, the applicants are offering financial contributions towards key infrastructure of £183,260.81 (detailed in paragraph w below).

Whilst it is noted that the provision of 11% of the total residential units as affordable is not policy compliant, it is important to acknowledge that there are indeed some extreme

abnormal development costs associated with this site, and it cannot be compared to other greenfield sites with less constraints, available in the vicinity.

Furthermore, the level of affordable housing offered for this site would be the maximum amount that could be provided for the development to still remain a viable option.

For these reasons, and after detailed viability analysis, taken together with the applicants offer for 100% of the affordable homes to be affordable rent (in line with the town's identified need), and the need to provide deliver a substantial housing site in its entirety, it is considered that on balance, the lesser provision of affordable homes is justified in this instance. All on site affordable housing will be secured by the Section 106 Agreement attached to this consent, should the application be approved.

l) Impact on neighbouring residential amenities

As stated above the site is relatively isolated given the extensive screening on all boundaries to be retained, and therefore creates a sense of place in its own right.

With the exception of the impacts from Concrete Batching Plant (CBP) to the north of the site (discussed below), it is not considered that the development will have a significant impact on existing residential amenities given its setting, distance from existing, boundary treatments and changing land levels.

Within the development itself, consideration has been given to the design and layout of the development to ensure overlooking, loss of privacy and outlook are all protected.

Concern was however, raised with regard to the proximity of the dwellings located directly to the east of the proposed retail unit in terms of noise and disturbance to future residential occupiers. In response to these concerns, the closest property to the retail store was removed from the scheme in its entirety.

Following on from this, the applicant's Acoustic Consultants (SMA) undertook an assessment of the noise impact for Plot 36, now located closest to the proposed retail store. The SMA assessment concluded that the relationship created does not give rise to any unacceptable impact in terms of noise for this plot or any of the other properties that border the retail food store.

Condition 21 also requires details of fixed plant, machinery and equipment associated with air moving equipment to be submitted for approval prior to installation. This will ensure the amenities of future occupiers of the development will be protected from excessive noise following completion.

Impact on residential amenities from Concrete Batching Plant

In response to concerns raised from the Waste and Minerals Authority, the applicants undertook further assessment of the impact from the adjacent Concrete Batching Plant (CBP) to the north of the site. Whilst this is currently not in operation, it is acknowledged that it could come back into use at any time, and therefore the impacts on the future residents need to be fully assessed.

This further assessment (undertaken by suitably qualified professionals) provided details of the mitigation measures that will be imposed (if not already in place, as some are) to ensure that residential amenities are not harmfully affected. The applicant has also further agreed to the imposition of a pre-commencement condition (condition 44) at the request of the Waste and Minerals Authority, which will require a full mitigation strategy to be submitted and

approved in writing by the Local Planning Authority, in consultation with the Waste and Minerals Authority. This mitigation strategy must include (but not be limited to) full mitigation measures relating to:

- a) noise
- b) dust
- c) air quality
- d) traffic
- e) lighting
- f) visual impact.

Without the approval of this mitigation strategy, works cannot commence on site. Should the site layout need to be amended to the extent that it constitutes a 'material' change to the scheme as a result of these mitigation works, then a new planning application will need to be submitted.

Notwithstanding the above, it is important to note that the CBP, is in its entirety, screened from the new development, not only by the existing landscaping to be retained, but also by the difference in land levels, meaning that it is not visible at all.

The Council's Environmental Health officers have not raised concern with the location of the CBP and mitigation measures as set out in the noise report will be secured by the imposition of condition. These conditions include mitigation measures in respect of the CBP. (Condition 25)

Policy DM3 of the Development Management Plan 2015 is therefore complied with in this respect.

m) Future residential amenities

The proposed residential dwellings meet or exceed the Government's Technical Housing Standards - National Described Space Standards March 2015 document which sets out recommended space standards for new dwellings.

Whilst a small percentage of the properties do not provide sufficient external amenity space in line with Policy DM3 of the Development Management Plan 2015, it is acknowledged that this cannot always realistically be accommodated on site. The smallest rear garden depth would be 8.5m (Plot 100). In this case, it is considered that the amenity space provided is suitable for the dwelling sizes to which they relate. Therefore, it is not considered that refusal based on inadequate garden lengths and be fully justified in this instance.

n) Impact on landscape

Ashdown House is located in the north of the town, approximately 500m south of the Area of Outstanding Natural Beauty (AONB). However, given the relative isolation of the site and extensive screening from its surroundings, it is not considered to have a significant impact on views to, or from the AONB.

Within the site, the landscape strategy seeks to create welcoming environment including green infrastructure such as street trees, enhanced boundary treatment, informal play, and a SuDS basin. Existing planting to the perimeter of the site will be retained.

Taking the above into account, it is considered that the impact on the wider landscape is negligible and in accordance with Policy EN7 of the Hastings Planning Strategy 2014.

o) Ecology

The application site was subject to an extended Phase 1 habitat survey in January 2020. A desk-based study was also undertaken to inform this assessment. Protected species surveys were carried out in April, May, June and July 2020. These surveys concluded that:

- There are no statutory designations of nature conservation value within the site or immediately adjacent to it. Therefore, statutory sites are unlikely to be affected by the proposals.
- The nearest non-statutory designation is Hollington Valley Local Wildlife Site (LWS), sited just 0.1km west of the site. However, development is not going to encroach into this space, or affect its significance.
- Mitigation measures are proposed to ensure the protection of badgers, bats and hedgehogs, although none of these protected species are likely to be directly affected by the development.
- The woodland, trees and grassland around the site have the potential to be suitable habitats for nesting and foraging birds. Mitigation measures are proposed to ensure removal of suitable vegetation is undertaken outside the bird nesting season as well as other enhancement measures.
- A reptile translocation exercise will be required to move the Slow Worm population from the site, and a receptor site identified.
- There is no suitable aquatic breeding habitat in or around the site.
- It is likely that an assemblage of common invertebrate species is present within the site - new planting should comprise native species.

Whilst the site does comprise some ecological value, it is considered that subject to the implementation of suitable mitigation measures, development is able to take place without impacting negatively on biodiversity. Biodiversity enhancements will be secured by the imposition of Condition 26 as part of the recommendations of the submitted ecology reports.

In addition, the applicant will be required to submit the following, prior to the commencement of development:

- Construction Environmental Management Plan (Biodiversity)
- Ecological Design Strategy
- Landscape and Ecology Management Plan

These documents are secured by the imposition of Conditions 26, 29 and 30 and will ensure the biodiversity is protected and enhanced, in accordance with Policy EN3 of the Hastings Planning Strategy 2014 and Policy HN8 of the Development Management Plan 2015.

Biodiversity Net Gain

It is noted that whilst the Environment Act 2021 is now in force, there remains no requirement in planning law for a 10% biodiversity net gain and as such, this has not been formally assessed as part of the application. However, given the expanse of hardstanding currently on site, it is likely with the landscaping plan submitted and the provision of new garden areas, a degree of net gain is likely to be delivered, should planning permission be granted.

Mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023.

p) Trees

The existing trees on the site are not covered by any Tree Preservation Orders (TPO's), and for the most part, the established trees on the periphery of the site will remain unaffected by the development.

To facilitate the proposed development ninety-four individual trees are to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained. Of the trees to be removed, twelve are category 'B' and seventy-three are category 'C'. It is noted that category C trees are defined as those which may be removed to enable development.

The application has been fully assessed by the Council's Arboriculturalist who raises no objection to the element of the scheme that requires the removal of trees. Boundary treatments will be retained, and a full landscaping plan will be secured by the imposition of Condition 7 to ensure that acceptable re-planting is implemented through the development

Notwithstanding the above, it has been argued that additional tree planting should be provided for in the car park for the proposed retail store. However, the scope for further tree planting is limited given the need to accommodate a minimum number of car parking spaces to meet with the operating requirements of the retailer and the County Council's expectations. Additionally, this area also acts as the main servicing route for the retail store.

As a consequence, there is insufficient space within the layout plan as proposed to provide further tree planting pits that would be viable i.e., with appropriate offset to ensure damage from vehicles does not occur.

Whilst this is disappointing, it is considered that subject to the provision of a robust soft landscaping scheme, on balance, the reduced opportunities for planting in the retail car park cannot justify refusal of permission on this point alone.

q) Play and open space

The site layout includes 3 areas for informal play in the form of pocket parks. Whilst this is not ideal, and on site play facilities would be preferred, it is accepted that the site is relatively constrained and larger areas for informal play could not be accommodated without the loss of further houses, thereby reducing density and impacting on viability.

The applicant has submitted further justification in the form of a landscape design statement, which outlines the benefits of the pocket parks, safety features and the provision of additional landscaping. Subject to the imposition of a condition (Condition 43) relating to their management and maintenance, general configuration, lighting, fencing/other enclosures, and hard and soft landscaping, these are now considered acceptable in the wider context of the scheme.

It is also noted that the applicant has accepted both the principle and amount requested by the Council for the enhancement of three existing play facilities off-site at Welton Rise, to the east of the application site, to provide compensation for the lack of on site provision.

r) Air quality and emissions

The proposed development falls within Checklist 1 and Checklist 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. As such an Air Quality Assessment and supporting Technical Note and has been submitted. The submitted reports consider the effects of air pollutant emissions from road traffic using the adjacent roads and the way they impact the site and surrounding area. Also considered are the emissions associated with the construction of proposed development. The report concludes that with appropriate mitigation, air quality concentrations are acceptable for future residents of the proposed Ashdown House development. In addition, the impact from construction and operation is considered negligible.

The Council's Environmental Health Team have been consulted and has raised no objection to the application, subject to the imposition of conditions requiring a Construction Management Plan and restricting working hours during construction and operation of the retail store (Conditions 9 and 14).

s) Lighting

External lighting will be required to serve the car park outside of daylight hours and the retail store. No details have been submitted as to how this will be controlled to ensure that the amenities of nearby residents will be protected.

It is acknowledged that this could be controlled by a lighting condition to ensure external lighting will be on a timer to ensure that it only comes on when it is dark, turns off when it gets light and is only on at specified hours when the site is in use (between core and extended opening hours); and the lighting can be shielded, orientated away from the residential properties, face into the site and be fitted with baffle plates to prevent light back spill. However, in the absence of this, it is considered the lighting would have the potential to cause undue disturbance. Therefore, it is proposed to secure such details by the imposition of condition (Condition 15) should permission be granted.

t) Land contamination

A Desk Study and Preliminary Risk Assessment in respect of land contamination was submitted alongside this application. This identified the position of underground tanks and the recommendation for an intrusive ground investigation. The Council's Environmental Health Team advise that the investigation should be undertaken, to include relevant soil, soil gas, surface and groundwater sampling and consider the risks to users. It is considered that this can be dealt with by full land contamination conditions should planning permission be granted (Conditions 16-19)

Subject to the implementation of these measures, it is considered that the proposed development accords with Policies DM5 and DM6 of the Development Management Plan 2015 in that they fully assess ground conditions and ensure no harm to human health or groundwaters.

u) Highway safety/parking

The A21 to the west of the site forms part of the strategic road network, and as such, Highways England were consulted on the application. Following detailed information submitted from the applicant, they are now satisfied that the proposed development will not materially affect the safety, reliability and/or operation of the network, in this location or its vicinity.

Parking is provided in a number of different formats including on-site, on-street and parking courts for the residential element of the scheme. Provision is as follows:

- Allocated parking: 242 spaces
- Un-allocated parking: 13 spaces
- Visitor parking: 31 spaces
- Community centre visitor parking: 3 spaces

This is in accordance with standards set by the Highway Authority, who raise no objection to the parking provision.

Cycle, car parking and designated blue badge holder and parent/child bays are considered to be appropriately laid out, and the level of parking is accepted. In terms of parking quantum, for the retail element of the scheme, there are 122 spaces proposed which accords with the

County's parking standard for non-residential development.

Overall, both Highways England and the Highway Authority are satisfied that the highway network can accommodate the new development and raise no objection to the proposals subject to off site highway works, bus stop improvements and a travel plan. The legal agreement (Section 106 Agreement) will be the tool to secure the required highway works subject to a S278 Agreement. These highway works will include:

- Pedestrian access point onto Harrow Lane and an uncontrolled pedestrian crossing point with refuge on Harrow Lane with dropped kerb/tactile paving.
- All vehicle access onto Harrow Lane to include pedestrian footways and right turn facility for cyclists.
- Revised access construction for all vehicle access and footway onto Sedlescombe Rd North (A21) to be either priority or signalised junction. Modelling supports both arrangements.
- Uncontrolled pedestrian crossing on Sedlescombe Road North (A21) opposite Vauxhall Dealership to connect the discount food store site to bus stop with refuge and dropped kerb facilities and tactile paving.
- Bus stop upgrades to provide shelters (where none are present), accessibility kerbs, bus clearway and Real Time Passenger Information (RTPI) for closest north and southbound stops on Sedlescombe Road North; and north and southbound stops on Harrow Lane.

In addition, various conditions are imposed to secure acceptable construction of access, parking provision, cycle parking areas, turning space, and details of the proposed roads, as well as other requirements of the Highway Authority, in order to ensure an acceptable standard of development as well as safe access into and within the site, is delivered. (Conditions 31-41).

Rights of Way

East Sussex County Council have confirmed that there is no direct impact on any public rights of way. No objection is raised to the development, subject to the financial contributions secured as part of the Section 106 Agreement as detailed below.

Connectivity

Pedestrian connections are proposed onto Harrow Lane where bus stops are located and to the north where there is an existing vehicular access. Dropped kerbing and tactile paving will be integrated into the existing footpath crossing the access. The applicant has also committed to provide a new crossing point on Harrow Lane (secured by the Section 106 Agreement) which will provide improved connectivity to the facilities provided within the three additional housing sites the other side of Harrow Lane.

Within the site itself, an improved east to west pedestrian route is proposed to connect Harrow Lane and Sedlescombe Road North. Furthermore, a shared pedestrian and cycle path is proposed from the Sedlescombe Road North entrance.

Both the Local Planning Authority and the Highway Authority are in agreement that accessibility has been adequately considered and the provision of these routes will promote and enhance sustainable transport options. Policy DM4 of the Development Management Plan 2015 is therefore complied with.

v) Flood risk and drainage

The application has been accompanied by a Flood Risk Assessment and Drainage Strategy, which demonstrates the site at a low risk of flooding, within Flood Zone 1.

Surface water management proposals include:

- Porous paving is proposed for communal parking areas.
- Sewer network discharging all surface water runoff from site into surface water sewers located at the western site boundary, at rates restricted to existing Brownfield runoff rates.
- A detention basin located in the south western corner of the site and bio-retention areas and swales used throughout the development.

Foul water will be discharged into a Southern Water wastewater sewer located in Sedlescombe Road North. Gravity connections from the site into this sewer are proposed. Southern Water have confirmed that there is sufficient capacity within the receiving sewer, subject to discharge rates being less than, or equal to existing rates as set out in the submitted drainage strategy.

Both the Lead Local Flood Authority and Southern Water have considered this information and have raised no objections subject to conditions being imposed to ensure foul/surface water from the site is managed safely (Conditions 10-13). This should also include evidence demonstrating that Southern Water have agreed to both the discharge rates and the connections.

Subject to the imposition of detailed conditions, it is considered that the proposed development confirms with Policy SC7 of the Hastings Planning Strategy 2014 in that the scheme will not increase the risk of flooding elsewhere.

w) Financial contributions

In addition to the on site affordable housing (17 affordable homes for rent), the following financial contributions will be secured through the Section 106 Agreement:

- Bus stop maintenance - £30,000
- Play area contributions (off site) - £56,512.50
- Libraries - £39,713
- Rights of Way - £3,624
- Travel Plan Audit Fee - £6,000
- Sussex Police - £47,411.31

The breakdown for these is as follows:

Bus stop maintenance

£7,500 x 4 shelters for maintenance across 10 years - £30,000

Play area contributions (off site)

£56,512.50 towards the cost of Welton Rise (3 areas) play equipment within 600m travel area.

Library provision

151 units x £263 per unit - £39,713

Rights of Way

151 units x £24 per unit = £3,624

Travel Plan Audit Fee

£6000

Sussex Police

Contributions towards local policing services totalling £47,411.31.

Broken down as follows:

- Officer equipment start-up costs. $£4,307.33 \times 0.9 = £3,876.60$
- Officer start-up recruitment and training. $£5,460 \times 0.9 = £4,914$
- Support staff start-up equipment costs. $£2,086 \times 0.46 = £959.56$
- Support staff start-up recruitment and delivery. $£1,060 \times 0.46 = £488$
- Premises contributions for Hastings Police Station totalling £23,621.63
- Fleet. £8,551.52 pooled towards the cost of one additional vehicle in the Ashdown (St Leonards) NPT/NRT

x) Sustainable construction

The applicant has submitted an Energy and Sustainability Strategy in support of the application that explores a range of sustainability solutions to identify those that would be viable and appropriate. The Strategy concludes that through energy efficiency measures, a 7.44% carbon reduction above the current Building Regulations can be achieved for the residential portion of the development.

Electric vehicle charging points are also to be provided on all new residential dwellings comprising "on plot parking" secured by Condition 21. In addition, the retail store will also include 4 charging points, secured by the same condition.

Furthermore, the retail store will only be supplied with electricity and therefore all heating requirements will be provided via an electric solution. Air Source Heat Pumps have been confirmed as the method used to heat and cool the store.

Subject to the implementation of these measures, it is considered that the proposals comply with Policies SC3 and SC4 of the Hastings Planning Strategy 2014 in that the energy hierarchy set in policy has been followed and a reduction in what is required nationally has been achieved.

y) Utilities

Southern Gas Networks, UK Power Networks and the ESP Utilities Group were all consulted on the application to determine whether the proposed development would have an impact on the utilities network, particularly given that the application site falls within the proximity of a mains gas pipe. Neither organisation has objected to the proposals, although informatives have been added to ensure that safe digging practices are observed, and that the operators are involved prior to the commencement of development (Informatives 4, 5 and 6).

z) Environmental Impact Assessment

The proposed development falls within Schedule 2 part 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). However, following the submission of a Screening Opinion, the Local Planning Authority determined that the development will not have significant effects on the environment such as to justify a separate Environmental Impact Assessment to be provided with the application.

aa) Other matters

Concern has been raised that should planning permission be granted, there is potential for the retail part of the site to be built out, leaving the remaining part of the site undeveloped.

Redevelopment of the site will require a significant level of land regrading, together with demolition and site clearance - for the entire site given the existing placement of buildings. Regrading/demolition and clearance cannot take place on parts of the site in isolation.

As a consequence, the delivery of the site will be secured through the purchase contract. The appointed housebuilder will be required to undertake all demolition, site clearance and land regrading across the whole site and to deliver a level serviced platform that can be handed over to the retail operator for it to be built. The housebuilder will then commence delivery of the housing in parallel.

Given that the housebuilder is contractually required to undertake the significant site preparation works it will, by necessity, need to swiftly deliver the housing in order to recover its initial capital outlay and to generate a development profit.

Through this mechanism the applicant can ensure the delivery of the site as a whole with both the retail and residential components being constructed in parallel, thereby overcoming concerns raised regarding piecemeal development.

6. Evidence of community involvement

The applicant appointed an independent specialist public consultation company to undertake the pre-application resident, community, and stakeholder consultation on their proposals for the redevelopment of the site. Given the restrictions in place because of COVID19, all materials that would have been displayed in a public exhibition were displayed through a bespoke consultation website: www.ashdownhousehastings.co.uk. A newsletter inviting residents to take part in the public consultation was also issued to nearby neighbours, residents, and stakeholders. A press release was also issued, and subsequent story appeared in the Hastings Observer on the 24th November 2020.

This dialogue with the local community has helped inform the master plan and detailed design of this planning application and the comments were included in the submitted Statement of Community Involved submitted with this planning application.

7. Conclusion

As noted previously the Council is currently unable to demonstrate a 5 year housing supply and as such the tilted balance of paragraph 11 must be applied.

It is a matter of planning balance as to whether planning permission is granted using all aspects of policy and guidance. That is to say that even if all tests have not been met, the overarching argument still applies as to whether the benefits of the scheme, outweigh the potential impacts of not meeting every policy requirement. In applying the planning balance, there are clearly several factors that weigh both for and against the scheme as considered in detail above. Most notably, these include the provision of much needed housing in the town, the provision of additional affordable homes for social rent, the clear financial link between the retail and residential elements of the scheme, the provision of a new community centre, balanced against the delivery of retail out of centre, the functionality of the play areas and the limited space for tree planting around the retail store. Overall, and taking all these matters into account, it is considered that the public benefits of the scheme outweigh the planning policy conflicts. Therefore, the proposals are considered to 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.

8. Recommendation

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

- **17 affordable rented units on site in 2 apartment blocks in the form of 2 x 1 bed and 15 x 2 bed apartments.**
- **A S278 agreement with East Sussex County Council as Highway Authority to secure the required Highway works:**
 - 1) Pedestrian access point onto Harrow Lane and uncontrolled pedestrian crossing point with refuge on Harrow Lane with dropped kerb/tactile paving**
 - 2) All vehicle access onto Harrow Lane to include pedestrian footways and right turn facility for cyclists**
 - 3) Revised access construction for all vehicle access and footway onto Sedlescombe Rd North (A21) to be either priority or signalised junction. Modelling supports both arrangements.**
 - 4) Uncontrolled pedestrian crossing on Sedlescombe Road North (A21) to connect the food store site to bus stop with refuge and dropped kerb facilities and tactile paving**
 - 5) Bus stop upgrades to provide shelters (where none are present), accessibility kerbs, bus clearway and RTPI for closest north and southbound stops on Sedlescombe Road North; and north and southbound stops on Harrow Lane.**
- **A Travel Plan for both residential and retail development proposals and Travel Plan Audit Fee - £6,000**
- **The provision of a Real Time Passenger Information board within the retail use car park.**
- **Unallocated parking spaces be retained as unallocated and do not become allocated to a particular dwelling**

Along with financial contributions for:

- **Bus stop maintenance - £30,000**
- **Play area (off site) towards cost of three play areas at Welton Rise - £56,512.50**
- **Libraries - £39,713**
- **Rights of Way contribution towards improvement of public footpath 'Hastings 129'- £3,624**
- **Sussex Police - £47,411.31**

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

In the event that the Agreement is not completed by 8 June 2022, that the application be refused on the grounds that it does not comply with the relevant Policies (policies H3 and C11) 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. The development hereby permitted shall be carried out in accordance with the following approved plans:

20-J3257- 100 REV 03, 20-J3257- 101 REV 03, 20-J3257- 102 REV 02, 20-J3257- SC01 REV 2, 20-J3257- 105, 20-J3257- 106 and 20-J3257- 107

20-J3257- SK200 REV 01, 20-J3257- SK201 REV 01, 20-J3257- SK202 REV 02, 20-J3257- SK203 REV 02, 20-J3257- SK204 REV 02, 20-J3257- SK205 REV 02, 20-J3257- SK206 REV 02, 20-J3257- SK207 REV 02, 20-J3257- SK208 REV 01, 20-J3257- SK209 REV 01, 20-J3257- SK210 REV 01, 20-J3257- SK217, 20-J3257- SK218, 20-J3257- SK219, 20-J3257- SK220, 20-J3257- SK221, 20-J3257- SK222, 20-J3257- SK223 REV 02, 20-J3257- SK224 REV 03, 20-J3257- SK225 REV 03, 20-J3257- SK226 REV 01, 20-J3257- SK227 REV 02, 20-J3257- SK228 REV 02, 20-J3257- SK229 REV 01, 20-J3257- SK230 REV 01, 20-J3257- SK231 REV 02, 20-J3257- SK232 REV 02, 20-J3257- SK233 REV 01, 20-J3257- SK234 REV 01, 20-J3257- SK235 REV 01, 20-J3257- SK236 REV 01, 20-J3257- SK237 REV 01, 20-J3257- SK238 REV 02, 20-J3257- SK239 REV 02, 20-J3257- SK240 REV 01, 20-J3257- SK241 REV 01, 20-J3257- SK242 REV 02, 20-J3257- SK243 REV 02, 20-J3257- SK244 REV 02, 20-J3257- SK245 REV 03, 20-J3257- SK246 REV 03, 20-J3257- SK247 REV 02, 20-J3257- SK248 REV 02, 20-J3257- SK249 REV 03, 20-J3257- SK250 REV 03, 20-J3257- SK251 REV 02, 20-J3257- SK252 REV 02, 20-J3257- SK253 REV 02, 20-J3257- SK254 REV 02, 20-J3257- SK255 REV 02, 20-J3257- SK256 REV 02, 20-J3257- SK264 REV 02, 20-J3257- SK265 REV 02, 20-J3257- SK266 REV 02, 20-J3257- SK267 REV 02, 20-J3257- SK268 REV 02, 20-J3257- SK269 REV 02, 20-J3257- SK270 REV 02, 20-J3257- SK271 REV 02, 20-J3257- SK272 REV 02, 20-J3257- SK276 REV 02, 20-J3257- SK277 REV 02, 20-J3257- SK278 REV 02, 20-J3257- SK279 REV 02, 20-J3257- SK280 REV 02, 20-J3257- SK281 REV 02, 20-J3257- SK282 REV 02, 20-J3257- SK283 REV 02, 20-J3257- SK284 REV 02, 20-J3257- SK285 REV 02, 20-J3257- SK286 REV 02, 20-J3257- SK287 REV 02, 20-J3257- SK288 REV 02, 20-J3257- SK289 REV 03, 20-J3257- SK290 REV 03, 20-J3257- SK291 REV 02, 20-J3257- SK292 REV 02, 20-J3257- SK293 REV 02, 20-J3257- SK294 REV 02, 20-J3257- SK295 REV 02, 20-J3257- SK296 REV 02, 20-J3257- SK297 REV 02, 20-J3257-

SK298 REV 02, 20-J3257- SK299 REV 02, 20-J3257- SK300 REV 02, 20-J3257- SK301 REV 03, 20-J3257- SK302 REV 02, 20-J3257- SK303 REV 02, 20-J3257- SK304 REV 02, 20-J3257- SK305 REV 02, 20-J3257- SK306 REV 02, 20-J3257- SK307 REV 03, 20-J3257- SK308 REV 02, 20-J3257- SK309 REV 02, 20-J3257- SK310 REV 03, 20-J3257- SK311 REV 03, 20-J3257- SK312 REV 02, 20-J3257- SK313 REV 03, 20-J3257- SK314 REV 03, 20-J3257- SK316 REV 02, 20-J3257- SK317 REV 02, 20-J3257- SK318 REV 02, 20-J3257- SK319 REV 02, 20-J3257- SK320 REV 02, 20-J3257- SK321 REV 02, 20-J3257- SK322, 20-J3257- SK323, 20-J3257- SK324 REV 01, 20-J3257- SK325, 20-J3257- SK326, 20-J3257- SK327, 20-J3257- SK328 REV 01, 20-J3257- SK329 REV 01, 20-J3257- SK330, 20-J3257- SK331 REV 01, 20-J3257- SK332 and 20-J3257- SK333

20-J3257- APT01 REV 01, 20-J3257- APT02 REV 01, 20-J3257- APT03 REV 01, 20-J3257- APT04 REV 01, 20-J3257- APT05 REV 01, 20-J3257- APT06 REV 01, 20-J3257- APT07 REV 01, 20-J3257- APT08 REV 02, 20-J3257- APT09 REV 02, 20-J3257- APT10 REV 02, 20-J3257- APT11 REV 02, 20-J3257- APT12 REV 02, 20-J3257- APT 13 REV 02, 20-J3257- APT14 REV 02, 20-J3257- APT15 REV 02, 20-J3257- APT16 REV 02, 20-J3257- APT17 REV 02, 20-J3257- APT18 REV 02, 20-J3257- APT19 REV 02, 20-J3257- APT20 REV 03, 20-J3257- APT21 REV 03, 20-J3257- APT22 REV 02, 20-J3257- APT23 REV 02, 20-J3257- APT24 REV 02, 20-J3257- APT25 REV 02, 20-J3257- APT26 REV 02, 20-J3257- APT27 REV 02, 20-J3257- APT28 REV 02, 20-J3257- APT29 REV 02, 20-J3257- A, 20-J3257- APT30 REV 02, 20-J3257- APT31 REV 02, 20-J3257- APT32 REV 02, 20-J3257- APT33 REV 02, 20-J3257- APT34 REV 02, 20-J3257- APT35 REV 02, 20-J3257- APT36 REV 03, 20-J3257- APT37 REV 02, 20-J3257- APT38 REV 03 and 20-J3257- APT39 REV 02

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 until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority.
5. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under Condition 4 above.
6. Prior to the construction of the approved community facility building a written assessment of the need and demand for the space falling within Use Class F2(b) to serve the needs of the community shall be submitted to and

approved in writing by the Local Planning Authority. The Assessment shall include:

- a) An assessment of the existing provision of and demand for community facilities within the vicinity of the application site;
- b) An assessment of the community uses that could reasonably be accommodated within the community facility building;
- c) Details of how potential occupiers of the community facility building have been identified and consulted;
- d) A reasoned conclusion as to whether the 188 sq.m of community use floorspace can be secured for Use Class F2(b). Should it not be possible to secure the community use floorspace for Use Class F2(b) a reasoned conclusion as to the use the floorspace could reasonably be put to; and,
- e) Details of the future management of the community use floorspace.

The community facility building shall be constructed and operated in accordance with the approved details set out in the Assessment unless otherwise agreed in writing with the Local Planning Authority.

7. No development above ground shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, sizes and proposed numbers/densities where appropriate together with an implementation programme.
8. All planting, seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan to take account of highway and environmental protection issues, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate, but not be restricted to, the following matters:
 - a programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space
 - location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction
 - the anticipated number, frequency and types of vehicles used during construction
 - the method of access and egress and routeing of vehicles during construction

- the parking of vehicles by site operatives and visitors
- the loading and unloading of plant, materials and waste
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- details of public engagement both prior to and during construction works
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- measures to control the emission of noise, dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- protection of pedestrian routes during construction
- restoration of any damage to the highway [including vehicle crossovers and grass verges]

An indicative programme for carrying out the works should be included within the Plan.

10. Prior to the commencement of development, a detailed surface water drainage strategy shall be submitted to, and approved in writing, by the Local Planning Authority. The surface water drainage system shall incorporate the following:
- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the discharge rates agreed with Southern Water for rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
 - b) Evidence that Southern Water has agreed to the proposed discharge rates and connections shall be provided.
 - c) The detailed design of the attenuation pond, tanks and rain gardens shall be informed by findings of groundwater monitoring between Autumn and Spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
 - d) Details of measures which will be taken to manage overland surface water flows from the site without increasing flood risk to Sedlescombe Road North and Harrow Lane shall be provided.
 - e) Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include

details of how the existing overland surface water flows have been retained.

- f) 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.

- 11. A Maintenance and Management Plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The Maintenance and Management Plan shall cover the following:
 - a) 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

- 12. Prior to the commencement of development, details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development, required by Condition 9 of this consent.
- 13. Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
- 14. Work which is audible at the site boundary and deliveries to and from the premises shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
- 15. Prior to occupation of any part of the development, a report on any lighting scheme, such as flood lighting or security lighting, during the operational phase of both the retail and residential elements of the scheme, must be submitted to, and approved in writing by the Local Planning Authority detailing the provisions for the avoidance of 'Spill Light', that is to say light that obtrudes beyond the area it was intended to light and into surrounding areas or onto surrounding properties.

With regard to the retail element of the scheme in particular, details should be provided that confirms external lighting will be on a timer and the specified hours when the site is in use; that the lighting will be orientated away from the residential properties; and fitted with baffle plates to prevent light backspill.

A detailed lighting scheme should also be provided in respect of the pedestrian connection from the site through to the A21, with a particular focus on safety and security.

The lighting scheme shall thereafter be implemented and maintained as approved.

16. Prior to the commencement of development, the recommendations set out in the submitted Land Contamination Report (Discovery, Dec 2020) in relation to underground tanks and the need for an intrusive investigation must be undertaken. This should include relevant soil, soil gas, surface and groundwater sampling, properly assess the risks to end user groups and be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
17. A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works on site.

Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance.

Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority. The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before any part of the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

On completion of the works the developer shall provide the Local Planning Authority with written confirmation that all works were completed in accordance with the agreed details.

18. In the event that contamination is found at any time when carrying out proposed development, that was not previously identified (such as Asbestos from building demolition), it must be reported in writing immediately to the Local Planning Authority with proposed remediation measures.
19. In the event that contamination is found to be present, upon completion of the works the developer shall provide written confirmation (verification report) that all works were completed in accordance with the agreed remediation details, to be approved by the Local Planning Authority.
20. Details, including acoustic specifications of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings) installed within the site which has the potential to

cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

21. The development shall not be occupied until details of refuse storage, including enclosures, for both the residential and commercial elements of the scheme, 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. Details shall also include refuse bin collection points, where relevant.

No part of the development shall be occupied until the all the approved details have been implemented. The refuse store and bin collection points shall thereafter be retained in perpetuity.

22. Prior to occupation of the dwellings hereby approved, and the commencement of the use of the retail unit hereby approved, details must be submitted to and approved in writing by the Local Planning Authority with regard to the provision of Electric Vehicle Charging Points. As a minimum, this should include:

- a) At least one Electric Vehicle Charging Point at each of the dwellings with dedicated 'on plot' parking.
- b) At least 4 Electric Vehicle Charging Points within the boundary of the retail store and car parking area

The Electric Vehicle Charging Points shall thereafter be retained for that purpose.

23. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the residential and retail developments hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

24. Before the dwellings hereby approved are occupied, provision shall be made for the ability to connect to fibre-based broadband.

25. 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:

- Arboricultural Implications Report Rev A (SAJ Trees, September 2021)
- Ecological Assessment (Ecology Solutions, December 2020)
- Flood Risk Assessment and Drainage Strategy, December 2020)
- Air Quality Assessment (Stuart Michael Associates, May 2021)
- Noise Assessment (Stuart Michael Associates, September 2021)
- Noise and Air Quality Technical Note (Stuart Michael Associates, September 2021)

26. 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, which should include measures to protect badgers from being trapped in open excavations and/or pipes and culverts);
 - 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.

27. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan (Biodiversity). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

28. 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.

29. No development shall take place until an Ecological Design Strategy (EDS) addressing reptile translocation has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;

- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, eg native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures;
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

30. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to first occupation and use of the development hereby approved. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

31. No development except demolition and earth moving shall take place until technical details of the layout of the reconstructed accesses and the specification for the construction of the access which shall include details of junction type (A21 access) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the developments hereby permitted shall not be occupied or brought into use until the construction of the accesses have been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.

32. The reconstructed vehicular access onto Harrow Lane shall not be brought into use until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
33. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
34. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
35. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 (or any order revoking and re-enacting that Order with or without modification), the car ports hereby approved shall remain unaltered and shall not be enclosed.
36. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (in respect of the retail component of the approved development) and details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority (in respect of the residential component of the approved development) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
37. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans (both retail and residential uses) and the turning space shall thereafter be retained for that use and shall not be obstructed.
38. The new estate roads (residential) shall be designed and constructed to a standard approved in writing 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.
39. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval in writing, in consultation with the Highway Authority.
40. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
41. No part of the development shall be occupied until a Servicing Management Plan for the retail use has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out

arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Service Management Plan.

42. 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 BS5837:2012: Trees in relation to design, demolition and construction, 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.
43. Prior to first occupation of the residential component of the approved development a Scheme for the layout, configuration and future management/maintenance of the proposed pocket parks shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of:
- a) The layout and configuration of the pocket parks
 - b) The hard and soft landscape details
 - c) Seating
 - d) Lighting
 - e) Fencing/railings/protection from roads (as necessary)
 - f) Future management and maintenance

The pocket parks shall be constructed and thereafter maintained in accordance with the approved details within the Scheme unless otherwise agreed in writing with the Local Planning Authority.

44. Prior to the commencement of development, a full mitigation strategy in respect of the Concrete Batching Plant, comprising any potential constraints on its operation and its impact upon residential amenities of the dwellings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste and Minerals Authority (East Sussex County Council). The Mitigation Strategy shall include (but not be limited to) full mitigation measures relating to:
- a) Noise;
 - b) Dust;
 - c) Air Quality;
 - d) Traffic
 - e) Lighting; and
 - f) Visual Impact

The Concrete Batching Plant Mitigation Strategy shall thereafter be implemented and maintained as approved in perpetuity.

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 that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
5. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
6. To ensure the proposed community facility is used and provided for the benefit of existing and future residents, in accordance with Policy HC3 of the Development Management Plan 2015.
7. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
8. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
9. In the interests of highway safety and the amenities of the area and to minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
10. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
11. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
12. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
13. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
14. To safeguard the amenity of adjoining and future residents.
15. To safeguard the amenity of adjoining and future residents.
16. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
17. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
18. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.

19. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
20. To safeguard the amenity of adjoining and future residents.
21. In order to secure a well planned development that functions well, protects the visual amenities of the area and the living conditions of future residents.
22. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with policies contained in the NPPF.
23. In the interests of the visual amenity of the area.
24. To ensure the development complies with Policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
25. To protect features of recognised nature conservation importance.
26. To ensure that any adverse environmental impacts of development activities are mitigated.
27. Irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, eg by earth moving machinery.
28. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
29. To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implantation can demonstrate this.
30. Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.
31. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
32. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
33. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
34. 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.
35. 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.

36. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
37. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
38. In the interest of highway safety and for this benefit and convenience of the public at large.
39. In the interests of highway safety and for the benefit and convenience of the public at large.
40. In the interests of highway safety and the amenities of the area.
41. To safeguard the operation of the public highway.
42. To protect trees and hedges that positively contribute to the visual amenity of the area or contribute to the overall landscaping scheme of the site that forms an essential part of the overall design of the development. To protect trees that are noted as forming part of a habitat or foraging area for priority and protected species.
43. To ensure a satisfactory standard of development.
44. To safeguard existing Waste and Minerals sites, and to protect residential amenity of future residents

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
4. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken.

Southern Gas Networks Plc
SGN Plant Location Team
95 Kilbirnie Street
Glasgow
G5 8JD
Tel: 01414 184093 OR 0845 0703497

Search online at:
www.lineearchbeforeyoudig.co.uk
SGN personnel will contact you accordingly.

Please also be advised that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

5. Should your excavation affect UKPN Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact them to obtain a copy of the primary route drawings and associated cross sections. Plan Provision: 0800 056 5866.
6. Excavations must be carried out in line with the Health and Safety Executive guidance document HSG 47. A copy of HSG 47 can be obtained from the Health and Safety Executives website.
7. 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.
8. Consideration should be given to the provision of a domestic sprinkler system.
9. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
10. The application site drains surface water runoff to the Pevensy and Cuckmere Water Level Management Board internal drainage district, which is downstream of the application site. Therefore, the applicant is advised that surface water discharge rates need to be agreed with the Board. This should be done before fixing the development layout.

Officer to Contact

Mrs S Wood, Telephone 01424 783329

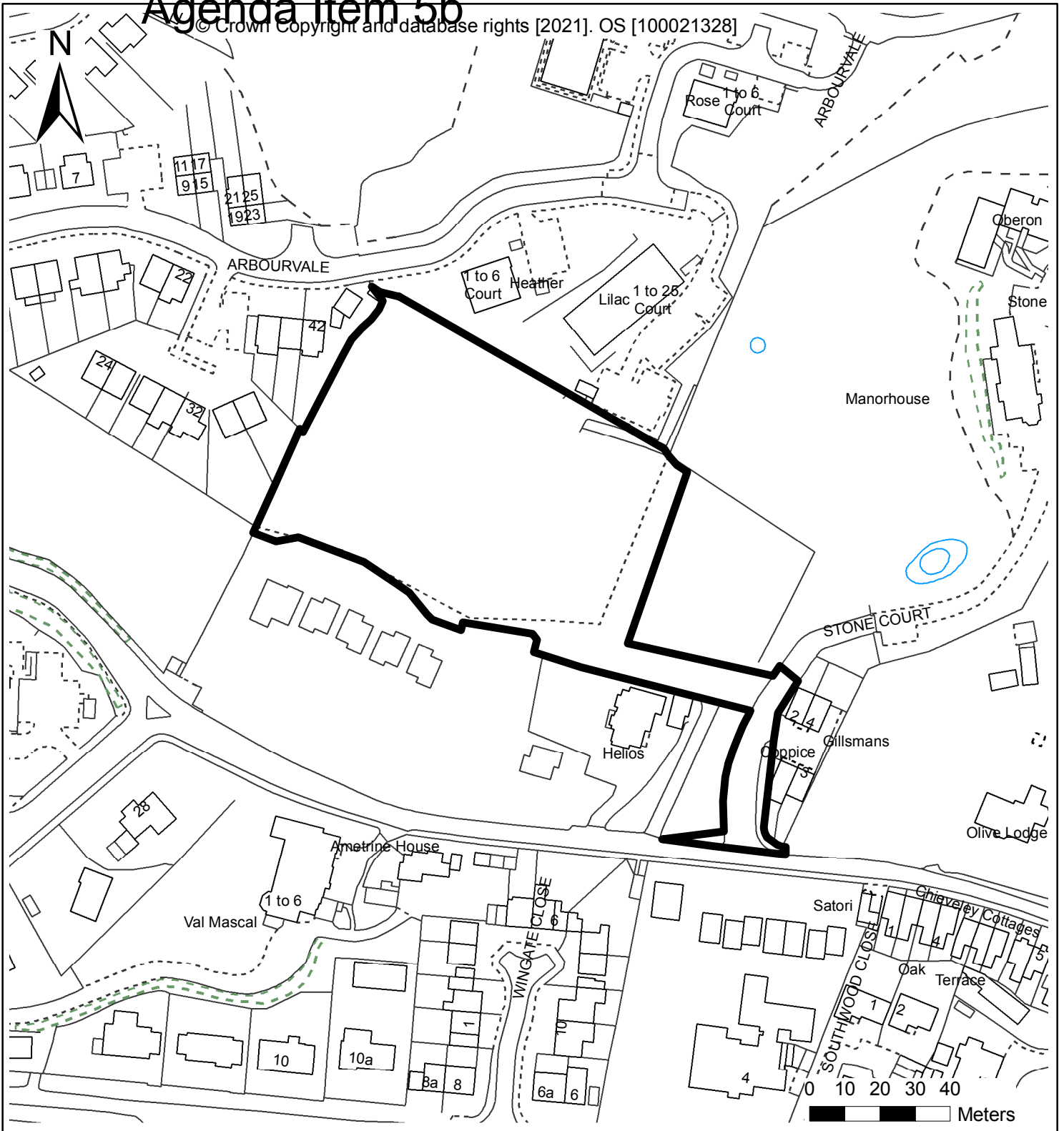
Background Papers

Application No: HS/FA/21/00003 including all letters and documents

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Agenda Item 5b

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**Former Spyways School Buildings
Hollington Park School Grounds
Gillsmans Hill
St Leonards-on-sea, TN38 0SL**

Outline Application for residential development for up to twenty eight units. All matters reserved apart from access.



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: Dec 2021

Scale: 1:1,539

Application No. HS/OA/20/00022

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Report to: PLANNING COMMITTEE

Date of Meeting: 19 January 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **Former Spyways School Buildings, Hollington
Park School Grounds, Gillsmans Hill, St
Leonards-on-sea, TN38 0SL**

Proposal: **Outline Application for residential development
for up to twenty eight units. All matters
reserved apart from access.**

Application No: **HS/OA/20/00022**

Recommendation: **Grant Outline Planning Permission**

Ward: WISHING TREE 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Finch per en-plan Missenden Back Lane
Bomere Heath, Nr Shrewsbury. SY4 3PH

Public Consultation

Site notice: Yes
Press advertisement: Yes - General Interest
Neighbour Letters: Yes
People objecting: 5
Petitions of objection received: 0
People in support: 0
Petitions of support received: 0
Neutral comments received: 0

Application status: Not delegated - 5 or more letters of objection
received

1. Site and surrounding area

The site consists of a section of the former Spyway School site on the north of Gillsmans Hill. Access to the site is via the existing roadway which leads from Gillsmans Hill to Gillsmans Coppice and Stone Court further to the north. This site previously supported a woodland garden associated with The Spyway School site and invasive and non-invasive species are abundant in the site. The derelict former school buildings were demolished in past years. The

site slopes gently from south to north, with a larger drop in levels towards the northern boundary. Adjoining the site boundary to the north east and south west of the application site is an area of Ancient woodland, which is discussed in more detail herein under the trees section. To the East of the site are the properties in Stone Court which are themselves a relatively new development. To the South West is a large, detached dwelling, Helios, which is accessed directly from Gillsmans Hill. To the eastern boundary of the application site the adjoining site has planning permission for 8 dwellings under ref HS/OA/17/00812 and ref HS/DS/19/00584.

The application site is part of an allocated site under Policy GH3 (Spyways School, Gillmans Hill) of the Hastings Local Plan - Development Management Plan (2015) as a site for residential development with a possible net capacity of 33 dwellings.

Part of the site has outline and reserved matters planning permission for 8 dwellings under ref HS/OA/17/00812 and ref HS/DS/19/00584. When I visited the site, the ground was being prepared for the construction of these dwellings.

Constraints

- Tree Preservation Order
- Flooding Surface Water 1 in 1000
- Low pressure Pipeline SGN
- Intermediate Pressure Pipeline 50m buffer SGN
- Ancient Woodland
- Local Wildlife Sites
- SSSI Impact Risk Zone
- Allocated site policy GH3 (Spyways School, Gillmans Hill) of the Hastings Local Plan - Development Management Plan (2015).

2. Proposed development

This application seeks outline permission for the erection of up to 28 dwellings. All matters are reserved except for access. The proposed illustrative site plan indicates the development will be accessed via a shared internal road which will also serve the application HS/OA/17/00812 and the associated ref HS/DS/19/00584 (development for 8 dwellings).

The reserved matters are design, appearance, layout and scale. A Master Plan of the layout of the proposed development is submitted with this application. Detailed design will include detailed design of dwellings, car parking layout, the landscaping of the site, amenity areas and other associated works, which will form a future reserved matters application.

The scheme proposes the following:-

- Plots 1-4 - detached block of flats
- Plots 5-11 - detached block of flats
- Plots 12-14 - terrace of 3 dwellings
- Plots 15-17 - terrace of 3 dwellings
- Plots 24-26 - terrace of 3 dwellings
- Plots 18-23 - pairs of semidetached dwellings
- Plots 27-28 - a pair of semidetached dwellings

No indicative elevation and floor plan drawings are submitted at this stage.

The indicative drawing master plan shows a layout plan of the proposed development which shows a proposed vehicular access into the site taken from Gillsmans Hill via Stone Court.

The whole site is allocated for residential development in the Local Plan under Policy GH3 – Spyways School, Gillsmans Hill for a net capacity of 33 dwellings.

Amended drawings were received to resolve highway concerns over visibility splays. A new application site (red line) was submitted and the application re-advertised and all consultees reconsulted.

The application is supported by the following documents:

- Ecology Report
- Planning, Design and Access Statement
- Waste Management Plan
- Suds Report
- Arboricultural Report
- Transport Statement
- Sustainability Statement
- Affordable Housing Statement
- Statement of Community Involvement
- Air Quality Emissions Statement
- Flood Risk Assessment

Relevant planning history

HS/DS/19/00584	Approval of reserved matters relating to the layout, scale, external appearance of the buildings, means of access and soft and hard landscaping of Planning permission HS/OA/17/00812 – Outline application,(seeking approval of Access), for erection of 8 dwellings together with parking and access (amended proposal). GRANTED 18 February 2020.
HS/OA/17/00812	Outline application, (seeking approval of Access), for erection of 8 dwellings together with parking and access (amended proposal). GRANTED 23 May 2018
HS/OA/15/00751	Outline application for six, two bedroom, semi detached houses with access road. WITHDRAWN 10 February 2016
HS/FA/07/00486	Demolition of former school library & residential redevelopment to provide 3 dwellings together with associated access arrangements & parking. WITHDRAWN 28 October 2015
HS/FA/02/00473	Complete restoration, extension and conversion of the derelict library to single residence including double garage.

GRANTED 13 June 2003

HS/OA/02/00457 Erection of two dwellings with garages and parking Plots 1 and 2.

GRANTED 13 June 2003

National and Local Plan 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 SC2 - Design and Access Statements
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy SC6 - Renewable Energy Development
Policy SC7 - Flood Risk
Policy EN1 - Built and Historic Environment
Policy EN2 - Green Infrastructure Network
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
Policy EN8 - Open Spaces - Enhancement Provision and Protection
Policy T3 - Sustainable Transport
Policy DS1 - New Housing Development
Policy H1 - Housing Density
Policy H2 - Housing Mix
Policy H3 - Provision of Affordable Housing
Policy CI1 - Infrastructure and Development Contributions
Policy T1 - Strategic Road and Rail Schemes
Policy T2 - Local Road Improvements
Policy T3 - Sustainable Transport
Policy T4 - Travel Plans
Policy DS1 - New Housing Development

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 GH3 - Spyways School, Gillsmans Hill
Policy HN7 - Green Infrastructure in New Developments
Policy HN8 - Biodiversity and Green Space
Policy HN9 - Areas of Landscape Value
Policy HN10 - Amenity Green Spaces

Other policies/guidance

National Design Guide 2019

Air quality and emissions mitigation guidance for Sussex (2020)

Urban design lessons: Housing layout and neighbourhood quality – 2014

National Planning Policy Framework 2021

Historic England Advice Note 2: Making Changes to Heritage Assets

Guidance Notes for Design Codes 2021

Draft National Model Design Code 2021

ESCC Supplementary Planning Guidance, “A New Approach to Development Contributions” (the SPG),

Community Infrastructure Levy Regulations 2010 - as amended (the CIL Regs)

The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)

Hastings Planning Strategy Policy H3: Provision of Affordable Housing; Interim Advice Note (April 2016)

ESCC - Guidance for Parking at New Residential Development

Government Manual for Streets

The Chartered Institute of Ecology and Environmental Management Advice Note - On the Lifespan of Ecological Reports and Surveys (April 2019).

The Hastings Local Plan Consultation Draft (Regulation 18), Winter 2020/21

Government Circulars

Defra circular 01 2005, Biodiversity and geological conservation - statutory obligations and their impact within the planning system (2005) states that “it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

British Standards

BS42020 Biodiversity - code of Practice for Planning and Development explains that where European Protected Species are affected, planning conditions are only used to secure method statement and/or controls and restrictions in situations where protected species are present and where it can be demonstrated that the construction can proceed without an offence being committed.

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.

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our

natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

Paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of underutilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained, and available sites could be used more effectively.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - * Layout
 - * Architecture
 - * Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - * Building types
 - * Materials
 - * Arrangement of streets
- 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 131 advises that trees make an important contribution to the character and quality

of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decision should ensure that new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible

Paragraph 134 states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design codes and design guides. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design.

Paragraph 135 advises that Local Planning Authorities should seek to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment.

Paragraph 176 states that 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, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

Paragraph 179 states that to protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) 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.

Paragraph 180 When determining planning applications, local planning authorities should apply the following principles.

- 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 159 states that development should take full account of flood risk.

Paragraph 159 states that development in areas at high risk of flooding should be avoided. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 161 states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.

Paragraphs 163 states that if it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in the national planning guidance.

Paragraph 164 states that the application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at application stage. For the exception test to be passed it should be demonstrated that:-

- The development would provide wider sustainability benefits to the community that outweigh the flood risk:
- The development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall

Paragraph 165 states that both elements of the exception test should be satisfied for development to be allocated or permitted.

Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding, where in the light of this assessment (and the sequential and exception test, as applicable) it can be demonstrated that:-

- * Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- * The development is appropriately flood resistant and resilient
- * It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate

- * Any residual risk can be safely managed; and
- * Safe access and escape routes are included where appropriate, as part of an agreed emergency plan

Paragraph 174 states that planning policies and decisions should contribute to and enhance the natural and local environment.

Paragraph 175 To protect and enhance biodiversity and geodiversity, plans should: a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and b) 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.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

National Design Guide

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.

Paragraph 42 - Well-designed new development is integrated into its wider surroundings, physically, socially and visually. It is carefully sited and designed, and is demonstrably based on an understanding of the existing situation, including:

- the landscape character and how places or developments sit within the landscape, to influence the siting of new development and how natural features are retained or incorporated into it;
- patterns of built form, including local precedents for routes and spaces and the built form around them, to inform the layout, form and scale – see Built form;
- the architecture prevalent in the area, including the local vernacular and other precedents that contribute to local character, to inform the form, scale, appearance, details and materials of new development – see Identity.

Paragraph 50 - Well-designed places, buildings and spaces:

- have a positive and coherent identity that everyone can identify with, including residents and local communities, so contributing towards health and well-being, inclusion and cohesion;
- have a character that suits the context, its history, how we live today and how we are likely to live in the future; and
- are visually attractive, to delight their occupants and other users.

Paragraph 52 Well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form – see Built form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area – see Context.

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;
- the scale and proportions of streets and spaces;
- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

Paragraph 53 - Well-designed places are visually attractive and aim to delight their occupants and passers-by. They cater for a diverse range of residents and other users. All

design approaches and architectural styles are visually attractive when designed well.

Paragraph - 54 Well-designed places appeal to all our senses. The way a place looks, feels, sounds, and even smells, affects its enduring distinctiveness, attractiveness and beauty.

Paragraph 55 - Well-designed places contribute to local distinctiveness. This may include:

- adopting typical building forms, features, materials and details of an area;
- drawing upon the architectural precedents that are prevalent in the local area, including the proportions of buildings and their openings;
- using local building, landscape or topographical features, materials or planting types;
- introducing built form and appearance that adds new character and difference to places;
- creating a positive and coherent identity that residents and local communities can identify with.

Draft National Model Design Code 2021

Paragraph 56 Refuse Collection Options: in-curtilage Provision: This can be provided to the side or rear of the property in detached housing. For terraced housing, collection needs to either be from the rear or a bin store needs to be provided at the front.

Paragraph 61 Built Form – Identity: All schemes should be designed to respect and enhance the existing character of the surrounding area. The following principals will apply to most development:

i) Sense of place: All schemes should be designed to enhance local character and legibility by making use of local materials and detailing.

Identity may come out of respecting and enhancing the existing character of the area and also from adapting and shaping to develop new character. The architectural approach needs to be influenced by its surrounding architectural character (paragraph 119 of Guidance Notes for Design Codes).

Existing character is therefore something that must be understood as a starting point for the design of layouts and buildings so that they fit into and also enhance the character of the local area (paragraph 122 of Guidance Notes for Design Codes).

National Planning Policy Guidance (NPPG)

Design: process and tools

3. Consultation comments

Housing Manager - **No objection. They require contributions to secure provision of onsite affordable units – To be secured via a S106 Legal Agreement.**

Environmental Health - Contaminated Land - **No objection subject to the imposition of a condition (Condition 30).**

Environmental Health - Noise - **No objection subject to the imposition of conditions (Conditions 8, 9 and 11).**

SSE Water - **No objection subject to the imposition of conditions (Conditions 13 and 14).**

Natural England - **No objection.**

East Sussex County Council (106 contributions) – **No objection. They require contributions to libraries – To be secured via a S106 Legal Agreement.** East Sussex

County Council (SUDs) - **No objection subject to the imposition of conditions (Conditions 13 and 14).**

Hastings Borough Council Parks and Open Spaces - **No objection. They require contributions to the improvement of nearby play facilities. To be secured via a S106 Legal Agreement.**

Hastings Borough Council Environment and Natural Resources Manager - **No objection subject to the imposition of conditions (Conditions 20, 21, 22, and 29).**

Hastings Borough Council Waste and Street Scene team - **No objection subject to the imposition of a condition (Condition 10).**

East Sussex County Council (Highways) - **No objection subject to the imposition of conditions (Conditions 12, 15, 31, 32, 33, 34, 35 and 36).**

Hastings Borough Council (Arboricultural Officer) - **No objection subject to the imposition of conditions (Conditions 16, 17, 18, 19, 25, and 37).**

Environment Agency - **No comments to make. They advise that the application falls outside of their remit as it is not located within a flood risk area.**

4. Representations

In respect of this application, two site notices were displayed and an advert was placed in the local paper. A total of 5 letters of representation were received. 5 were against or raised concerns regarding the development. The matters raised are as follows:-

- Concerned about the loss of beautiful grounds to housing development.
- The proposed development will exacerbate existing traffic and parking problems on Gillsmans Hill.
- Traffic calming measures are needed especially at junction with Celandine Drive.
- Development will be visually harmful.
- It is not known where the proposed access is to be located.
- What measures will be in place to keep noise at minimum level.
- The site has potential geological problems which are not explored in this submission and no geology report is submitted. This may have been an oversight by the applicant.
- There is unstable soil around this area and the nearby housing development had to dig 3m to through unstable sand clay deposits to establish a base for the reinforced concrete rafts necessary to support those houses.
- The site is surrounded by woodland and the proposed development will have a negative impact on this Ancient Woodland and the wildlife associated with it.
- There are protected species within the Ancient Woodland which will be harmed by the proposed development.
- Overdevelopment of the site.
- The impact of the development on the environment would be harmful.

5. Determining issues

As detailed above this is an application for outline planning permission with all matters (appearance, landscaping, layout and scale) reserved for future consideration excluding access which is proposed to be approved as part of this outline planning application.

A Master Plan of the proposed 28 dwellings, access track and car parking areas are submitted with this application. No indicative floor plans or elevation details are submitted with the application.

As detailed above this is an application for outline planning permission with access being assessed at this stage and all other matters (appearance, landscaping, layout and scale) being reserved for future consideration. The main considerations therefore are the principle of the development and the acceptability of the proposed access of the scheme.

In determining the principle of the development it is also necessary to consider the acceptability of the total number of dwellings proposed, the housing mix proposed, the indicative layout proposed, highway safety and parking matters, refuse and cycle storage matters, the impact upon neighbouring residential amenities, drainage matters, flood risk and local ground conditions, impact on protected species and ecological designations, impact on trees, land contamination matters, sustainable construction, the need for an Environmental Impact Assessment, provision of affordable housing, County infrastructure contributions, air quality emissions, and lighting and pollution.

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 walking distance to local shops and services. The nearest bus stops are located on The Green (C664) around 230m from the site access. Bus Service 26/26A providing a circular route between Hastings town centre, Conquest Hospital and St Leonards. It also serves Hastings Rail Station providing links for onward travel. The nearest National Rail station to the site is St Leonards Warrior Square, which is located approximately 1.5 kilometres from the site and as such within the maximum acceptable walking distance for commuters as set out by the CIHT. St Leonards Warrior Square railway station provides connections to Eastbourne, Brighton, as well as Central London. The site is therefore considered to be in a suitably accessible location.

As such the development is considered acceptable in principle subject to other local plan policies.

Policy LP2 of the DMP - Overall Approach to Site Allocations, states that the number of dwellings set out in the Allocations Policies is purely indicative, showing what might be achieved on each site. Of principal and greater consequence for every scheme, however, will be matters which include design, height, mass, appearance of the proposed building(s), layout (including the provision of a safe and convenient access), trees, biodiversity, green infrastructure and relationship with the surroundings including nearby buildings and views of the Borough's natural and historic assets (including Hastings Castle). These considerations, rather than indicative numbers, will provide the guidelines to secure a development worthy of the site and its surroundings.

This site is allocated for residential development under Policy GH3 - Spyways School, Gillsmans Hill which advises that the Spyways School, Gillsmans Hill is allocated for residential development (possible net capacity of 33 dwellings).

Development proposals for this site will:-

- Include affordable housing on site at 25% of the overall housing provision;
- Include an Ecological Constraints and Opportunities Plan (ECOP) and incorporate appropriate conservation and mitigation measures as recommended by the ECOP. The ECOP must make specific reference to the presence of the Ancient Woodland and the adjacent Local Nature Reserve;
- Provide an Arboriculture Plan that demonstrates how existing trees on site will be integrated into the development, or how compensation will be made for their loss;
- Include a Flood Risk Assessment and flood resilient design as appropriate to the outcome of that report;
- Contribute to the improvement of existing play facilities in the surrounding area;
- Provide a connection to the sewerage system at the nearest point of adequate capacity, as advised by Southern Water;
- Be supported by a Transport Report. Proposals must indicate how the conclusions and recommendations of the Report have been incorporated within the development.

It should be noted that this planning application excludes a section of land that was given planning permission in past years under ref HS/OA/17/00812 and ref HS/DS/19/00584 and together with the application site under consideration the two make up the total area of land allocated for housing development in the Local Plan under Policy GH3 (Spyways School, Gillsmans Hill).

Meeting the requirements of Policy GH3 (Spyways School, Gillsmans Hill) of the Hastings Development Management Plan 2015

The site is allocated for residential development through Policy GH3 (Spyways School, Gillsmans Hill) of the Hastings Development Management Plan 2015, which is the first consideration in establishing the principle of developing the site. As the site is allocated in an up-to-date Local Plan, significant weight can be given to residential development.

Development in accordance with Policy GH3 requires a number of policy criteria to be met. The criteria are considered below: -

a) include 25% affordable housing	The application proposes a total of 7 affordable dwellings which meets criteria a) of Policy GH3 has been met.
b) include an ECOP including mitigation measures	The application is accompanied by a Preliminary Ecology Appraisal. The Borough Council's Environment and Natural Resources Manager has been consulted and they raise no objection to the development. Given this, it is considered that criteria b) of Policy GH3 has been met.
c) provide an Arboriculture Plan	The application is accompanied by an Arboricultural Report and the Borough Council's Arboriculture Specialist has been consulted and they advise that the submitted report is acceptable and a development as proposed is acceptable subject to conditions. Given this it is considered that criteria c) of Policy GH3 has been met.

d) Flood Risk Assessment and flood resilient design	The application is accompanied by a Flood Risk Assessment (FRA) which concludes that the site is not within a Flood Zone Area. The FRA identifies four potential sources of flooding. However, advises that there is no known flooding at the site within the last 100 years and given this, and that the land levels of the application site are above any localised Flood Zone Area this will ensure that the application site will not be vulnerable to any of the potential sources of flooding. As such no further modelling is required. The submitted FRA advises that drainage matters can be conditioned and dealt with at reserved matters stage (Condition nos.12, 13 and 14). The Environment Agency was consulted on the submitted FRA and they advise that the application site falls outside their remit (not within a Flood Zone Area) and as such they have no comments to make. Given this it is considered that criteria d) of Policy GH3 has been met.
e) play facilities	The application does not propose onsite play facilities, however, there is an option to make a financial contribution towards offsite play facilities. The applicant has agreed to make a financial contribution for the improvement of nearby play facilities as requested by the Council's Parks and Open Spaces Manager. This financial contribution will be secured via a S106 Legal Agreement. Given this it is considered that criteria e) of Policy GH3 has been met.
f) connection to the sewerage system	The application is accompanied by a SUDS Report and the Local Lead Authority and Southern Water have been consulted and they both have no objection to the application subject to conditions. Given this it is considered that criteria c) of Policy GH3 has been met.
g) To be accompanied by a Transport Report	A Transport Statement is submitted with the application. County Highways were consulted, and they raise no objection to the development subject to conditions (nos.12, 15, 31, 32, 33, 34, 35 and 36). Given this it is considered that criteria g) of Policy GH3 has been met.

As can be seen from this summary the proposal currently demonstrates compliance with this policy and this compliance offers support for the development of the site and significant weight is attached to this. Given this it is considered that a development as proposed meets Local Plan Policy GH3 (Spyways School, Gillsmans Hill) of the Hastings Development Management Plan 2015 and there is no principle objection to the proposed development.

b) Acceptability of the proposed housing mix

Policy H2 (Housing Mix) of the Hastings Planning Strategy 2014 seeks to support housing development that delivers a balanced mix of housing that contributes to a well-integrated mix of housing types and tenures to support a range of households and projected housing need. Flats, short terraces and pairs of semi-detached dwellings as proposed will positively contribute in meeting the Council's targets of providing a balanced mix of housing types, in particular in this location, provided that other policy requirements are met. Given this there is

no objection to the proposed Master Plan of this allocated site as it complies with policies.

c) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. It is considered that a development as proposed would positively contribute to the Council's housing stock. As such the recommendation is for approval and the need to deliver housing adds further weight in favour of supporting the principle of housing development in this location.

d) Layout

The layout of the proposed development is reserved for future consideration, however, the submitted indicative layout will be assessed at this stage as this assessment will help determine whether the principle of this development is acceptable.

Policy DM1 of the Hastings Development Management Plan 2015 states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and block sizes.

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

The NPPF states that 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, Local Planning Authorities and other interests throughout the process.

Furthermore, paragraph 134 of the NPPF states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design codes and design guides. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design

Paragraph 52 of The National Design Guide states that well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form – see Built form;
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area – see Context.

This includes considering:

- the composition of street scenes, individual buildings and their elements;
- views, vistas and landmarks;
- the scale and proportions of streets and spaces;

The existing allocation of the whole site in the adopted Local Plan is up to 33 dwellings. This application proposes up to 28 dwellings and there is part of the allocated site that has planning permission for 8 dwellings under ref HS/OA/17/00812 and ref HS/DS/19/00584. This then means that there would be a total of 36 houses on the allocated site as whole if this application is approved. It is considered that given the topography of the site, the secluded nature of the development, the available separation distance from neighbouring properties and the availability of dense vegetation at perimeter boundary of the application site, the application site is capable of accommodating up to 28 dwellings as proposed with a density of 35 dwellings per hectare is acceptable and will result in a development that would be integrated well with existing development and will be assimilated well with the housing development that has been approved in past years for the adjoining site under ref HS/OA/17/00812 and ref HS/DS/19/00584.

Policy H1 of the Hastings Planning Strategy requires a minimum of 30 dwellings per hectare, and this proposal exceeds this requirement. The proposed density in this instance is approximately 35 dwellings per hectare. Given the existing allocation of the site in the adopted Local Plan for this number of dwellings, and the site's topography, access arrangements and dense edge planting, it is considered that in this instance, a density of development as proposed is acceptable.

The application proposes a self-contained secluded development and it is considered that the site is big enough to accommodate a development as proposed with its own character. The size and mass of a building, and the scale of open spaces around and between them influences the character, functioning and efficiency of an area. In this case it is considered that the scale of built development proposed having regard to:

- the spacing in-between and around the buildings,
- the potential areas for landscaping,

is generally acceptable, subject to finer details that will be resolved at reserved matters stage.

Residential properties in the area are a mixture of two-storey dwellings. Properties are predominantly detached but there is evidence of pairs of semi-detached dwellings. The proposed houses are a mix of flats, short terraces and semi-detached houses, with open air car parking spaces. It is considered that the proposed development will make a positive contribution to the types and mix of dwellings in the local area by providing much needed family houses as well as smaller terraced properties and flats for smaller households.

The proposed development is for up to 28 new units. The applicant has provided an indicative site layout drawing of how the dwellings can be accommodated on site and allow for adequate open space, landscape buffering and car parking associated with the scheme. The submitted masterplan shows the vehicular access to the site taken from Gillsmans Hill and an access track is proposed with a T-road into the site. All dwellings are proposed to front a street and there is enough space for each dwelling to have a private amenity space. The Master Plan shows blocks of a mixture of flats, semi-detached houses and a short

terrace of three dwellings. The master plan shows existing trees that are proposed to be retained so that they are a green buffer strip of soft landscaping between the rear gardens of the proposed flats and the Ancient Woodland. Details of the landscaping of the site is reserved for future consideration. A layout as proposed is generally considered to be acceptable given that all matters except access are reserved for future consideration.

Given this, it is considered that the scheme as proposed is of acceptable layout would form a secluded development with its own character and this development would be contained by mature trees and soft landscaping and would not be easily visible from public vantage points. As such it is considered that a development as proposed complies with the NPPF policies and Local Plan Policies DM1, of the Development Management Plan 2015, and the National Design Guide 2019.

Local resident concerns have related to the density of development and that a development as proposed is an overdevelopment of the site. There have been concerns that such a development would have a harmful visual impact on the character and appearance of the area. Whilst a development as proposed would develop what is currently open land and dense vegetation, it is not considered that a layout as proposed would be to the detriment of local character. Whilst the proposal will certainly change the relationship of the site with existing surrounding development, it has an acceptable density of development (35 dwellings per hectare) and is for residential use, and as such it is not considered that an increase in development at the site of the suggested scale warrants a refusal of planning permission. Moreover, it is important to note that the inclusion in the Local Plan for up to 33 dwellings on this site shows that the principle of residential development on this site has already been agreed.

e) Design

The layout of the proposed development is reserved for future consideration, and no indicative elevation drawings and design detailing is submitted at this stage.

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015), states, that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: a) protecting and enhancing local character; b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials; c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints.

Paragraph 52 of The National Design Guide states that well-designed new development is influenced by:

- an appreciation and understanding of vernacular, local or regional character, including existing built form, landscape and local architectural precedents;
- the characteristics of the existing built form
- the elements of a place or local places that make it distinctive; and
- other features of the context that are particular to the area.

This includes considering:-

- the composition of street scenes, individual buildings and their elements;
- the height, scale, massing and relationships between buildings;
- views, vistas and landmarks;
- roofscapes;
- the scale and proportions of buildings;
- façade design, such as the degree of symmetry, variety, the pattern and proportions of windows and doors, and their details;
- the scale and proportions of streets and spaces;
- hard landscape and street furniture;
- soft landscape, landscape setting and backdrop;
- nature and wildlife, including water;
- light, shade, sunshine and shadows; and
- colours, textures, shapes and patterns.

In addition, Paragraph 55 of the Design Guide 2019 advises that well designed places contribute to local distinctiveness and this may include adopting typical building forms, features, materials and details of an area, drawing architectural precedents that are prevalent in the local area including the proportions of buildings and their openings and creating a positive and coherent identity that residents and local communities can identify with.

The NPPF states that 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 131 of the NPPF advises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decision should ensure that new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible.

Paragraph 134 of the NPPF states that development that is not well designed should be refused especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design codes and design guides. Conversely, significant weight should be given to development which reflects local design policies and government guidance on design.

No floor plans and elevation details are submitted at this stage given that the appearance and scale of the development are reserved for future consideration and no indicative plans are submitted with the application. However, the submitted Master Plan shows use of short terraces that are intercepted within pairs of semidetached dwellings and two blocks of flats. This mix and distribution is acceptable in principle.

Designing out crime is an important factor and should be taken into consideration as part of an application to ensure proposed dwellings and their boundaries are secure. The orientation of the proposed units as shown on the indicative layout demonstrates that a suitable level of natural surveillance onto the parking spaces and across the site is possible. The current parking layout also shows regard to the 'Guidance for Parking at New Residential Development' produced by Transport Development Control in October 2017, which states that car parking also needs to be designed with security in mind. Therefore, parking for each dwelling is often best located on plot, preferably at the front or side of the dwelling where it can be overlooked by the owner. Parking provided off plot should be provided as close as is practicable to the property it will be serving and should be overlooked to encourage its use.

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

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

Taking these factors in to account, it is considered that the site can be developed for residential purposes without detriment to the existing character and appearance of the area, subject to conditions requiring samples of external materials to be approved by the Local Planning Authority (Condition 7). The proposal therefore complies with Policies DM1 and DM3 of the Hastings Development Management Plan as quoted above.

f) Highway Safety/Parking

Policy DM4 of Hastings Development Management Plan 2015 requires new development to comply with the parking standards set by East Sussex County Council Highway Authority.

The application is supported by a Transport Statement which provides an assessment of existing transport conditions, the proposed access, parking and traffic generation, and a summary of service availability through sustainable transport means.

Access:

Whilst the application is submitted in outline form, the applicant seeks approval of the access to the development at this stage.

This site is located directly off Stone Court which is a private road. In accordance with Manual for Streets the required driver visibility sightlines at the junction of Stone Court and Gillsmans Hill are a minimum of 2.4m x 43m being within a 30mph speed limit. An amended application site was submitted following concerns raised by County Highways regarding visibility of the proposed vehicular access. County Highways now advise that the visibility is

now considered acceptable following an extension to the red site boundary.

An internal access track is proposed into the application site and the internal access road would need to be of suitable width to accommodate two-way vehicle flows, the suggested width of 5.5m is considered acceptable. A plan showing tracking has been submitted which indicates that a 12m refuse vehicle can access the site and turn. Once the internal layout has been confirmed additional plans may be required and this can be conditioned if planning permission is given for the proposed development (Condition 36).

The proposed site plan shows that the development will be accessed via a shared internal road which will also serve the application HS/OA/17/00812 and the associated ref HS/DS/19/00584 (development for 8 dwellings). The application form suggests that the roads will form part of the public highway. Given the size of development it is considered appropriate to have sections or all of the roads in the development site put forward for adoption as highway. However, it should be noted that the roads within the development site can only be adopted if Stone Court (currently a private road with no highway rights) is also adopted. A highway route between the site and the existing highway (Gillsmans Hill) would need to be created. Stone Court would have to be made up to an adoptable standard and any road adoption will be subject to a s38 agreement with ESCC as Highway Authority. Given this, there is no principle objection to the proposed vehicular access, subject to details being conditioned (Condition 32).

Given the above, it is considered that the proposed access arrangement is considered to be acceptable in principle and as such complies with the NPPF Policies and Policy DM4 of the Hastings Development Management Plan 2015.

Parking:

The number of bedrooms per dwelling is not detailed at this stage and as such the exact parking requirement cannot be determined. However, it is suggested that parking will be provided in accordance with the ESCC parking standards. Electric vehicle charging points should be considered and suitable cycle storage provided. As this application is for outline purposes the parking can be covered by condition if outline planning permission is given for the development (Conditions 28, 31, 34).

Access for Emergency Vehicles:

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle (FSV) should not have to reverse more than 20m.

According to Manual for Streets a 3.7m carriage way is needed, however, this can be reduced to 2.75 over short distances. A swept path analysis is submitted to justify the development. This demonstrates that a refuse truck can enter and exit the site in a forward gear. Given this it is considered that the site is serviceable and that the proposed roadway satisfies this requirement. The County Highway Engineers have no objection to this part of the scheme.

The County Highways Engineer was consulted and they advise that they have no objection to the proposed development subject to a number of mitigation measures. To encourage occupiers of this development to use public transport bus stop infrastructure needs to be improved. The mitigation measures required are as follows:-

1) The two closest bus stops to the site referenced as the 'Springfield Road' bus stops should be upgraded at the applicant's expense.

Springfield Road northbound

Raised kerb, ideally 160mm height (minimum 125mm)

Bus stop clearway markings

Real time passenger information display

Springfield Road southbound

To provide raised kerbs at this location, alterations to the existing bus shelter are likely. One solution may be to replace the existing shelter with a new shelter with the open side facing the road, thereby providing space for the section of raised kerb.

2) Provision of a new bus stop to the socket and pole design (as per the northbound direction currently) – sourced from Stagecoach.

3) Provision of a Real Time Information Sign (RTPI). RTPI is required to help provide better, more reliable information about bus services. The Highway Authority requires a contribution of £24,000 to install RTPI signs at the two nearest bus stops.

4) Travel Plan (TP) - Although a TP is not mandatory for a development of this scale, measures to encourage the take up of sustainable transport options should be explored and secured by condition. A welcome pack for each new unit would be beneficial to detail walking and cycling routes, public transport links/ timetables with a bus season ticket voucher or cycle voucher. A monitoring fee is not required given that the proposed development is below the threshold.

All these off-site highway works would need to be secured through a S106 Legal Agreement. There is also need for a S278 Legal Agreement for road adoption and bus improvements, and a S38 Legal Agreement for the proposed adoptable on-site highway works. These financial contributions have been accepted by the applicant.

g) Refuse and Cycle Storage

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and its removal. The applicant is advised that all waste storage should be secure and covered and located at the rear of the property away from public view.

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

East Sussex County Council's best practice guidance; 'Refuse & Recycling Storage at New Residential Developments within the Eastbourne, Hastings, Wealden and Rother Council Areas' states that any external bin store should be within 30m of an entrance of a property. The submitted indicative layout plan shows that there is ample space for bin storage areas within the curtilage of each dwelling and communal bin storage areas for each flat which are easily accessible. A swept path analysis has been submitted to justify this development and The Council's Waste and Refuse Team have been consulted and they advise that they have no objection to the proposed development as the proposed road size is of sufficient size to accommodate a 26 tonne RCV and that each proposed dwelling is capable of accommodating 3 wheeled bins within its residential curtilage and that the site is able to have free unimpeded access to the collection vehicle. Given this, there is no concern regarding the

proposed development on this ground. The final design of the refuse storage units and the communal bin storage areas can be secured by condition (Condition 10).

Cycle parking would also be required in accordance with ESCC guidelines. This is 1 space per 2 bed house and 2 spaces per 3+ bed. These spaces will need to be secure and covered so they are suitable for long term storage. Given that all of the proposed dwellings have private amenity areas, there is an opportunity for the occupiers of the dwellings to store bicycles within their gardens and as such it is recommended that if planning permission is given for the development provision of waste storage and cycle storage can be conditioned (Condition 33).

Given the above, it is considered that the proposed development complies with NPPF Policies, the East Sussex County Council residential car parking guidance 2017, and the Local Plan Policies.

h) 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 the 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.

Full assessment of the potential impact on the neighbouring residential amenities cannot be carried out until reserved matters are submitted. However, having reviewed the Master Plan submitted, it is considered that development of the site for residential purposes can be achieved, without causing detrimental harm to residential amenities of those in Stone Court, those adjoining the site and given planning permission under ref HS/OA/17/00812 and ref HS/DS/19/00584, and neighbours on Gillsmans Hill in terms of overlooking, overshadowing, outlook and loss of natural light.

It is also apparent that, due to the available separation distance and the available difference in land levels, there will not be any loss of amenity to existing neighbouring properties in Stone Court or those on Gillsmans Hill as a result of the proposed development.

In regards to the scheme that was given planning permission ref HS/OA/17/00812 and ref HS/DS/19/00584 it is considered that the positioning of these dwellings in relation with the proposed development is acceptable. The separation distances of the proposed dwellings to neighbouring properties are considered to be sufficient to ensure light and privacy is not adversely affected. Some additional planting, boundary fences, and careful design may be needed to help protect the amenity of neighbouring residents. Given that soft landscaping is a reserved matter such matters will be resolved at that reserved matters stage.

In regards to the relationship of the individual dwellings to each other, given that no floor plans and elevation drawings are submitted at this stage given that design and appearance, scale and appearance is reserved for future consideration, it is considered that based on the submitted layout a development as proposed is capable of protecting the amenity of neighbouring properties to acceptable levels.

As such, it is considered that a development as proposed is considered to comply with Policy DM3 of the Hastings Development Management Plan 2015.

Neighbours have raised concern regarding the general intensity of activity in the area, including increased vehicular movements, noise, inconvenience and disturbance that would be caused to neighbouring dwellings as a result of the proposed development. Although the development will increase the local population and development on what is currently open land, it is not considered that the activity and noise that would be generated by the development would be to the detriment of the residential amenities of neighbouring properties. It is acknowledged that at construction stage there will be an increase in vehicular movement associated with the construction of the development, however, to minimise impact on neighbours' residential amenities construction hours can be conditioned if planning permission is given for this development (Condition 8).

i) Impact on neighbours in terms of outlook, loss of light and overbearing impact

The development itself would need to be sufficiently well designed to ensure that impacts of overlooking and overshadowing are considered within. These detailed design and layout issues however, will be dealt with at reserved matters stage, and are not for consideration here.

Taking the above into account, it is not considered that the proposed development will result in any harm to neighbouring residential amenities. As such, the proposal complies with Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way, of the Hastings Planning Strategy, and Policy DM3 - General Amenity of the Development Management Plan.

Internal Floorspace:

The proposal has been assessed against the technical housing standards as produced by the Department for Communities and Local Government. This document sets out the minimum floor space requirements for residential units. No details are submitted at this stage as they are reserved for future consideration.

The proposed units are likely to meet these requirements.

External Amenity Space:

Point (g) of Policy DM3 of the Hastings DM Plan states that appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. The plan submitted shows all of the gardens to the rear of the units meeting this distance. In addition, the site is capable of providing communal open space within the development and as such it is considered that the external amenity space proposed for the proposed units is acceptable and complies with policies.

As such it is considered that the proposed development would be in accordance with policy DM3.

j) Drainage and Flooding matters

Policy SC7 of the Hastings Local Plan – Planning Strategy (2014), states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

This policy advises that the Council will aim to adopt a risk-based sequential approach to determining the suitability of land for development, in accordance with the principles set out in National Planning Policy relating to Flood Risk and the Hastings Borough Council Strategic Flood Risk Assessment (SFRA) May 2019.

In addition, this local plan policy advises that adaptation of all developments to reduce the risk of flooding will be sought through a variety of suitable measures, including the use of Sustainable Drainage Systems, and that proposals for the long-term management of these should be submitted to the Council at or before the planning stage.

The application site is not located within a Flood Zone Area. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Report (Suds Decision Support Tool for Small Scale Development). The FRA identifies four potential sources of flooding. However, advises that there is no known flooding at the site within the last 100 years and given this, and that the land levels of the application site are above any localised Flood Zone Area this will ensure that the application site will not be vulnerable to any of the potential sources of flooding. The FRA report concludes that given this, no further modelling is required. The Environment Agency was consulted on the submitted FRA and they advise that the application site falls outside their remit (not within a Flood Zone Area) and as such they have no comments to make.

The County Council Flood Risk Management Team have reviewed the proposal and advise that the drainage details provided are satisfactory, and the proposed development is capable of managing flood risk effectively. As such they have no objection to the development subject to conditions to secure functionality of the proposed drainage systems (Conditions 12, 13 and 14).

Southern Water confirm that they can provide foul and surface water sewage disposal to service the proposed development, and that there is no objection to the development subject to a detailed design of the drainage system being secured by condition (Conditions 12, 13 and 14).

The proposed development therefore complies with the NPPF and Policy SC7 of the Hastings Local Plan – Planning Strategy 2014 and the Hastings Borough Council SFRA 2019, subject to drainage conditions (Conditions 12, 13 and 14).

k) Ecology

Policy EN3 of the Hastings Local Plan – Planning Strategy 2014, advises that development should seek to minimise damage to wildlife and habitats and that where the loss of existing wildlife habitats or geological features is unavoidable, the loss should be kept to a minimum and compensation should be provided through the creation of replacement habitats or other appropriate measures. Such measures should be achieved through the use of planning conditions or Section 106 agreements where appropriate.

Policy HN8 of the Hastings Local Plan – Development Management Plan 2015 and the National Planning Policy Framework (NPPF) requires an Ecological Assessment to accompany a planning application where it is necessary to assess the impact of proposed developments on habitats, wildlife, landscape and the Green Network. The assessment is required to provide sufficient information to meet the Council's requirements and detailing the nature conservation resource of the area affected by the application, the potential impact of the development proposed, and any suggested measures to protect existing habitats or species and/or measures to mitigate and/or compensate for any harmful impacts on them.

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.

Paragraph 180 (a) and (d) of the NPPF states that :-

- 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; and
- a) 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.

This application is accompanied by a Preliminary Ecological Appraisal (PEA) report prepared by Corylus Ecology and dated March 2020 to justify the proposed development. This report advises that the site previously supported a woodland garden associated with The Spyway School site and invasive and non-invasive species are abundant in the site. The site is located in close proximity to the ancient and semi natural woodland areas, a Local Wildlife Site and the Local Natural Reserve hence the ecological value of the site. Dense scrub and non-native species would be lost as a result of the proposed development and there are some trees to the north-east and south-west of the site that will be retained it is not considered that the loss of the onsite habitats and trees would impact on the integrity of the adjacent woodland areas or trees within the site.

The submitted PEA report recommends measures to protect the woodland during development. There is 1 tree with high potential to support a bat roost and 8 have moderate potential. Given this, a mitigation strategy and EPSM licence would be required if a roost is identified in any trees that would be impacted by the proposed development. A population of slow worm is known to be present in the site and a reptile mitigation strategy is required to relocate the reptiles out of the development area. This detail can be submitted at reserved matters stage for consideration. There was evidence of badger activity when the site was surveyed in 2017. The dense scrub limited the surveyors to be able to search for any evidence of badgers during the 2020 survey. Given this, further surveys should be done and submitted at reserved matters stage. In addition, the trees and scrub on site are suitable for breeding birds and as such there should be no disturbance of breeding birds in the core breeding season March - August. The report recommends generous and rich planting to be done including trees, shrubs and hedgerows, creation of nesting opportunities for birds and measures to maintain habitat for hedgehog, including the provision of hedgehog holes in residential fencing. Given that this is an outline planning application, the detailed further ecological surveys required can be submitted at reserved matters stage if planning permission is given for this development. The Council's Environment and Natural Resources Manager has no objection to the development subject to the recommendations made by the

(PEA) report (Conditions 20, 21 and 22).

In addition, 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. Paragraph 174b of the NPPF encourages plans to 'identify and pursue opportunities for securing measurable net gains for biodiversity', and paragraph 175d advises that 'opportunities to incorporate biodiversity improvements in and around developments should be encouraged especially where this can secure measurable net gains for biodiversity.' In regards to net gains in biodiversity, given that this is an outline planning application, this detail can be conditioned if planning permission is given for the development (Condition 29).

Taking these factors into account it is considered that the development complies with Policy EN3 of the Hastings Local Plan – Planning Strategy 2014, and Policy HN8 of the Hastings Local Plan – Development Management Plan 2015 and the National Planning Policy Framework (NPPF).

l) Impact on Great Crested Newts

The development falls within the amber impact risk zone for Great Crested Newts. In the amber impact zone, there is suitable habitat and a high likelihood of Great Crested Newts presence. There are 4 ponds within 250m of the application site. The applicant has submitted a Preliminary Ecological Appraisal, Corylus Ecology, March 2020 to support the planning application. This report states that *'there are no on-Site ponds and OS maps show four within a 250m radius of the Site). In 2017, three of these ponds P1 – P3 were found to be dry and no longer able to hold water, filled in or not present. Pond P4 is within Ponds Wood and the terrestrial habitat between the Site and this pond is dominated by roads and residential development. In 2017, this pond was found to have 'Poor' suitability for great crested newt Triturus cristatus under the Habitat Suitability Index (HSI) assessment.'*

The ESCC Newts Officer advises that the applicant has submitted a Preliminary Ecological Appraisal (PEA) for the development. This PEA is dated March 2020. The Chartered Institute of Ecology and Environmental Management have produced an advice note on the lifespan of Ecological Reports and Surveys (April 2019). This states that any report that is over 12 months old may require an update and if over 18 months an updated site visit. As such the applicant is required to provide further information to update the above PEA and the information about the ponds within 500m in line with Natural England's Standing Advice, to rule out impacts to Great Crested Newts. Given that this is an outline planning application, the up-to-date PEA required can be conditioned, if planning permission is given for this development (Condition 20).

m) Trees and Landscaping

This application is submitted in outline form and the landscaping of the site is reserved for future consideration (Conditions 1, 2 and 37).

Policy EN3 of the Hastings Local Plan – Planning Strategy 2014, advises that development should seek to protect nature conservation and improve biodiversity, and criterion g) of Policy EN3 of the Hastings Planning Strategy 2014, states that priority will be given to "protecting woodland, particularly ancient woodland and veteran trees."

Paragraph 131 of the NPPF advises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible.

The application is accompanied by an Arboricultural Report dated October 2019 prepared by The Mayhew Consultancy Ltd. The submitted report concludes that a total of 4 trees were considered to be in such a bad condition that their immediate removal is recommended, and a total of 23 individual trees and 3 groups of trees would be lost as a result of the proposed development. 4 mature oak trees are proposed to be retained. These are T14, T15, T16 and T17. To mitigate impact of all retained trees to acceptable levels, the applicant proposes the installation of three tree protection barriers during construction in order to protect retained trees (Conditions 16, 17, 18 and 19).

The landscaping of the site is reserved for future consideration at reserved matters stage and therefore no soft landscaping scheme is submitted with this application.

The Borough Arboricultural Officer has reviewed the proposal and, having regard to the submitted Arboricultural Report they advise that the proposed development would not have a significant adverse impact on existing trees on site, subject to landscaping and tree protection conditions, and that the submitted Arboriculture Report should be complied with (Condition 36).

Ancient Woodland:

Policy EN4 of the Hastings Planning Strategy states that planning permission will only be granted for development near or adjacent to an area of Ancient Woodland, if it can be convincingly demonstrated that the proposals will not adversely affect that Ancient Woodland and the need for development outweighs the importance of them. The layout of any development encroaching into, or close to, such woodland must take account of the designation and be designed so as to minimise the impact upon it. This is supported by Paragraph 180 c) and d) of the NPPF which states that:-

- d) 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
- c) 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.

Criterion g) of Policy EN3 of the Hastings Planning Strategy 2014, states that priority will be given to “protecting woodland, particularly ancient woodland and veteran trees.”

Policy HN7 of the Hastings Local Plan – Development Management Plan (Green Infrastructure in New Developments) states that good quality green infrastructure should be integrated into the design of new developments. Paragraph 131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments, and that existing trees are retained wherever possible’. Since the

landscaping of the site is reserved for future consideration, a robust landscaping scheme which includes trees lining the street, soft landscaping softening the appearance of car parking areas, and a robust soft landscaping scheme planted along the perimeter boundary of the site should be submitted when the reserved matters relating to the landscaping of the site are submitted for consideration (Conditions 1, 2, 16, 17, 18 and 19).

There is an Ancient Woodland to the north east and south west boundaries of the application site. In the supporting Arboricultural Report compiled by the Mayhew Consultancy Ltd, it identifies that a small portion of designated Ancient Woodland would be lost if the proposal were to be implemented. Having reviewed the submission, it is apparent that only a narrow 'spur' of the site is within the designated Ancient Woodland, at the point where the new vehicular access into the site meets Stone Court. The Arboricultural submitted indicates that the extent of the encroachment on the woodland is minimal and would have no effect on the visual amenity, survival or sustainability of the greater body of woodland lying to the north. If this area of Ancient Woodland were to be retained, the development potential of the land would be severely compromised, due to the difficulty of securing an appropriate and safe access to the site. This has the potential to result in a development of the site not falling within the parameters set out in the site allocation under Policy GH3 of the Hastings Development Management Plan. Taking these factors into account, while the impact on the Ancient Woodland is not ideal, it is considered that the loss of small area of woodland is acceptable, as weighed against both the economic benefit and the enhanced protection of retained woodland, which can be secured as part of a planning approval. In addition, significant weight should be given to that planning permission for this vehicular access and access track was given in past years under ref HS/OA/17/00812 and ref HS/DS/19/00584 where its impact on the Ancient Woodland was found to be acceptable.

The Borough Arboricultural Officer has reviewed the proposal and, having regard to the submitted Arboriculture Report they advise that the proposed development would not have a significant adverse impact on existing trees on site, subject to landscaping and tree protection conditions, and that the submitted Arboriculture Report should be complied with (Conditions 1, 2, 16, 17, 18 and 19).

Given the above it is considered that the development would have a significantly harmful impact on local trees and that a development as proposed complies with policies.

n) Contamination

Policy DM5 and DM6 Hastings Local Plan – Development Management Plan 2015 seek to protect human health and ground and water quality. No Land Contamination Assessment is submitted with the application. However, given that this site previously supported a woodland garden associated with The Spyway School site it is unlikely to be contaminated and it has not a potential source of historic contamination. However, there is the potential for the burial of site waste (such as asbestos containing material) or the contamination of the site from building material if the process of clearing is not controlled. Therefore, in the event that contamination is found at any time when carrying out any approved development, that was not previously identified, it must be reported to the Local Authority with proposed remediation measures. This can be conditioned if planning permission is given for this development (Condition 30).

o) Sustainable Construction

Any future application is required adhere to Policy SC3 of the Hastings Planning Strategy 2014. which requires that all schemes promote sustainable and green design. This should be achieved by:

- d) incorporating appropriate climate change mitigation and adaptation measures such as green roofs and walls, sustainable drainage systems, multi-functional green space, protecting and enhancing biodiversity, waste reduction and recycling facilities, water efficiency, flood risk management, and the use of recycled materials in new development
- a) enable a low carbon future in a changing climate

Innovative design proposals that enhance and attractively contrast local surroundings will be supported.

The development provides the opportunity to incorporate various renewable energy sources within the fabric design, which will be encouraged and explored through the Building Regulation process.

Matters of flood risk and biodiversity enhancement have been considered, together with vehicle charging points. The Environment Agency advise that given that the site is not within the flood risk area the application falls outside their remit and as such they have no comment to make. However, if outline planning permission is given for this development, full drainage details, details of biodiversity enhancements and vehicle charging points should be conditioned (Conditions. 12, 13, 14, 28 and 29).

As such a development as proposed is considered to be in accordance with Policies SC3 and SC4 of the Hastings Planning Strategy 2014.

p) 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. As such EIA is not required for this development.

g) Affordable housing Contributions

This is a brownfield site and Policy H3 of the Hastings Planning Strategy 2014 requires developments of 15 or more dwellings on a brownfield site to provide a minimum of 25% on site affordable housing. 25% equates up to 7 units. In line with Local Housing Need and with consideration of the viability of the scheme and the creation of sustainable communities a minimum of 60% of affordable housing is required to be for affordable or social rent. The affordable housing is required to be proportionate to the overall scheme, covering a range of house types and bed sizes relative to the scheme and dispersed evenly across the site in order to ensure a balanced and mixed communities within the site as required by policies and the NPPF. The applicant has confirmed their acceptance of all the requirements detailed above. As such, it is considered that a development as proposed complies with the NPPF Policies and Policy H3 of the Hastings Planning Strategy 2014 which requires development proposals to create mixed and balanced communities.

It should be noted that the final figure of the total number of affordable housing units that will be provided will be determined by the number of dwellings proposed at reserved matters stage.

r) County Council Infrastructure Contributions

Policy CI1 of the Hastings Planning Strategy Local Plan (2014) seeks to ensure that the right infrastructure is in place at the right time to provide the additional infrastructure capacity required to support new development. A development as large as the current scheme is required to make contributions that will be secured via a section 106 legal agreement. The County Council was consulted on this application and they have requested a financial contribution of a total of £7364.00 (£263 per dwelling x 28 dwellings) towards additional library provision and more flexible library and information services to meet changing needs. It should be noted that the final figure is dependent on the number of dwellings proposed at reserved matters stage.

Furthermore, Policy CI1 of the Hastings Planning Strategy 2014 requires development proposals to provide infrastructure or services that are necessary to mitigate impact created by additional pressures on community services or infrastructure as a result of the development. East Sussex County Council was consulted on this application and they advise that they request a contribution of £7364.00 (£263 per dwelling x 28 dwellings) towards additional library provision and more flexible library and information services to meet changing needs. The applicant has confirmed their acceptance of this financial contribution request. It should be noted that the final figure of the amount required for this financial contribution will be determined by the total number of dwellings proposed at reserved matters stage.

Given the above, it is considered that a development as proposed development complies with the NPPF policies, Policy CI1 of the Planning Strategy 2014, the East Sussex County Council's adopted Supplementary Planning Guidance, "A New Approach to Development Contributions" (the SPG), and the Community Infrastructure Levy Regulations 2010 - as amended (the CIL Regs).

s) Contributions for play facilities

Policy CI3 of the Planning Strategy 2014 requires developers to design housing environments in which children have space to play informally and safely and where they have priority over vehicles, and where such spaces contribute to the provision of open space. Developer contributions will be sought to improve existing equipped play provision in proximity to the proposed development in accordance with criteria e) of Policy GH3 (Spyways School, Gillsmans Hill) of the Hastings Development Management Plan (2015). Where no good neighbourhood playgrounds exist within 600 metres or a 15–20-minute walking distance, new play facilities will be required.

In some neighbourhoods where it is not appropriate or viable to provide further equipped play areas, developers may be required to enhance community green spaces as an alternative. In this instance, the Council's Parks and Open Spaces team was consulted and contributions towards the improvement/upgrading of play areas at Celandine Drive, Shornden, Gensing Gardens or Darwell Close are sought. Calculations have been done as below for the provision of 28 dwellings and an approximate total amount of £18,150.00 has been

calculated towards the off-site play area improvement contribution.

'33 units (maximum allocated for this site) x 15 sq.m. = 495 sq.m divided by 3 = 165 sq.m. for fixed play

One LAP is required for a development of this size which is 400 sq.m. inc . buffer zone so we have to ask for a proportion

One LAP estimated cost to construct and maintain is £44,000.00.

£110 per. sq. m. x 165 sq.m. = £18,150.00'.

The money should be spent as follows: Celandine Drive (£3,000.00), Shornden (£6,000.00), Gensing Gardens (£6,150.00) and Darwell Close (£3,000.00)'.

It should be noted that the amount of this contribution will need to be calculated on the basis of the number of dwellings proposed at the reserved matters stage. This contribution will also need to be agreed via a S106 Legal Agreement.

Subject to such an agreement, no objection is raised to the proposal on the basis of Policies H3, C13 and GH2 of the Planning Strategy 2014.

The applicant has agreed to make a financial contribution for the improvement of nearby play facilities as requested by the Council's Parks and Open Spaces Manager, subject to the total number of houses that are proposed at reserved matters stage. This financial contribution will be secured via a S106 Legal Agreement. Given this it is considered that criteria e) of Policy GH3 of the Hastings Development Management Plan (2015) has been met.

t) Air quality and emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2020 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. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

u) Lighting and Pollution

No external lighting is proposed, and residential amenities are not harmfully affected. In the event that external lighting is proposed, details should be submitted to the Local Planning Authority for approval. This should be conditioned (Condition 11) if planning permission is given for the development. As such, it is considered that the development is in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

v) Other matters

Neighbours have raised concerns regarding the land stability of the site and that the site has potential geological problems which are not explored in this submission and no geology report is submitted. In addition, neighbours raise concern that there is unstable soil around this area and the nearby housing development had to dig 3m to through unstable sand clay deposits to establish a base for the reinforced concrete rafts necessary to support those houses. Given this, if planning permission is given for this outline planning application, a condition should be imposed requesting the applicant to submit to the Local Planning

Authority for approval a full and adequate site investigation and soils report with regard to land stability, suspected slope movements, appropriate types of foundations, minimum foundation depths etc (Condition 23).

6. Conclusion

The site is located within a sustainable location with easy and frequent access to services. The nearest bus stops are located on The Green (C664) around 230m from the site access. Bus Service 26/26A providing a circular route between Hastings town centre, Conquest Hospital and St Leonards. It also serves Hastings Rail Station providing links for onward travel. The nearest National Rail station to the site is St Leonards Warrior Square, which is located approximately 1.5 kilometres from the site and as such within the maximum acceptable walking distance for commuters as set out by the CIHT. St Leonards Warrior Square railway station provides connections to Eastbourne, Brighton, as well as Central London. As such the principle of residential development is considered to be acceptable in this sustainable location.

This is an allocated site for housing development under Policy GH3 (Spyways School, Gillsmans Hill) of the Hastings Development Management Plan 2015. As discussed herein the proposed development accords with the key provisions of this policy.

The proposed vehicular access into the site is considered to be acceptable, subject to conditions as recommended by County Highways. The submitted indicative Master Plan successfully demonstrates that the site is capable of accommodating up to 28 dwellings without causing harm to the visual appearance and character of the area, the adjoining Ancient Woodland, Local Wildlife Site, Local Nature Reserve, and highway safety. The proposed layout would integrate well with the development that was given planning permission under ref HS/OA/17/00812 and ref HS/DS/19/00584 on the adjoining site for 8 dwellings. The relationship of the proposed development to neighbouring properties, in particular those on Stone Court and Gillsmans Hill is a typical relationship found within the built-up area boundary and as such it is considered that there will be no harm to neighbour amenity as a result of the proposed development.

Furthermore, it is considered that a development as proposed has an acceptable density of development and is not an overdevelopment of the site. The indicative scheme makes maximum and efficient use of land and is supported in this location as it will provide much needed housing with a good mix of house types in the Borough thereby complying with Policy H2 of the Hastings Planning Strategy 2014.

The applicant confirms his acceptance to enter into a S106 Legal Agreement to secure affordable housing contributions and financial contributions towards highway improvements, as well as financial contributions towards ESCC infrastructure provisions as required by policies and as detailed herein.

As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. It is considered that a development as proposed would positively contribute to the Council's housing stock. As such the recommendation is for approval and the need to deliver housing adds further weight in favour of supporting the principle of housing development in this location.

Given the above, it is considered that 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

- b) 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/OA/20/00022 to secure:**
- A) 25% affordable housing. The final figure is dependent on the number of dwellings proposed at reserved matters stage.**
- **A financial contribution of £7,364.00 (£263 per dwelling x 28 dwellings) towards additional library provision and more flexible library and information services to meet changing needs. The final figure is dependent on the total number of dwellings proposed at reserved matters stage.**
 - **A financial contribution of a total of £18,150.00 (£110 per sq.m x 165 sq.m) towards the improvement of the following nearby play facilities: Celandine Drive (£3,000.00), Shornden (£6,000.00), Gensing Gardens (£6,150.00) and Darwell Close (£3,000.00).**
 - **A financial contribution towards Real Time Passenger Information (RTPI) (£24,000) to install RTPI signs at the two nearest Springfield Road (northbound and southbound) bus stops.**
 - **The upgrading of the two nearest Springfield Road (northbound and southbound) bus stops at the applicant's expense:-**

Springfield Road northbound bus stop

- **Raised kerb, ideally 160mm height (minimum 125mm)**
- **Bus stop clearway markings**
- **Real time passenger information display.**

Springfield Road southbound bus stop

- **To provide raised kerbs at this location, alterations to the existing bus shelter are likely. One solution may be to replace the existing shelter with a new shelter with the open side facing the road, thereby providing space for the section of raised kerb.**
- **The provision of a new bus stop to the socket and pole design (as per the northbound direction currently) – sourced from Stagecoach at the applicant's expense.**
- **A financial contribution of £500 towards consultations and preparations to be undertaken for the installation of bus stop clearway markings at the Springfield Road bus stop.**

- A Travel Plan generally in the form of the Travel Plan Framework, including a welcome pack for each new unit detailing walking and cycling routes, public transport links/timetables with a bus season ticket voucher or cycle voucher. No monitoring fee is required as the development is below the threshold.
- A S278 Legal Agreement for the highway works which include road adoption and bus improvements.
- A S38 Legal Agreement for the proposed adoptable on-site highway works.

unless it has been conclusively shown that the development would not be viable and that it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed by 30 April 2022 that permission be refused on the grounds that the application does not comply with the relevant policies (Policies H3 and CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan 2015 unless an extension of time has been agreed in writing by the Planning Services Manager.

- **Subject to the above**

Grant Outline Planning Permission subject to the following conditions:

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

A00 Location Plan
A02 Site Survey
A01 Illustrative Layout (amended)

6. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the occupation of the houses which they serve.
7. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
8. 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 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
9. Prior to the commencement of any part of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to first occupation of any of the premises and be retained thereafter.
10. The development hereby approved shall not be occupied until full details of the external storage spaces and collection point for refuse bins, been completed submitted to and approved in writing by the Local Planning Authority and once provided the refuse storage areas shall not be used for any other purpose other than the storage of refuse bins.
11. No external lighting shall be installed without planning permission. If lighting is proposed, a report on the lighting scheme, such as flood lighting or security lighting, should be submitted to the Local Planning Authority for approval detailing the provisions for the avoidance of 'spill Light' that is to say light that obtrudes beyond the area it was intended to light and into surrounding areas or onto surrounding properties.
12. Prior to the commencement of any part of the 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.
13. (i) Prior to commencement of any part of the proposed development, a suitable ground investigation should be undertaken to establish the infiltration rates and the depth of groundwater at the site. Any soakage testing should be undertaken to the BRE365 methodology. These should be

used to confirm the design of the proposed surface water drainage network.

(ii) Prior to commencement of any part of the development details of the proposed means of foul and surface water sewerage disposal, including proposed rate at no more than the existing run-off rate (for all rainfall events including the 1 in 100 (plus climate change)) along with hydraulic calculations which take into account the connectivity of the drainage system, are to be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and the County Flood Risk Management Authority.

(iii) Prior to commencement of any part of the development a maintenance and management plan for the entire drainage system is required to be submitted to and approved by the Local Planning Authority. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should also be provided to the Local Planning Authority.

(iv) Prior to occupation of any part of the development hereby approved, evidence (including photographs) should be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

14. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

B) Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
and

(i) No occupation of any of the dwellings or flats approved as a part of this development shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

15. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate but not

be restricted to the following matters,

- (ii) the anticipated number, frequency and types of vehicles used during construction,
- the method of access and egress and routing of vehicles during construction,
- the parking of vehicles by site operatives and visitors,
- the loading and unloading of plant, materials and waste,
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding,
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
- details of public engagement both prior to and during construction works.

16. 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.

Such a scheme should show the retention of the existing mature oak trees T14, T15, T16 and T17, together with the planting of an Ancient Woodland buffer outside of any residential garden space.

17. Upon completion of the approved soft landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority, and within whatever planting season is agreed.
18. 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.
19. 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.

20. No development shall take place until an up-to-date Preliminary Ecological Appraisal including measures has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England and Nature Space.

Thereafter, the measures outlined in the approved ecological statements and reports shall be fully implemented as approved 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.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following;

- Risk assessment of potentially damaging construction activities.
 - a) Identification of “biodiversity protection zones”.
 - b) 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).
 - c) The location and timing of sensitive works to avoid harm to biodiversity features.
 - d) The times during construction when specialist ecologists need to be present on site to oversee works.
 - e) Responsible persons and lines of communication.
 - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - g) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the Local Planning Authority.

22. 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 should include:

- h) 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

- a) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
23. Prior to commencement of any part of the development hereby approved a full and adequate site investigation and soils report with regard to land stability, suspected slope movements, appropriate types of foundations, minimum foundation depths etc shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
24. The reserved matters details submitted for Conditions 1 & 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the energy efficiency hierarchy in Policy SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028.
25. The development hereby approved shall be carried out in accordance with the arboricultural measures in the approved Arboricultural Report prepared by The Mayhew Consultancy Ltd and dated October 2019. Thereafter development shall be maintained as approved.
26. The landscape details submitted pursuant to Condition (1) above, shall include full details of the hard landscape works including proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g refuse areas, lighting etc); proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc). All hard-landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
27. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
28. Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed at each of the houses hereby approved which have dedicated 'on plot' parking. The electric vehicle charging point shall thereafter be retained for that purpose.
29. The reserved matters details submitted in accordance with Conditions 1 & 2 above shall include details of biodiversity enhancements in accordance with the recommendations of the Preliminary Ecological Appraisal Report Dated 26 March 2020 and the Extended Phase 1 Habitat Survey dated May 2017 prepared by Corylus Ecology.

30. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority.

Development shall not re-start on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority: -

- b) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.
- a) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Local Planning Authority)
- b) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to, and approved in writing by, the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

31. The development shall not be occupied until parking areas have been provided in accordance with the details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
32. The vehicular access hereby approved shall not be used until visibility splays of 2.4m by 43m to the west are provided at the junction of Stone Court/ Gillsmans Hill and visibility shall thereafter be maintained as approved.

33. The development hereby approved shall not be occupied until cycle parking areas have been provided 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 areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
34. Any part of the development hereby approved shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details which shall 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.
35. No part of the development shall be occupied until a Travel Plan (Statement) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
36. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards and shall thereafter be maintained as approved.
37. The reserved matters details submitted for Conditions 1 & 2 above shall include soft landscaping details that show new streets lined with trees and that all car parking and hard standing areas shall be softened by soft landscaping as required by Paragraph 131 of the NPPF and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and Policy DM1 of the Hastings Development Management Plan 2015.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. In order to secure a well planned development and protect visual and residential amenities of the area.

7. In the interests of the visual amenity of the area.
8. In the interests of neighbour amenity.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
10. In the interests of the visual amenity of the area.
11. In the interests of neighbour amenity.
12. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
13. To prevent increased risk of flooding.
14. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
15. In the interest of highway safety and for this benefit and convenience of the public at large.
16. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
17. In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.
18. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
19. In the interests of the health of the trees and the visual amenity of the area.
20. To enhance features of recognised nature conservation importance.
21. To protect features of recognised nature conservation importance.
22. To protect features of recognised nature conservation importance.
23. To ensure an acceptable form of development.
24. To ensure the development complies with policy SC3 of the Hastings Local Plan:
The Hastings Planning Strategy
25. To ensure that the measures considered necessary as part of the arboricultural impact assessment are carried out as specified.

26. In order to ensure that the development is capable of functioning in a manner that has regard to the safety of vehicular and pedestrian users, including less able bodied people.
27. In the interests of the visual amenity of the area.
28. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.
29. To enhance features of recognised nature conservation importance.
30. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
31. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
32. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
33. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
34. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
35. To encourage and promote sustainable transport.
36. In the interest of highway safety and for this benefit and convenience of the public at large.
37. To ensure an acceptable form of development and that the development complies with Paragraph 131 of the NPPF and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and Policy DM1 of the Hastings Development Management Plan 2015.

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 the 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. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
6. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying the application hereby approved. Such plans have been treated as being indicative only.
7. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
8. Consideration should be given to the provision of a domestic sprinkler system.
9. All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.
10. The applicant is advised that East Sussex County Council's requirements associated with this development proposal will need to be secured through a Section 106 and a Section 278 Legal Agreement between the applicant and East Sussex County Council. 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.
11. 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).
12. 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 Sec 38 agreement being in place are undertaken at their own risk.

13. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
14. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the East Sussex Highways Network Co-ordination team (0845 6080193).
15. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.
16. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
17. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
18. The proposed indicative layout could benefit from a few amendments which can be done at reserved matters stage. All plots should be set back from the road so as to allow the planting of sufficient soft landscaping. There should be a woodland buffer at the rear of the residential gardens of all plots. The proposed road should be lined by trees, and all car parking areas should have trees to soften the visual appearance of the development.

Officer to Contact

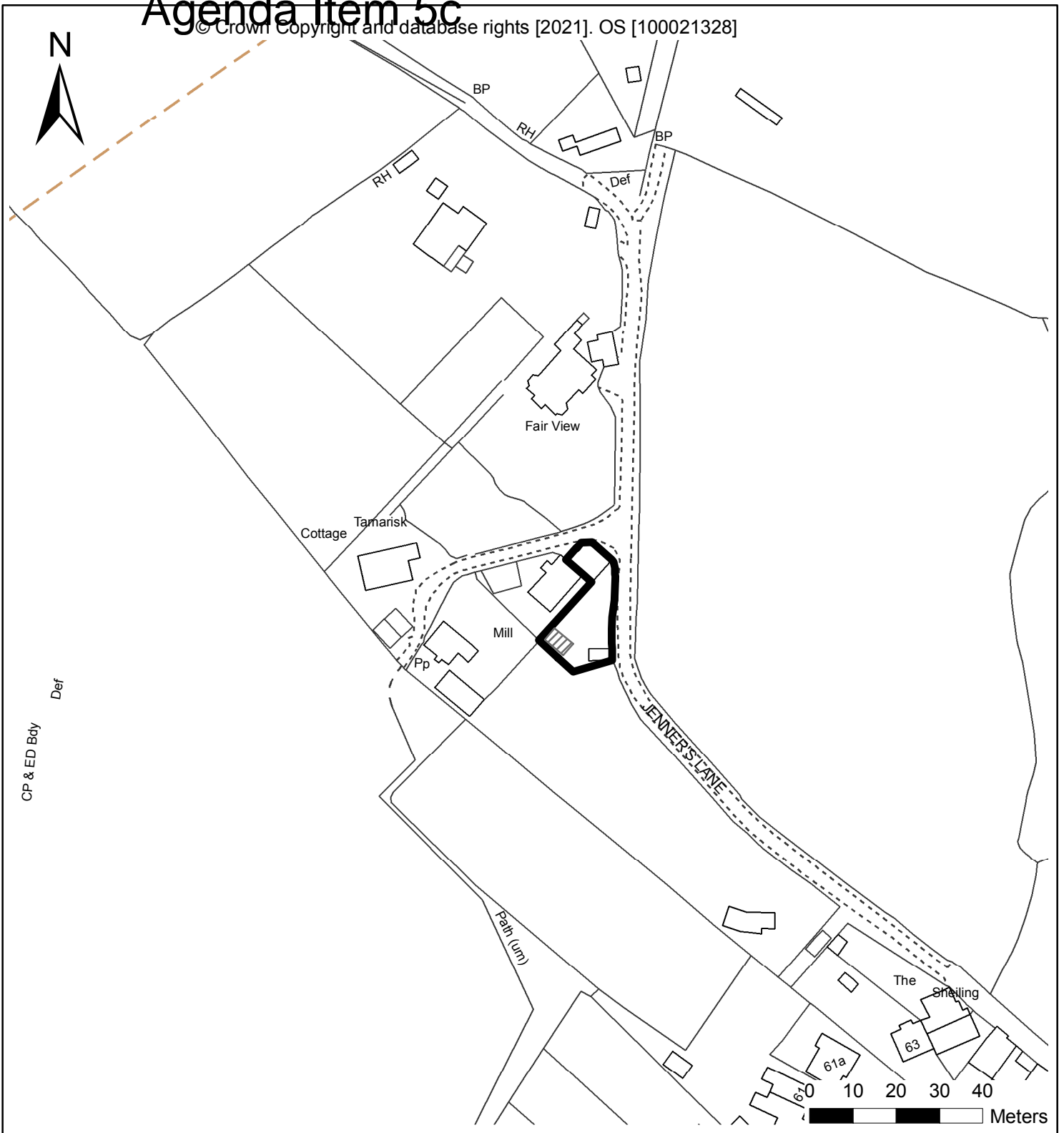
T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/OA/20/00022 including all letters and documents

Agenda Item 5c

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Dingle Cottage
Jenners Lane
Hastings
TN35 4LH

Erection of single storey garden office



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: Dec 2021

Scale: 1:1,250

Application No. HS/FA/21/01055

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Report to: PLANNING COMMITTEE

Date of Meeting: 19 January 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **Dingle Cottage, Jenners Lane, Hastings, TN35 4LH**

Proposal: **Erection of single storey garden office**

Application No: **HS/FA/21/01055**

Recommendation: **Grant permission**

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

Applicant: Mr Evans Dingle Cottage Jenners Lane Hastings TN35 4LH

Public Consultation

Site notice: Yes
Press advertisement: No
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 -
Application submitted on behalf of a serving employee in a restricted post.

1. Site and surrounding area

The application site is located on the outskirts of Hastings, on Jenners Lane, which is off of Winchelsea Lane. The site is occupied by a two storey semi-detached dwelling, which occupies a corner position on Jenners Lane. The garden (to which the proposed outbuilding relates) extends southwards and is raised slightly higher than the house and Lane.

The boundary treatment alongside Jenners Lane enclosing the property and its garden comprises low level picket fencing. The southern boundary of the site is formed by mature

hedging in excess of 2m and a brick wall having a height of some 1.7m (taken from the ground level of the raised bed adjacent to the wall) being located along the western boundary.

A mature Ornamental Plum tree is located within the garden adjacent to the picket fence.

To the north of the site is Fairview, located some 30m away. To the east, Jenners Lane, beyond which is a field, to the south, a field, and directly to the west is Bartons Cottage. Bartons Cottage is a chalet bungalow with rooms in the roof.

The surrounding buildings are all different in design, scale and form, meaning the dwelling is unique in the street scene.

Constraints

- High Weald Area of Outstanding Natural Beauty (AONB)

2. Proposed development

It is proposed to erect an outbuilding to be used as an office, incidental and ancillary to the main residential dwelling. This will be fixed to an existing concrete base, approximately 15cm in height.

This is a re-submission of a previous consent for a similar development, granted planning permission by Planning Committee in May 2021. The application proposes minor variations to that approved, including the inclusion of a gable wall on either side, and a slight increase in footprint. To accommodate the change without harm to the neighbouring properties, the building is also to be moved further away from the boundary of Barton's Cottage.

The detailed elements of the revised scheme are as follows:

- Outbuilding to be 5.6m long and 3.458m deep
- Eaves height - 2.175m
- Ridge height - 3.158m, from the concrete base.
- Hipped roof to the front and rear with gable ends on either side.
- Elevations - treated softwood featheredge boarding finished in green
- Roof - black bitumen shingles
- Black PVCu guttering leading to a water butt.
- Black upvc fascia & soffits
- Black upvc french doors and upvc windows

The application is supported by the following documents:

- Arboricultural Report (Barry Holdsworth Ltd, November 2020)
- Existing and Proposed Drainage (Simon Dent Associates, December 2020)
- Phase 1 Ecology Report (Ecology and Habitat Management Ltd, December 2020)
- Planning Statement
- Materials Schedule
- Site Waste Management Plan

Relevant planning history

HS/FA/21/00203 Erection of a single storey outbuilding to be used as a home office, incidental to the principal residential use of the house
GRANTED 26 May 2021

HS/FA/19/00487 Installation of first floor side (north east) elevation window
GRANTED 15 August 2019

HS/FA/79/00607 Erection of detached garage
GRANTED 27 September 1979

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 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 HN9 - Areas of Landscape Value

Other policies/guidance

- National Design Guide
- High Weald AONB Management Plan
- High Weald AONB Legislation and Planning advice note

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."

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.

3. Consultation comments

High Weald AONB Unit - **no comment received**

The High Weald AONB Unit do not usually comment on applications of this minor scale and defer the assessment of the impact of the works on the AONB to the Local Planning Authority, taking account of the AONB Management Plan and associated guidance notes.

Hastings Borough Council (Natural Environment and Resources Manager) - **no comment received**

The application is substantially the same as that already approved. The ecological implications will remain unaffected by the minor amendments proposed, subject to the imposition of conditions as previously proposed (Condition 4).

Hastings Borough Council (Arboriculturalist) - **no comment received**

The application is substantially the same as that already approved. The arboricultural implications will remain unaffected by the minor amendments proposed, subject to the imposition of conditions as previously proposed (Conditions 4 and 5).

4. Representations

In respect of this application a site notice was displayed at the front of the site fronting Jenners Lane in clear public view of the adjacent public footpath. No responses were received.

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 and the impact on the High Weald Area of Outstanding Natural Beauty (AONB).

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015, and acceptable in principle subject to other Local Plan policies.

b) Impact on character and appearance of area

Policy DM1 of the Hastings Development Management Plan 2015 states that all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: (a) protecting and enhancing local character; (b) showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials; (c) good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness; (d) the layout and siting of buildings to make efficient use of land, the orientation of frontages to achieve attractive streetscapes and to best take into account the effects of solar gain; (e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints.

The proposed outbuilding is to be located in the south- western corner of the application site on an existing area of vacant hardstanding. Until relatively recently, a shed was located in this location. Whilst the new outbuilding will be visible from the public realm, it is tucked away behind the existing detached garage thereby limiting some views. Furthermore, the proposed outbuilding is of a generally good design and externally finished with treated softwood featheredge boarding in a green colour, consistent with the requirements of the High Weald AONB Management Plan.

The proposed works are therefore considered acceptable and will not result in an undue impact on the character and appearance of the area, in accordance with Policy DM1 of the Development Management Plan 2015.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015), states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where: (a) 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.

Fields are located to the south of the application site and to the east of the proposed outbuilding. As such no neighbours to the south or opposite the application site are affected

by the proposed development. Furthermore, a hedge having a height in excess of 2.5m is located along the southern boundary which would significantly screen the views of the outbuilding from the southern side.

A brick wall having a height of some 1.7m is located along the north-western boundary/party wall boundary with the neighbouring semi at Barton's Cottage. The proposed outbuilding is to be located 0.8m from this boundary, over 0.5m further than previously approved. In addition, the eaves height has been lowered from 2.3m to 2.175m and the ridge height from 3.4m to 3.158m, further reducing impact on this neighbour. Given the presence of the brick wall already obscuring views, and the previous siting of a shed on the site, it is not considered that the proposed outbuilding would result in any undue impact on the amenity of this neighbour.

Taking the above into account, it is not considered that the proposal will result in any negative impact to neighbouring residential amenity with regards to over shadowing or loss of daylight. The proposed works are therefore considered acceptable in this respect and are in accordance with Policy DM3 of the Development Management Plan 2015.

d) Archaeology

Whilst the Local Plan Proposals Map shows part of the application site within an area of Archaeological Notification Area, this is no longer the case. As such the proposed development will not have an impact on heritage assets.

e) Impact on landscape

The site is located within the High Weald Area of Outstanding Natural Beauty (AONB). Policy HN9 of the Development Management Plan 2015, states that areas of landscape value comprise AONBs and the Combe Valley Countryside Park. The inherent visual qualities and distinctive character of these areas will be protected. Development will only be permitted that is not detrimental to the character, scenic quality or visual benefit of these areas. Policy EN7 of the Hastings Planning Strategy 2014 seeks to protect and enhance the town's landscape including the High Weald Area of Outstanding Natural Beauty

The High Weald AONB Unit will only provide detailed comments on planning applications if they are major developments (such as 10 or more dwellings) or they directly impact on one of the landscape character components identified in the High Weald AONB Management Plan's statement of significance. However, it is still the responsibility of the Local Planning Authority, in this case Hastings Borough Council, to decide whether the application meets legislative and policy requirements in respect of AONBs, specifically taking into regards NPPF paragraph 172, which requires great weight be given to conserving and enhancing landscape and scenic beauty in AONBs, and the High Weald AONB Management Plan.

There are seven defining components which should be assessed against when considering any application which may have an effect on the High Weald AONB:

- I. Geology, landform and water systems
- II. Settlement
- III. Routeways
- IV. Woodland
- V. Field and heath
- VI. Land-based economy and related rural life
- VII. Other qualities (features that are connected to the interaction between the landscape and

people and which enrich character components)

It is considered that the proposal need only be assessed against one of these components, specifically 'Settlement'. When assessing against this component there are three objectives which need to be considered, these are:

- Objective S1: To reconnect settlements, residents and their supporting economic activity with the surrounding countryside.
- Objective S2: To protect the historic pattern and character of settlement.
- Objective S3: To enhance the architectural quality of the High Weald and ensure development reflects the character of the High Weald in its scale, layout and design.

It is considered that only Objective S3 need be assessed when considering this proposal due to the nature of the development. When assessing the impact of a development against this objective, it should be considered as to whether the proposal maintains and enhances the local distinctiveness, the build environment character, and the 'sense of place' of the High Weald AONB.

The front boundary treatment, alongside Jenners Lane comprises a low level picket fence, this and the raised garden level, relative to the lane, is such that the proposed outbuilding will be visible when viewed from the lane, albeit that those views will be slightly limited by an existing mature Plum Tree, proposed to be retained (see Arboricultural Report). However, this will only apply when standing directly in front of the garden, at the point of the existing parking area. There will be no other points from the public realm where the outbuilding could be seen. There may be some limited views of the roof of the outbuilding above the hedge along the south west boundary from the adjacent field however most views including longer distance views across the AONB will not be able to distinguish or see the outbuilding from the enclave of built form around it, namely Dingle Cottage itself, Bartons Cottage and other neighbouring buildings and outbuildings. Under the circumstances, it is considered that the proposed outbuilding/home office will have a negligible impact on the character of the area and the intrinsic qualities of the High Weald AONB.

The proposed outbuilding/home office is to be finished in treated softwood featheredge boarding finished in green and the roof is proposed to be finished in black bitumen shingles. The proposed use of featheredge boarding is considered appropriate and acceptable in the High Weald AONB. Whilst the existing dwelling has the provision of slates above the main dwelling, the nature of the revised roofing materials, given their colour and appearance, and similarity to the existing garage, are not considered to be out of keeping. Under the circumstances therefore, it is considered that the proposed materials are sympathetic to requirements of High Weald AONB Management Plan.

The proposed works are therefore considered acceptable in this respect and in accordance with Policy HN9 of the Development Management Plan 2015, Policy EN7 of the Hastings Planning Strategy 2014, and the High Weald AONB Management Plan.

f) Ecology

A Phase 1 survey and report commissioned by the applicant and compiled by Ecology & Habitat Management Ltd provides an assessment of the site, reporting on the current conditions of the habitats present and their potential to support protected and notable species.

The Phase 1 assessment does not identify any likely impacts on protected species, but does recommend methods to ensure construction is compliant, and ensure features that are likely to be providing an ecological resource are protected. These mitigation measures are identified in the following areas:

- Protection of breeding birds,
- Protection of wider habitats
- Appropriate lighting for bats
- Adequate Pollution Control

Subject to the ecological measures and/or works being carried out in accordance with the details contained in the submitted Ecology Report, the development is considered acceptable and complies with Policy HN8 of the Development Management Plan (2015).

g) Impact on Great Crested Newts

The development falls within the white impact risk zone for great crested newts and as the application is a household one, there is no requirement to consult NatureSpace in respect of Great Crested Newts. An informative is added should Great Crested Newts be found on site at any stage of the development works (Informative 5).

h) Trees

A mature Ornamental Plum tree is located within the front garden however as shown from the Arboricultural Report, the outbuilding will be located outside of the root protection area of that tree. No tree removal is proposed. No foundations are proposed, the shelter being placed on an existing concrete base. The weight of the structure is not sufficient to compact the ground therefore no trees or their roots systems will be affected by this proposal.

An Arboricultural Report composed of Arboricultural Impact Assessment Arboricultural Method Statement & Tree Protection Plan produced by Barry Holdsworth Ltd is submitted with this application. The report concludes the tree will not present a planning constraint to the erection of the outbuilding and recommends that tree retention and protection within this report are adhered to.

Taking the above into account, subject to the implementation of mitigation methods and recommendations contained within the submitted Arboricultural Report, there is not considered to be any adverse impact on trees or level of screening provided. Policy EN3 of the Hastings Planning Strategy 2014 is therefore complied with.

i) Flooding and drainage

Policy SC7 of the Hastings Local Plan – Planning Strategy (2014), states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The site is not in an area of groundwater or surface water flood risk. Given the minor scale of the proposal, and the fact that it will be constructed on an existing concrete base, it is not considered that there will be a significant impact on surface water drainage. Nonetheless, a drainage scheme has been submitted with the application which shows guttering to the outbuilding feeding into a water butt. A rainwater pipe will be installed that will connect the water butt to the rainwater pipes at the house. This rainwater pipe will run alongside the

boundary wall of the property, positioned behind existing vegetation, and connecting to the existing rainwater pipe at the house, which terminates in the combined chamber. This will effectively mean that in events of heavy rainfall, the water butt will not overflow. This method of addressing any displaced water will ensure there is no harm arising in terms of ground or surface water flooding.

Taking the above into account, it is not considered that the proposed development will increase the risk of flooding, and therefore is in compliance with Policy SC7 of the Hastings Planning Strategy 2014.

j) Environmental Impact Assessment

National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) requires the Local Planning Authority to determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations. If the site is listed in Schedule 1 an Environmental Impact Assessment is required in every case. If the project is listed in Schedule 2, the Local Planning Authority should consider whether it is likely to have significant effects on the environment.

This development is within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, but does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Therefore no screening opinion is required.

6. Conclusion

The proposed outbuilding/home office is considered to be of an appropriate design. The proposal would not cause harm to the character or appearance of the area, would not harm residential amenities and would not cause harm to the High Weald AONB.

The proposal therefore complies 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 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:

Location and block plan - es 1825/21/02

Proposed layout and elevations - es 1825/21/01

Existing and proposed drainage - 1646-100 P1

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 until the measures outlined in the submitted ecological and arboricultural statements and reports as set out below have been fully implemented, unless:

(i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;

(ii) 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:

- Arboricultural Report (Barry Holdsworth Ltd, November 2020)
- Phase 1 Ecology Report (Ecology and Habitat Management Ltd, December 2020)

5. 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 BS5837:2012: Trees in relation to design, demolition and construction, 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.
6. The development hereby permitted shall only be used in conjunction with the existing dwelling and shall not, at any time, be used for separate business, commercial or industrial purposes or as an independent residential unit.

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 and future residents.
4. To protect features of recognised nature conservation importance.
5. To protect trees and hedges that positively contribute to the visual amenity of the area or contribute to the overall landscaping scheme of the site that forms an essential part of the overall design of the development. To protect trees that are noted as forming part of a habitat or foraging area for priority and protected species.
6. To safeguard the amenity of adjoining and future residents.

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. The current condition of the drainage system should be investigated and any maintenance or rehabilitation completed should it be required.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/FA/21/01055 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	19 January 2022
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 25/11/2021 to 06/01/2022
Recommendations:	That the report be noted

The following appeals have been received:

N/A

The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Office and Car Park Display Land, 46A Battle Road (The Old Police Box Corner), St Leonards-on-sea, TN37 7AD HS/FA/20/00361	Demolition of existing office unit. Proposed development to form 1 x 2 bedroom maisonette, 1 x 2 bedroom flat and 1 x 1 bedroom flat including allocated parking under- croft parking and visitor parking. (as amended)	Refuse Planning Permission	DELEGATED	Planning
23 Roundwood Road, St Leonards-on-sea, TN37 7LD HS/FA/21/00737	Proposed two storey side extension	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
130 Bohemia Road, St Leonards-on-sea, TN37 6RP HS/FA/19/00998	Extensions and alterations to create a zero carbon two bedroomed dwelling	Refuse Planning Permission	DELEGATED	Planning
32 Sedlescombe Road North, St Leonards-on-sea, TN37 7DG HS/FA/21/00133	Demolition of existing rear/side conservatory and construction of part two storey part first floor rear extension, Front Bay window on ground floor, Off street parking in front garden including dropped kerb.	Refuse Planning Permission	DELEGATED	Planning
Woodbine Cottage, 2 High Wickham, Hastings, TN35 5PB HS/FA/21/00309	Installation of French Doors and construction of raised decking with privacy screen (Retrospective)	Refuse Planning Permission	DELEGATED	Planning
24 Chalvington Drive, St Leonards-on-sea, TN37 7SB HS/FA/21/00206	Installation of decking and steps	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Granted Permission	52
Part Granted	1
Part Granted - Part Refused	1
Prior Approval Refused	1
Raise Objections	1
Refused	10
Self Certificate – Permitted Development	1
Withdrawn by applicant	2
Total	69

Report written by

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Email: planning@hastings.gov.uk **Page 110**