

# Planning Agenda

**Wednesday, 23 March 2022 at 6.00 pm**

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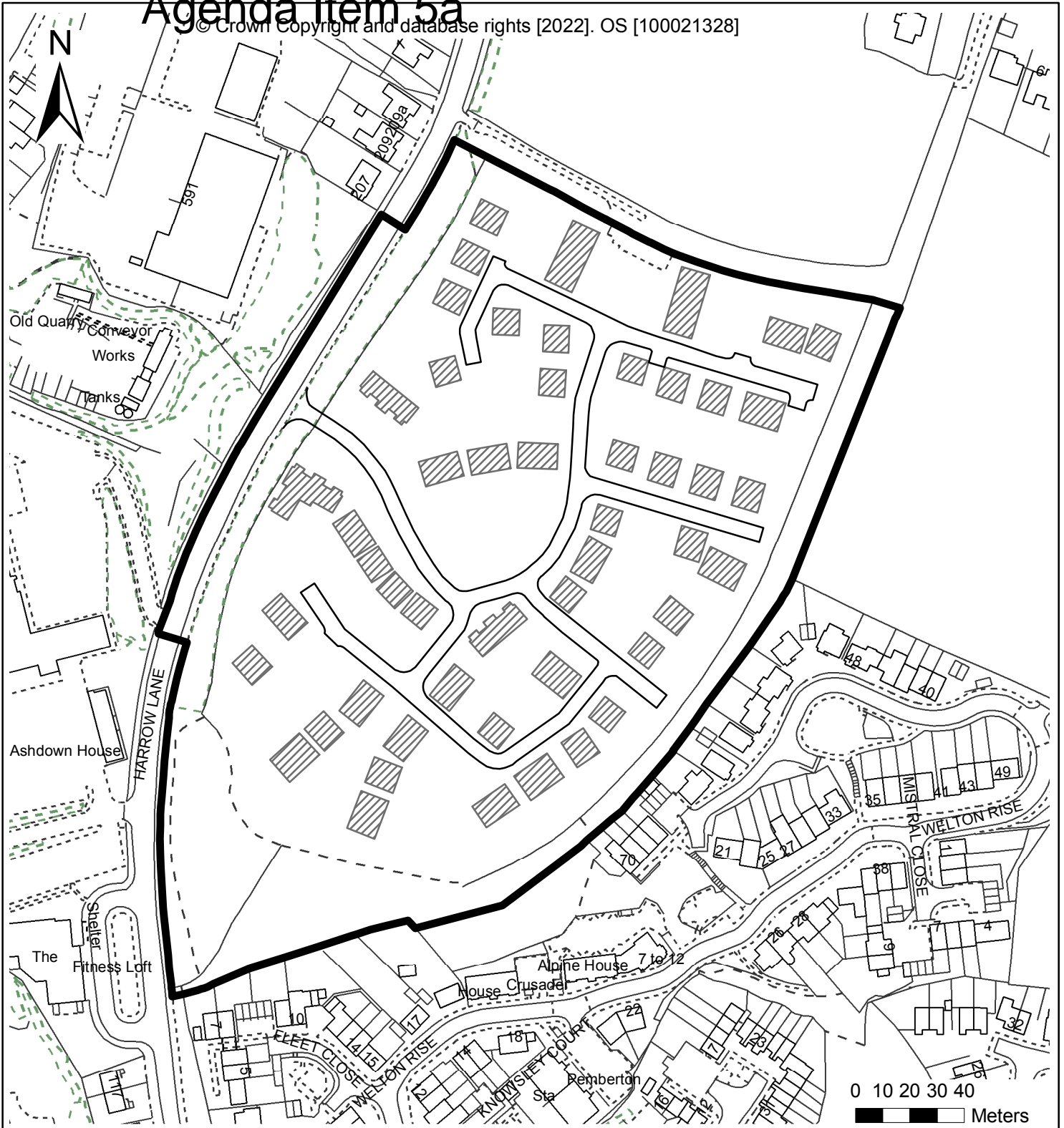
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democraticservices@hastings.gov.uk

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# Agenda Item 5a

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**Harrow Lane playing fields**  
**Harrow Lane**  
**St Leonards on sea**

Approval of Reserved Matters relating to appearance, landscaping, layout and scale pursuant to Outline Planning Permission HS/OA/17/00901 (Outline application, (seeking approval of Access) for the erection of 140 residential units (22 no. 4-bed, 61 no. 3-bed, 36 no. 2-bed, 21 no. 1-bed units) of which fifty six are 'affordable homes', public open space, access and landscaping at Harrow Lane Playing Fields, St Leonards-on-sea.)



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Date: Mar 2022

Scale: 1:2,000

Application No. HS/DS/21/01044

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**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 23 March 2022

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** Harrow Lane playing fields, Harrow Lane, St Leonards on sea

**Proposal:** Approval of Reserved Matters relating to appearance, landscaping, layout and scale pursuant to Outline Planning Permission HS/OA/17/00901 (Outline application,(seeking approval of Access) for the erection of 140 residential units (22 no. 4-bed, 61 no. 3-bed, 36 no. 2-bed, 21 no. 1-bed units) of which fifty six are 'affordable homes', public open space, access and landscaping at Harrow Lane Playing Fields, St Leonards-on-sea.)

**Application No:** HS/DS/21/01044

**Recommendation:** Approve Reserved Matters

**Ward:** ASHDOWN 2018

**Conservation Area:** No

**Listed Building:** No

**Applicant:** ilke Homes Land Ltd per DHA Planning Ltd The Pinnacle Station Way Crawley RH10 1JH

**Public Consultation**

Site notice:	Yes
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	No
People objecting:	30
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 application site is 5.2ha, in the western part of the Borough and framed by Harrow Lane to the west. The site adjoins two identified development sites, Holmhurst St. Mary (granted Outline consent for the development of 208 units) to the East and 777 The Ridge (Outline application for up to 50 dwellings submitted awaiting determination) to the north.

The application site was formerly used as a recreation ground (football fields), this use ceased in 2011 and the site has been deemed surplus to recreational use requirement. The loss of this site as a recreation ground was considered in detail at the Local Plan Examination in Public when considering its allocation as a development site. As such the site is undeveloped and enjoys an elevated position with a slight slope to the south-west. The site is an irregular form tapering to a point towards the south. Residential development adjoins the site boundary to the south-east, Fleetwood Close and Welton Rise. To the west, opposite Harrow Lane, is a complex of buildings associated with former Ashdown House, adjoined by an industrial site. Residential uses front on Harrow Lane further to the north and south.

Pedestrian access onto the site via formal Public Rights of Way are also available from Harrow Lane and The Ridge, providing connections with adjoining sites that currently benefit from either outline or full planning consent for residential development. These include Land adjacent to 777 The Ridge (outline consent for 50 dwellings) and Holmhurst St Mary (full planning consent for 208 dwellings). A resolution to grant planning permission at the former Ashdown House site to the west has also recently been given for 151 dwellings, community centre and food retail store, which includes enhanced pedestrian links from Harrow Lane.

The site is currently characterised by an open green space with densely planted hedgerows and mature trees on its boundaries, which have high ecological value. It is located in a setting that comprising residential, commercial and community facilities. Development in the area is primarily two/three storey in scale, with pitched roofs.

The nearest bus stop to the application site is located on Harrow Lane in close walking distance to the site.

The site is allocated for residential development within the Hastings Development Management Plan 2015 with a possible net capacity of 140 dwellings (Policy LRA2) and benefits from outline planning permission. The emerging draft Local Plan (Regulation 18) also allocates the site at a higher density, showing an indicative capacity of 212 dwellings (Policy HL2).

### Relevant site constraints

- Area affected by surface water flooding (small encroachment on south eastern boundary)
- Land owned by Hastings Borough Council
- Tree Preservation Order 224A (small encroachment on south eastern boundary)
- Amber risk zone for Great Crested Newts
- 250m buffer zone of a historic landfill site
- Waste and Minerals Local Plan consultation area
- Public Rights of Way (north and eastern boundaries)
- Scotia Gas Networks medium pressure pipeline (Harrow Lane)

## 2. Proposed development

This is a Reserved Matters application pursuant to outline planning permission HS/OA/17/00901 for the erection of 140 residential dwellings. Approval is sought for details relating to appearance, landscaping, layout and scale, which were reserved at the outline

planning permission stage. The proposed access from Harrow Lane was approved as part of the outline consent and is utilised within the current application. Details regarding access and its impact on the highway are therefore not for reconsideration here.

The applicant proposes to create a sustainable development that compliments the surrounding area whilst establishing its own identity. As such the design of the dwellings is more modern in style than is characterised in the surrounding area, adopting a modular approach to construction. The development will comprise a mix of housing and apartments ranging from 2-3 storeys in height, utilising the following mix:

21 x 1 bedroom apartments (of which 3 are designed to meet M4(3) accessibility standards)  
36 x 2 bedroom houses  
61 x 3 bedroom houses  
22 x 4 bedroom houses

All units comply with the Nationally Described Space Standards, and 2% meet the Building Regulations M4(3) standards in terms of accessibility.

The development is broken up into 3 separate character areas - Central Green, Upper and Lower Green and The Mews. Materials vary for each of the character areas, but generally comprise of a mix of brick and render, with variations to create contrast for each area and highlight entrances.

A total of 259 parking spaces are to be provided, including provision for visitor, unallocated and disabled parking. Electric vehicle charging points will be installed for each new dwelling, and communal chargers for the apartment blocks.

3 areas of informal play are to be provided within the site, utilising equipment such as balancing beams, stone boulders and log walks.

The application is supported by the following documents:

- Archaeological Written Scheme of Investigation (RPS, September 2021)
- Biodiversity Net Gain Statement (Derek Finnie Associates, November 2021)
- Construction Management Plan (Hodkinson, November 2021)
- Design and Access Statement (Roberts Limbrick Architects, November 2021)
- Design and Access Statement Addendum (Roberts Limbrick Architects, February 2022)
- Drainage Statement (Simpson TWS, November 2021)
- Ecology Statement (Derek Finnie Associates, November 2021)
- Energy/Sustainability Statement & Regulation 25a Low or Zero Carbon Technology Feasibility Study - Rev C (Anderson Goddard Ltd, February 2022)
- Landscape and Ecological Management Plan - Rev B (Liz Lake Associates, February 2022)
- Stage 1 Road Safety Audit Report (Inspire Transport Planning, January 2018)
- Stage 1 Road Safety Audit - Section 38 Works (BN&A, October 2021)
- Stage 2 Road Safety Audit - Section 278 Works (BN&A, October 2021)
- Statement of Community Involvement (becg, October 2021)
- Transport Note - Rev 3 (Simpson TWS, February 2022)
- Transport Technical Note (RPS, February 2022)
- Air Quality Letter (RPS, February 2022)
- Arboricultural Survey (Treetec Consultancy Ltd, November 2021)
- CEMP: Biodiversity & Ecology Design Statement (Derek Finnie Associates, October 2021)
- Design Consideration & Environmental Report (WLC Lighting Design, October 2021)

- Garden Length Schedule (DHA Planning, February 2022)
- High Level Mineral Infrastructure Assessment, February 2022)
- Lighting Impact Assessment (RPS, February 2022)
- NDSS Schedule (DHA Planning, February 2022)
- Updated Planning Statement (DHA Planning, January 2022)
- SUDS Play Provision Letter (Simpson TWS, February 2022)
- Noise Technical Note (RPS, February 2022)
- Geo-Environmental Report (RSK GeoSciences, October 2021)

### **Relevant planning history**

HS/OA/17/00901 Outline application,(seeking approval of Access) for the erection of 140 residential units (22 no. 4-bed, 61 no. 3-bed, 36 no. 2-bed, 21 no. 1-bed units) of which fifty six are 'affordable homes', public open space, access and landscaping at Harrow Lane Playing Fields, St Leonards-on-sea

GRANTED 14 August 2019

### **National and local policies**

#### Hastings Planning Strategy 2014

Policy DS1 - New Housing Development  
 Policy FA1 - Strategic Policy for Western Area  
 Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
 Policy DS2 - Design and Access Statements  
 Policy SC4 - Working Towards Zero Carbon Development  
 Policy SC7 - Flood Risk  
 Policy EN2 - Green Infrastructure Network  
 Policy EN3 - Nature Conservation and Improvement of Biodiversity  
 Policy EN7 - Conservation and Enhancement of Landscape  
 Policy H1 - Housing Density  
 Policy H2 - Housing Mix  
 Policy CI2 - Sports and Leisure Facilities  
 Policy CI3 - Children's Play Provision

#### Hastings 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 HN8 - Biodiversity and Green Space  
 Policy HN9 - Areas of Landscape Value  
 Policy LP2 - Overall Approach to Site Allocations  
 Policy LRA2 - Harrow Lane Playing Fields

#### Draft Local Plan (Regulation 18)

Site HL2 - Former Harrow Lane Playing Fields



## Other policies/guidance

National Design Guide

National Model Design Code

Air quality and emissions mitigation guidance for Sussex (2021)

## 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 under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not

allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- e) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- f) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

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

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

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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 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.

### **3. Consultation comments**

Environment Agency - **no comments to make on the application**

Do not have any comments to make.

Natural England - **no comments to make on the application**

Refer to standing advice

Southern Water - **no objection**

Note that the additional foul sewerage flows from the development will not increase the risk of flooding, and that Southern Water can facilitate foul sewerage disposal.

Sport England - **no comment to make on the application**

Previously objected to the outline application, although note the principle of the loss of a disused playing field has already been accepted.

NatureSpace - **no objection submitted to the imposition of an informative** (Informative 7)

Do not consider there to be an impact on Great Crested Newts or their habitat.

East Sussex County Council (Highways) - **awaiting comments**

Satisfied with the quantum of car parking provided although raised concerns regarding the parking layout. Response to amended layout awaited. Verbal update will be provided at Planning Committee.

East Sussex County Council (Minerals and Waste) - **no objection subject to the imposition of a condition** (Condition 4)

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**

Note that full drainage details are required pursuant to conditions of the outline planning consent

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

Support the application in that it will deliver much needed new homes.

Hastings Borough Council (Environmental Health) - **no objection**

No objection to the Reserved Matters application. Comments made only in respect of an associated discharge of conditions application relating to the outline consent.

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

Have no comments to make on the application

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

Consider the proposed layout to be acceptable in terms of waste storage and collection

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

Require equipped play on site. (Please note this matter was considered as part of the outline consent, it being an 'in principle' matter. The outline consent secured through a legal agreement, contributions towards playspace which are further discussed at paragraph I).

Hastings Borough Council (Arboriculturalist) - **no objection subject to the imposition of a condition** (Condition 6)

Requires additional planting at key locations, which is now secured by the imposition of Condition 6.

#### **4. Representations**

In respect of this application site notices were displayed at various locations around the site, most notably at the entrance to public footpaths and neighbouring residential development. This process was repeated following the submission of amended plans.

30 letters of objection were received from 30 separate people/organisations. A summary of the concerns raised is as follows:

- The scheme is for 100% affordable housing and contrary to planning policy
- A 100% affordable housing scheme would not be in the interests of future occupants
- This scheme would separate people from each-other on the grounds of economic resources
- Affordable housing does not address the needs of the most vulnerable in our society who survive on benefits
- Shared ownership schemes do nothing but line the pockets of the corporate housing associations and saddle occupants with expensive debt an equity with negative strings attached.
- Increase in traffic
- Increase in pollution from cars
- Extra strain on NHS services at the Conquest Hospital
- Extra strain on GP services
- Extra strain on local Schools
- Extra strain on all emergency services
- Loss of open/green/recreation space
- Negative impact on wildlife
- Could potentially lose the bus route because of too many cars
- Does not provide a balanced mix of housing types and tenures
- Local infrastructure cannot support this development
- The site was gifted to Hastings Borough Council with a covenant that it should be retained as a recreation ground
- There is no local open green space for future occupants
- The cumulative impact from recent planning approvals and this proposed development will add to the existing traffic chaos
- This is the last remaining green space in a densely populated area
- There is a badger sett locally
- The road safety audit was not conducted during peak times

- The road safety audit does not mention the two other developments
- The site is used by schools, local scouts, for outdoor fitness classes, football, and dog walking/agility. These promote healthy living and contribute to the local economy
- Not understood how biodiversity net gain of 10% can be achieved if there is a loss of three fields
- There is no demonstration of providing additional green infrastructure to replace the loss of Harrow Lane. Pocket parks does not sufficiently replace the large open space lost.
- The use of this greenfield site should be a last resort and other brownfield sites should be considered
- With increased working from home people need local open areas
- Local people need to lobby the authority to get local green space designation for the site.
- Green spaces are proven to improve health and wellbeing
- The Council has a moral obligation to retain the site as open space and honour the wishes of those who donated the land

## 5. Determining issues

### a) Background

The site is allocated in both the adopted and emerging Local Plans and is already subject to an outline planning consent for the quantum of development proposed. Therefore, the principle and density of development on the site, together with access arrangements, has already been established and is not for reconsideration here.

Furthermore, it is also important to note that in terms of strategic infrastructure such as traffic flows, health care and school provision, the relevant statutory consultees have already been consulted, both through Local Plan process and this application. No additional capacity (subject to highway improvements secured by the existing Section 106 Agreement attached to the outline consent) have been demonstrated as being required as a result of this development. Moreover, these are 'in principle' matters that cannot be considered at Reserved Matters stage.

### b) Principle

The site is allocated for residential development within the adopted Hastings Development Management Plan (2015) with a possible net capacity of 140 units. The site is also allocated within the Draft Local Plan, Policy FA3 and listed in the Site Allocations under HL2 with an indicative capacity of 212 dwellings. In addition, the site is located in a settlement area, in a reasonably sustainable location. As such the principle of new residential development on such a site is acceptable, subject to being in accordance with relevant saved policies contained within the Hastings Planning Strategy 2014, Development Management Plan 2015, supporting Supplementary Planning Documents, the Draft Local Plan Guidance and National Planning Policy and Guidance.

### 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. The NPPF advises that permission should be granted for new housing development unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

At present the Government identified need for additional housing in Hastings is 454 dwellings per annum. From 1 April 2022 the 5-year requirement is 2,270 (454 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 to 2,724.

The Housing Delivery Test figures published in January 2022 confirm the Council has met only 42% of the delivery test requirement.

Housing supply figures have been updated for Local Plan Monitoring Report purposes and there is insufficient supply of deliverable housing sites to meet the 5-year housing land supply at this time.

This 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 this case, the site is in a sustainable location, the constraints of the application site can be successfully mitigated and there are no objections from statutory consultees. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

#### d) 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. Given the level and type of housing need in the town, this mix is considered acceptable. Policy H2 of the Hastings Planning Strategy 2014 is therefore complied with.

#### e) Housing density

It is noted that some concern is raised by residents that the proposed development of 140 residential dwellings represents overdevelopment, and that the density of development should be decreased. Councillors are advised that Policy H1 of the Hastings Planning Strategy 2014 requires developments out of centre to reach a density of at least 30 dwellings per hectare, unless there are special local circumstances that require a different treatment.

The application as proposed provides for a development of 27 dwellings per hectare, slightly lower than the policy requirement. However, it is acknowledged that development in the vicinity is made up of larger homes rather than apartments or flats, where density is much lower than required both locally and nationally. Therefore, taking the character of the surrounding area into account, it is considered that this amounts to special local circumstances that result in a lower density development being acceptable in this location. No objection is therefore raised with regard to housing density.

#### f) Impact on character and appearance of area

The proposed development is enveloped by a vegetation buffer, with the exception of the northern boundary. This results in the site being relatively well screened from the surrounding area, thereby providing the opportunity to create a sense of place within. It is not located in a conservation area, and there are no listed buildings on site, or within proximity.

Given the character of the surrounding area and being mindful of the design of other developments at Ashdown House, Holmhurst St Mary and Land at 777 The Ridge, the proposed built form of 2 to 3 storey buildings would not appear to sit out of place in the area.

Within the application site, 3 separate character areas are proposed:

### Central Green

The Central Green is the arrival space to the development. It is characterised by a large green public open space, which is at the centre of the tree lined boulevard, that connects the north and south ends of the site. The space is delineated at the edges by three storey dwellings and the three storey apartments which act as focal points in entering the development. The house types within this character area include the following:

- Apartment Block 1, Apartment Block 2A and 2B
- The Rockingham
- The Newborough Plus

The materials for this area are as follows:

- Main brickwork - Buff Multi Stock and White Stock (or similar)
- Feature brickwork - Staffordshire Blue and Merida Grey (or similar)

### Upper and Lower Green

This area sits at the northern and southern ends of the central spine road, terminating the view out of the Central Green. The space is characterised by two storey dwellings with pitched roofs, set tightly around areas of open space at both the north and south ends of the development. The house types within this character area include the following:

- The Holt
- The Cardinham
- The Dallington

The materials for this area are as follows:

- Main brickwork - Rufford Red Multi and Laguna (or similar)
- Feature brickwork - Terramar Mix (or similar)
- Main brickwork to the apartment blocks - Marshalls Mayfair Vintage (or similar) above ground floor, Marwick Blue (or similar) ground floor

### The Mews

The Mews sits behind the arrival and spine road. They are characterised by a more informal layout with greater variation in front garden depth with dwellings angled to the street. Much of the Mews area is served by a shared surface, which is generally paved, to encourage motor vehicles to slow and promote pedestrian and cyclist priority. The house types within this character area include the following:

- The Holt
- The Cardinham
- The Dallington

The materials for this area are as follows:

- White, olive and grey blue render
- Feature brickwork - Staffordshire Blue (or similar)

The 3 storey elements of the development provide containment to the Central Green area of the site, given the apartments presence to act as way finders. From the Central Green, the massing of the building reduces to 2 storeys, to ensure development sits comfortably in the context of future development at neighbouring sites, as well as existing properties in Harrow Lane.

National Planning Policy notes that good design is a key aspect of sustainable development and helps make development acceptable to communities. Throughout the course of the application, the design of the development has been amended to provide further definition of the character areas, and also to add interest to the elevations through the inclusion of canopies, chimneys and contrasting materials. It is still considered however that some of the elevations lack sufficient design detail and the correlation between the apartment buildings and the remaining dwellings could be improved. It should be noted however, that the proposed design is not poor. The weight attached to these design considerations is far less than the weight attached to the provision of much needed housing on this site, as set out clearly in section c) above. Therefore, whilst the overall design could be enhanced, taking account that the site is relatively self contained and offers the opportunity for its own sense of place, it is not considered that on balance, a refusal of permission on design grounds could be justified in this instance. Policy DM1 of the Development Management Plan 2015 is therefore complied with.

#### Soft landscaping

The application is supported by some detailed soft landscaping plans and other planting information. Notwithstanding this, it is important to ensure that additional tree planting is maximised. The provision of tree lined streets is welcomed, although it is considered that there are further opportunities for additional planting, which will also include the softening of some boundary treatments where garden enclosures comprise facing brickwork. The imposition of Condition 6 will ensure that this detail is provided and soft landscaping enhanced, prior to the occupation of the development.

#### g) Layout

##### Internal floorspace

Minimum standards for internal floorspace are set out in the Government publication "Technical housing standards - nationally described space standard" (CLG, March 2015). All the proposed dwellings meet or exceed these standards. As such, it is considered that the proposed development provides for a good standard of living accommodation in accordance with Policy DM3 of the Development Management Plan 2015.

##### External amenity space

Policy DM3 of the Development Management Plan 2015 requires family homes to provide sufficient external amenity space of 10m in length and a garden schedule has been provided setting out garden length as well as its overall area (taking account of garden widths as well). This schedule identifies that approximately 27% of the homes provided do not meet the 10m garden length policy, and of those that don't comply, the shortfall is generally between 1 and 1.5m.



The National Planning Policy Framework calls for layouts that make the most efficient use of the site and the Reserved Matters application is bounded by the number of homes identified through both the adopted Local Plan and the outline planning permission. Given the extent of accessible open space within the site layout (see section x below), and the fact that in the main where this shortfall occurs the gardens are generally wider thereby providing a greater area of garden space, it is not considered that these shortfalls are so significant that an inadequate standard of external amenity space is provided.

### Accessibility

Each apartment building includes a lift in accordance with Policy DM3 of the Development Management Plan 2015.

### Refuse storage and collection

The Council's Waste Team have been consulted on the application and raise no objection with regard to the ability to store and collect waste from the development site. Communal bin stores will be provided to serve the apartments and details of these enclosures have been submitted with this application and found acceptable. Each individual dwelling comprises space within its boundaries to store the relevant containers. Policy DM3 of the Development Management Plan 2015 is therefore complied with.

#### h) Loss of existing use

The principle of residential development on this site has already been established through both the adopted Local Plan site allocation process, and through the granting of outline consent. Therefore, the loss of the disused playing fields has already been accepted by Sport England and Policy CI2 of the Hastings Planning Strategy 2014 (Sports and Leisure Facilities) no longer applies.

#### i) Proposed residential use

The site benefits from outline planning consent and is also allocated in the adopted Local Plan for residential development. Therefore, the principle of residential development on the site has already been accepted.

#### j) Impact on residential amenities

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

The location of the new dwellings, along with screening on its site boundaries is not considered to give rise to a significant impact on existing residential amenities on the periphery of the site.

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.

Taking the above into account, it is considered the existing residential amenities are protected, in accordance with Policy DM3 of the Development Management Plan 2015.

#### k) Future residential amenities

In response to concerns raised from the Waste and Minerals Authority, the applicants undertook a high level Mineral Infrastructure Assessment to assess the potential impact of the nearby Concrete Batching Plant (CBP) to the west of the site on future residential amenities. Whilst the Concrete Batching Plant 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 considered. The high level assessment considered the following elements in terms of potential impact:

- Noise
- Air Quality
- Light
- Transport

This assessment was undertaken by suitably qualified professionals and identified that further consideration needed to be given to potential impacts of noise. It did not however, assess the potential visual impact of the CBP. Therefore, the applicant will be required to submit a further, more detailed mitigation strategy, prior to the commencement of development that takes account of potential noise and visual impacts (Condition 4).

#### l) Play and open space

The Section 106 Agreement attached to the outline consent secured a £110,600 financial contribution towards the improvement of existing equipped play facilities at Welton Rise, in recognition of the existing play provision in the area, in accordance with the adopted site allocation policy LRA2 in the Hastings Development Management Plan 2015. This means that the principle of not providing on site equipped play provision has already been accepted through both the Local Plan process and the granting of outline permission. Instead, and in accordance with Policy LRA2, informal on-site play provision is provided for within the development site in the form of 3 accessible open spaces and areas for informal play, running north to south, centrally, through the site. This is considered an acceptable approach and in conformity with both national and local policy.

Concerns were however, raised regarding the all year-round useability of the play spaces within the site, particularly with regard to the central and southern green spaces. This is due to their multi-functional purposes of providing natural SUDs attenuation in events of high surface water flows. In response to these concerns, additional information from a suitably qualified professional has been submitted that demonstrates the designs incorporate measures which will assist in ensuring these spaces are useable all year round. Such measures include the incorporation of low flow channel routing between the outfalls, which channels surface water run off from storm events, aiming to keep the main area of the basin dry and thereby reducing the potential for it to become boggy over time. Storm events correlating to a 1 in 1 year return period would be contained within the low flow channel and only storm events exceeding this would spread across the base of the basin. Therefore, the basin would generally remain useable. It is also acknowledged that the play provision provided at the upper levels at both the southern and central greens will remain predominantly dry as they are not subject to surface water flows.

Furthermore, Condition 27 of the outline consent requires details regarding the layout, design, management and maintenance of these open spaces to be submitted and approved in writing. This will ensure that the play areas function properly and as such, are considered acceptable in the wider context of the scheme.

## m) Ecology

Matters of ecology were considered in detail at the outline planning consent stage, and as such, are accepted in principle. The following information is given for information purposes only, noting that the matters of ecology are 'in principle' issues that are dealt with at the outline stage and do not form part of the assessment of a Reserved Matters application.

A verification survey was undertaken in September 2021 and it has been determined that the site does not appear to have changed significantly since the findings of the Update Preliminary Ecological Appraisal undertaken by the Ecology Partnership in 2017 and submitted in support of the Outline Application. As the site has not changed significantly since the original appraisal, the conclusions of the original appraisal still remain valid. Furthermore, the recommended mitigation and enhancements presented in the 2017 report are also still relevant. These have been considered with the CEMP: Biodiversity and Ecology Design Statement submitted in respect of Conditions 24 and 25, respectively, of the outline planning permission HS/OA/17/00901 as well as a Landscape and Ecology Management Plan.

### 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, information has been supplied that demonstrates that the development achieves a net gain of 10.91% calculated in accordance with the Defra metric 3.0.

At present the site comprises predominantly well maintained open grassland and what is considered to be poor quality woodland with limited ecological value. Through the introduction of species rich grassland created within the three areas of open space and remedial works that will improve the overall condition of the woodland, by removing of non-native species, replanting a new understorey with appropriate shrub and seeding the ground flora with tolerate wildflower mix the overall biodiversity value of the site will be significantly increased.

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.

### Impact on Great Crested Newts

The development falls within an amber Impact Risk Zone for Great Crested Newts. There are two ponds within 500m of the development site, although there is limited connectivity between the development and surrounding features in the landscape. Therefore, it is not considered that the development will have a detrimental impact on this protected species, or their habitats due to the location of the ponds being such a distance away.

## n) Trees

The application is supported by an updated Arboricultural Survey undertaken in 2021. This identified the need to remove 2 individual trees and parts of 3 groups of trees to facilitate the development. Specifically, these are:

- 1 semi mature category B tree (T17)
- 1 semi mature category C tree (T16)
- a section of 1 young category B group (G3)
- sections of category C groups (G1 and G2)

The majority of these will be lost at the front of the site to allow for the access and road realignment of Harrow Lane. These trees are relatively young and do not currently provide high amenity value. It is concluded that their removal will not adversely impact on the amenity of the area, provided those that remain are adequately protected during the construction phases (Conditions 5 and 8). No trees protected by a Tree Preservation Order are to be removed.

o) Avoidance of spill light

The applicant has submitted a Lighting Impact Assessment which has been reviewed and approved by Environmental Health Officers. The measures imposed to avoid spill light are accepted and no objection is raised in this regard. The imposition of Condition 15 will ensure that the measures will be implemented to avoid impact on existing and future residents.

p) Highway safety/parking

Detailed considerations regarding the proposed access from Harrow Lane have already been agreed as part of the outline consent. Therefore, this application is concerned with the internal layout only.

Car parking

The application proposes 2 car parking spaces per house and 1 car parking space per apartment, in accordance with East Sussex County Council's parking standards. In addition, there will be 28 car parking spaces for visitors and 8 unallocated spaces for residents. The Highway Authority have confirmed that they are satisfied that this level of parking is sufficient and raise no objection in that regard. However, some concern was raised with regard to the parking layout within the site, which the applicant sought to address with further justification and amended plans.

At the time of writing, no final comment has been received to confirm whether the Highway Authority are now satisfied with the amended car parking layout. This will be updated verbally to the Planning Committee.

Cycle parking

2 cycle parking spaces per house, and 1 per apartment are proposed as part of the development. Cycles will be stored in a secure shed in the rear garden of each house, and within a communal cycle store for each of the apartment blocks. This is an acceptable level of provision and the design and location of the communal cycle stores will not cause harm to the character or appearance of the area.

Pedestrian and cycle links

Policy LRA2 of the Development Management Plan 2015 requires development at this site to provide walking and cycling links to neighbouring development to improve local connectivity, whilst preserving the Public Rights of Way around the site.

The development incorporates shared pedestrian and cycle surfaces that enable both pedestrian and cyclists to access the Public Rights of Way that frame the site. The shared pedestrian and cycle routes follow a clear north to south axis, also serving to link the 3 substantial green spaces within the site.

Subject to the receipt of comments from the Highway Authority regarding parking layout and pedestrian and cycle links, it is considered that the proposed pedestrian and cycle links contribute positively to the green infrastructure network in accordance with Policy EN2 of the Hastings Planning Strategy 2014, whilst also meeting the requirements of Policy LRA2 of the Development Management Plan 2015.

#### q) 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.

#### r) Flood risk and drainage

Matters of flood risk and drainage were considered in detail as part of the outline consent of this development, and detailed conditions were imposed that required a full drainage strategy to be submitted and approved in writing by the Local Planning Authority. These details have been submitted through a separate Discharge of Condition Application, currently being assessed by Planning Officers. Therefore the "in principle" aspects of flood risk, foul and surface water drainage are not considered in detail as part of this application for Reserved Matters approval.

Notwithstanding that above, the details submitted here show that the drainage strategy for the site incorporates sustainable drainage systems in the form of 2 attenuation basins, permeable paving and 2 large below ground attenuation tanks. It has been demonstrated that runoff will be managed with a maximum discharge of 10.5l/s and there would be sufficient capacity for excess runoff to be stored and attenuated on-site for all storm events up to and including the 1 in 100 year storm return period with 40% allowance for increase in peak rainfall intensity. Neither the Lead Local Flood Authority or Southern Water have objected to this proposal. Policy SC7 of the Hastings Planning Strategy 2014 is therefore complied with.

#### s) Land contamination

Condition 29 of the outline consent requires a full and adequate site investigation and soils report and work shall not proceed until and unless measures deemed to be necessary by the Local Planning Authority as a result of such report have been incorporated in the development proposals.

The application is accompanied by an up-to-date Geo-Environmental Report which has been reviewed by the Council's Environmental Health team. Subject to the implementation of the measures within, the assessment is considered satisfactory and will ensure that those developing the site, as well as future occupants are not harmed by potential contamination. Policy DM5 of the Development Management Plan is therefore complied with. This is secured by the imposition of Condition 9.

#### t) Affordable housing and other contributions

Concern has been raised by objectors regarding the quantum of affordable housing proposed

as part of this development. This application relates to the approval of Reserved Matters only - that is appearance, landscaping, layout and scale only. Affordable housing is not a reserved matter and therefore cannot be considered here. It is also important to note that changing the tenure of the properties does not constitute development and therefore is out of the remit of this application process.

All financial contributions and other planning obligations have been agreed as part of the Section 106 Agreement signed pursuant to the outline consent. This also includes the provision of affordable housing. Of the 56 core affordable housing units, the Section 106 Agreement requires at least 34 to be affordable rent. The proposed development will fully comply with this requirement. The Section 106 Agreement does not impose any negative obligation preventing more than a certain number of affordable homes being provided, nor is there a condition attached to the outline consent limiting the amount of affordable homes to 5 units. Details of the affordable housing mix will be dealt with directly in consultation with the Housing Options Manager as required by the Section 106 Agreement.

#### u) Sustainable construction

An Energy/Sustainability Statement has been prepared and submitted in support of the application. This focuses around a “fabric first” energy reduction strategy, achieving a Carbon Dwellings Emissions Rate reduction of 9.98%, a Primary Energy reduction of 9.84% and a Fabric Efficiency improvement of 17.8% compared to the Building Regulations Part L standards (2013). Electric Vehicle Charging Points are provided for all dwellings, together with communal charging points for the apartment blocks. These are secured by Condition 30 of the outline consent and set out in the drawings to be approved by this application (Condition 1).

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

#### v) Other matters

An objection has been raised regarding covenants on the site, stating that the site was gifted to Hastings Borough Council and that it should be retained as a recreation ground. It is confirmed that there is no such covenant and evidence has been supplied to that effect.

## **6. Evidence of community involvement**

A Statement of Community Involvement has been submitted in support of the application, which sets out the measures undertaken to seek resident's views and incorporate them into the scheme. Consultation methods included:

- A virtual exhibition invitation newsletter sent to approximately 670 neighbouring residential and business addresses, providing information about the proposed development and an opportunity for feedback.
- The setting up of a website which displayed information about the proposals.
- The virtual public exhibition was open for comments on the projects website between Thursday 19th August 2021 and Thursday 2nd September 2021
- Virtual meeting with relevant ward member and neighbouring ward member

Whilst not a statutory requirement, such pre-application involvement is welcomed and feedback has been incorporated into the scheme where appropriate.

## 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. This means that permission should be granted for new housing development unless the adverse impacts of granting the permission would significantly and demonstrably outweigh the benefits. In this instance and 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, securing a well planned layout with the inclusion of green space for open community use, balanced against the design of the scheme and the shortfall of some garden lengths.

Overall, and taking all these matters into account, it is not considered that the impact from the shortfalls of the scheme in terms of design and garden lengths significantly and demonstrably outweigh the benefits that will arise from the scheme as discussed above. There the tilted balance is applied and the recommendation is for approval. 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

### **Approve Reserved Matters subject to the following conditions:**

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

DR-L-0101 P04, DR-L-0102 P03, DR-L-0103 P02, DR-L-0104 P02, DR-L-0105 P03, DR-L-0106 P03, DR-L-0107 P02, DR-L-0108 P03 and DR-L-0901 P05

P21-485-SK100 P6, P21-485-SK102 P7, P21-485-SK110 P5, P21-485-SK111 P3 and P21-485-SK112 P3

9969-PL-01A, 9969-PL-02C, 9969-PL-03AA, 9969-PL-04B, 9969-PL-05M, 9969-PL-07F, 9969-PL-10G, 9969-PL-11E, 9969-PL-12H, 9969-PL-13B, 9969-PL-15J, 9969-PL-16F, 9969-PL-17C, 9969-PL-18B, 9969-PL-30H, 9969-PL-31K, 9969-PL-34, 9969-PL-35I, 9969-PL-36G, 9969-PL-37E, 9969-PL-38F, 9969-PL-39E, 9969-PL-41D, 9969-PL-42D, 9969-PL-43, 9969-PL-50G

TR19-3109-RSW-V1 and WLC523-1300-001 P4

Tree Protection Plans - NO.1 and NO.3

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

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

3. No development shall take place above ground until details 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 be carried out in accordance with the approved details.
4. Prior to the commencement of development, a further assessment in respect of the noise and visual impacts from 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 Assessment should provide full mitigation measures where necessary. The Concrete Batching Plant Mitigation Strategy shall thereafter be implemented and maintained as approved in perpetuity.
5. No development shall take place until the measures outlined in the submitted ecological 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:
- Ecology Statement (Derek Finnie Associates, November 2021)
  - Air Quality Letter (RPS, February 2022)
  - Arboricultural Survey (Treetec Consultancy Ltd, November 2021)
6. No development shall take place above ground until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall identify of all existing trees and hedgerows on the land and include 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. Details shall also include any earthworks proposed, their form, associated land levels and relationship to the wider landscape.

Specifically, the soft landscaping scheme must also include details of softening boundary treatments where blank walls face towards roads (Plots 1, 64, 70 and 132) and increase the density of planting along the main access into the site from Harrow Lane as well as the areas of open space.

7. 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.

8. 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.
9. All works shall be carried out in accordance with advice contained within the Geo-Environmental Report (RSK GeoSciences, October 2021) and shall be fully implemented before 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. Any further contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Planning Authority for written approval prior to continuation of those works.
10. No part of the development shall be occupied until the car parking spaces [and turning areas] have been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used for any purpose other than the parking and turning of vehicles.
11. Car parking spaces shall measure 2.5m by 5m (with an extra 50cm on either dimension when adjacent to a wall or fence).
12. 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 with a view to their subsequent adoption as a publicly maintained highway.
13. Prior to the commencement of development of the dwellings above ground, the new estate roads that service that dwelling shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Local Planning Authority in consultation with the Highway Authority. Evidence of this must be submitted to and approved in writing by the Local Planning Authority.
14. Internal Roads - No part of the development shall be occupied until the road(s), footways and parking areas serving that part of the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority

15. All works shall be carried out in accordance with advice contained within the Lighting Impact Assessment (RPS, February 2022) and shall be fully implemented before 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.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of adjoining residents.
3. To ensure a satisfactory standard of development.
4. To safeguard existing Waste and Minerals sites, and to protect residential amenity of future residents.
5. To protect features of recognised nature conservation importance.
6. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
7. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
8. 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.
9. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
10. To ensure the safety of persons and vehicles within the site, entering and leaving the access and proceeding along the highway.
11. To ensure a well-planned development that functions well.
12. In the interests of highway safety and for the benefit and convenience of the public at large.
13. In the interests of highway safety and for the benefit and convenience of the public at large.
14. In the interests of highway safety and for the benefit and convenience of the public at large.
15. 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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. Consideration should be given to the provision of domestic sprinkler systems.
5. 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.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.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.

6. In line with National Policy, namely paragraph 187 of the National Planning Policy Framework, should the applicant/developer discover any potential sensitivity of proposed non-mineral development to the operation of the CBP or any impact of the non-mineral development on the CBP, suitable mitigation must be provided, in consultation with the Local Planning Authority and the Minerals Planning Authority.

7. 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](http://www.naturespaceuk.com).

8. The applicant is reminded that this approval is linked to Outline Consent HS/OA/17/00901 and its associated Section 106 Legal Agreement, which must be adhered to.

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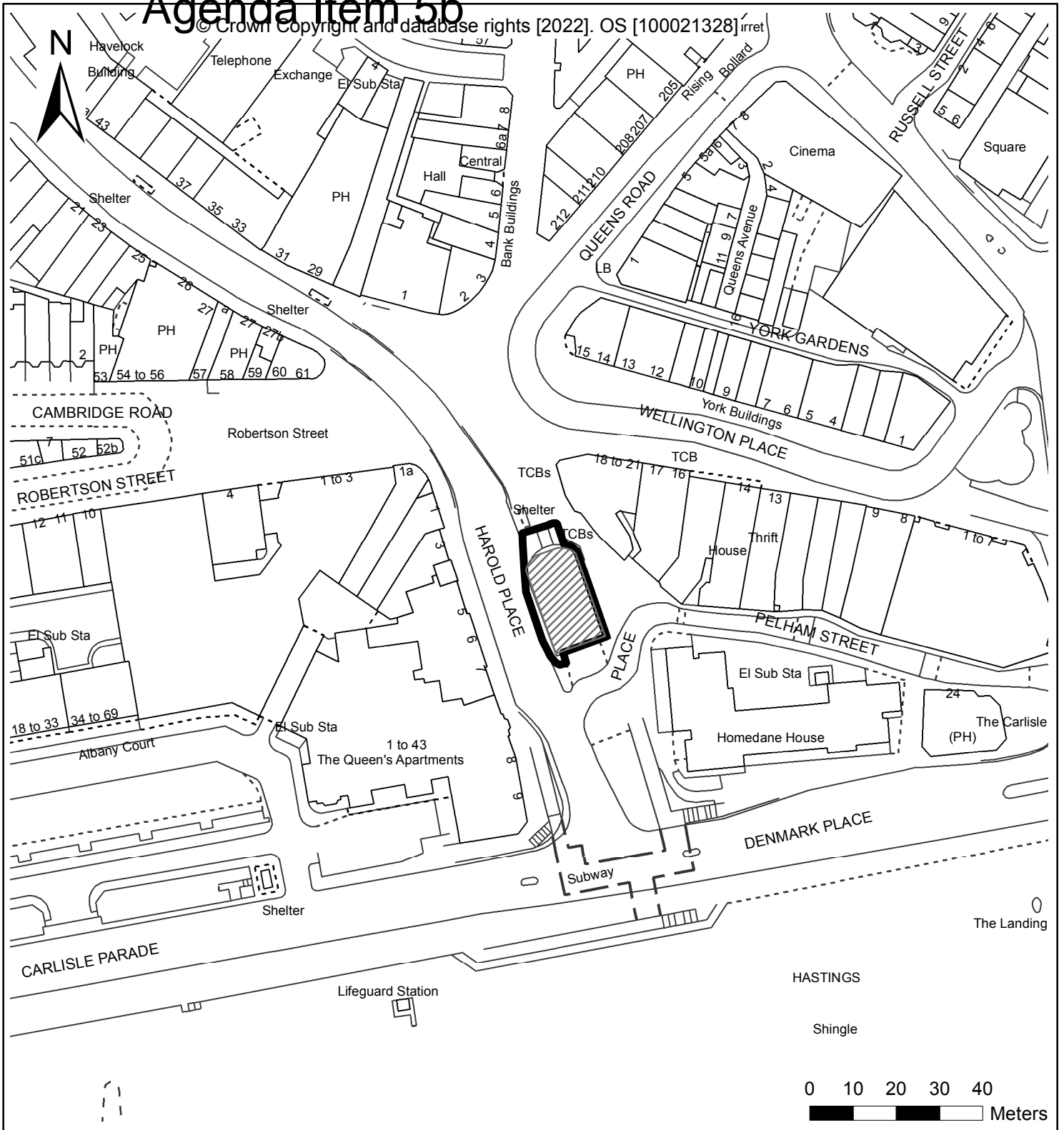
### **Officer to Contact**

Mrs S Wood, Telephone 01424 783329

### **Background Papers**

Application No: HS/DS/21/01044 including all letters and documents

# Agenda Item 5b



**Former Public Conveniences**  
**Harold Place**  
**Hastings**  
**TN34 1JA**

Development of site of former public convenience to provide a two storey pavilion for use as cafe bar & restaurant (Class E(b)), including external landscape works



Assistant Director Housing & Built Environment  
 Hastings Borough Council,  
 Muriel Matters House, Breeds Place,  
 Hastings TN34 3UY  
 Tel: 01424 451090  
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Date: Mar 2022

Scale: 1:1,250

Application No. HS/FA/21/00905

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**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 23 March 2022  
**Report from:** Assistant Director of Housing and Built Environment

**Application address:** **Former Public Conveniences, Harold Place,  
Hastings, TN34 1JA**

**Proposal:** **Development of site of former public  
convenience to provide a two storey pavilion  
for use as cafe bar & restaurant (Class E(b)),  
including external landscape works**

**Application No:** **HS/FA/21/00905**

**Recommendation:** **Grant Full Planning Permission**

**Ward:** CASTLE 2018  
**Conservation Area:** Yes - Hastings Town Centre  
**Listed Building:** No

**Applicant:** Hastings Borough Council per Kendall Kingscott  
Glentworth Court Lime Kiln Close Stoke Gifford,  
Bristol. BS34 8SR

### **Public Consultation**

**Site notice:** Yes  
**Press advertisement:** Yes - Conservation Area Amended Plans  
**Neighbour Letters:** No  
**People objecting:** 28  
**Petitions of objection received:** 0  
**People in support:** 1  
**Petitions of support received:** 0  
**Neutral comments received:** 0

**Application status:** Not delegated - 5 or more letters of objection  
received  
Council application on Council owned land

## **1. Site and surrounding area**

The site was formerly occupied by a toilet block, which received planning permission for demolition in 2017. The toilet block was then lawfully demolished shortly after and the site has since been boarded up. The application site is sited central to a thoroughfare leading from the Town Centre Shopping Area towards the underpass that leads to Hastings Beach.

The site lies just outside the Town Centre Conservation Area which wraps around the site to the north, east and west. Given this close proximity, the building sits within the setting of the Conservation Area and therefore heritage aspects of the scheme should be carefully considered.

There are no listed buildings immediately abutting the site. The nearest listed buildings are at Carlisle Parade Underground Car Park, the Havelock Public House in Havelock Road and York Buildings, although the proposed works are not considered to affect the setting of any of these buildings given the positioning of the site and the distance separating it from the Listed Buildings.

The area surrounding the application site is dominated by light coloured render buildings of between two and six storeys in height. The building facades are generally articulated with architectural features such as cornicing, string moulds, bottle balusters, projecting bays and first floor balconies.

The former Queens Hotel sits directly opposite the development site and this is a key Conservation Area building sitting at the junction of Harold Place with the Seafront. The building is a dominant feature because of its large scale, 6-storey height and ornate façade treatments.

The area is also dominated by the meeting of several roads and pedestrian routes at Harold Place. The development site will face immediately onto this junction of routes.

The development will be highly visible in views south from Hastings Town Centre, where the open sea and beach will form the backdrop to these views. The new building will also be visible from Hastings Seafront in views to the north.

#### Relevant site constraints

- Area affected by groundwater flooding
- Area affected by surface water flooding
- Archaeological Notification Area
- Buffer zone of a Conservation Area
- Flood zone 2 and 3
- SSSI Impact Risk Zone

## **2. Proposed development**

Planning permission is sought for the redevelopment of the site and the construction of a new two storey café and restaurant building which will extend to 216sqm at ground floor and 172sqm at first floor.

At ground floor level, the development will comprise:

- Trading area
- External terrace to the north
- Main entrance
- Main bar and seating area
- Kitchen, cellar, plant room
- Disabled toilet
- Internal bin store
- Platform lift



At first floor level, the development will comprise:

- Trading area
- Main seating area
- Male and female toilets
- External terraces to the north and south
- Platform lift

Externally, a ramp is to be included to the main entrance both for reasons of flood mitigation, as well as disabled access. Plant equipment to serve the development is to be sited on the roof, enclosed by perforated metal mesh.

The buildings plinth will provide a smooth white finish. The first floor will utilise reflective black ceramic tiles to provide light and shade and create patterns of light.

The scheme also includes wider landscaping to improve the public realm including a hedge on the western boundary and a range of planters to the north, including those which can include street trees.

The application is supported by the following documents:

- Archaeology and Heritage Desk-Based Assessment (Border Archaeology, August 2021)
- Design and Access Statement (Kendall Kingscott, September 2021)
- Flood Risk Assessment Rev 3 (Price & Myers, January 2022)
- Planning Statement (Greenhayes Planning Ltd, September 2021)
- Supplementary information - opening hours (Kendall Kingscott)
- Lift statement and accordance with Building Regulations (Kendall Kingscott, January 2022)
- Southern Water Capacity Check

### **Relevant planning history**

HS/FA/17/00651 Demolish the existing redundant local authority public convenience roof and superstructure complete down to ground floor slab level and finish the resulting flat pedestrian area with pre-cast concrete paving slabs with an appearance complementary to the surrounding pedestrianised town centre surface finishes. The existing basement level service directly void beneath the superstructure is to be retained

GRANTED 21/09/2017

### **National and local policies**

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area  
Policy FA3 - Strategy for Hastings Town Centre  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC2 - Design and Access Statements  
Policy SC7 - Flood Risk  
Policy EN1 - Built and Historic Environment  
Policy E3 - Town, District and Local Centres

## Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

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

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

### Other policies/guidance

National Design Guide

Air quality and emissions mitigation guidance for Sussex (2021)

### 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 under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- e) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- f) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

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

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

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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 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.

### 3. Consultation comments

Environment Agency - **no objection subject to the imposition of a condition** (Condition 6)  
Consider the development to be acceptable subject to the implementation of measures in the submitted Flood Risk Assessment (FRA)

Southern Water - **no objection subject to the imposition of conditions** (Conditions 17-19)  
Identify that there is sufficient capacity in the network to accommodate additional water flows

Sussex Police - **no objection subject to the imposition of conditions** (Conditions 4 and 20)  
Note some concern regarding anti-social behaviour and crime statistics, although consider that the measures implemented by the applicant, including the closing off of the terrace area at 10pm, alleviate concerns.

East Sussex County Council (Archaeology) - **no objection subject to the imposition of conditions** (Conditions 7 and 8)  
Consider proposed development to be acceptable subject to a programme of archaeological works in accordance with a Written Scheme of Investigation, as well as a post investigation site assessment

East Sussex County Council (SUDs) - **no objection subject to the imposition of conditions** (Conditions 6, 17 and 18)  
Note that the applicant has demonstrated that surface water flows are limited to acceptable capacity and Southern Water have confirmed capacity.

East Sussex County Council (Highways) - **no objection subject to the imposition of conditions** (Conditions 9 and 13)  
Consider the impact on the highway network to be acceptable. Require conditions relating to servicing and cycle storage

Hastings Borough Council (Environmental Health) - **no objection subject to the imposition of conditions** (Conditions 3, 9-12)

Require the imposition of conditions relating to Construction Management Plans, contamination, noise, odour, lighting and hours of buildings works

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

Acknowledge that the design has significantly improved, but object to the lack of rustication at ground floor level

Hastings Borough Council (Licensing) - **no objection subject to the imposition of an informative** (Informative 5)

Note the hours of opening are marginally in conflict with the Council's current licensing policy, although this is currently under review. Require the operator to submit a full Premises Licence application.

#### **4. Representations**

In respect of this application a site notice was displayed at the front of the site in clear public view, and an advert placed in the local paper. This process was repeated following the receipt of amended plans.

A total of 40 letters of representation were received. 39 of these were letters of objection, from 28 different people. 1 letter of support was also received.

In summary, the letters of objection raised the following concerns:

- Excessive massing and scale that will result in an overbearing structure and cause overshadowing
- Poor design that doesn't take into account character of the area
- Inadequate access for the disabled (including parking)
- No provision for generation of low carbon energy
- Exposed to pollution due to location next to a road
- Obstruction of the road network
- Another restaurant is not needed in the Town Centre/do not want a late night bar venue
- Increase in crime
- Functionality of the internal layout

Other comments were made that are not material to the planning application process. These include:

- The legality of Hastings Borough Council submitting a planning application as the applicant and it being determined by Planning Committee
- Lack of community engagement prior to the application being submitted
- Lack of details about the lease
- Increased competition impacting on local businesses
- Should re-use empty properties instead/utilise alternative sites
- Re-instate the former public conveniences
- Compliance with the Building Regulations
- Use of public funds to support project

The letter of support noted that the proposal would impact positively on the Town Centre.

## 5. Determining issues

This application proposes a new restaurant building on a currently vacant site within Hastings Town Centre and within the buffer zone of the Hastings Town Centre Conservation Area. Therefore, the main issues to be considered relate to the design of the development and its impact on the setting of designated heritage assets, drainage and flood risk issues, and whether the proposed new use is appropriate in this location.

It is also important to note that the application as presented is to be considered on its own merits, taking account of the relevant policy requirements set out in the adopted Local Plan and the National Planning Policy Framework (NPPF).

### a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan 2015, paragraph 4.3 of the Hastings Local Plan – Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with 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.

### b) Impact on character and appearance of area

As stated above, the application site is not located in a conservation area, neither are there any listed buildings immediately abutting the site. However, it does lie within the buffer zone of the Hastings Town Centre Conservation Area and is in a very prominent position within the pedestrianised area of the town centre, as well as being clearly visible from the adjacent road. Therefore, the impact on heritage assets does need to be considered, as well as the wider impact on the character and appearance of the area as a whole.

The proposed building is of 2 storeys in height, with an enclosed plant area on the roof. Surrounded by buildings much more significant in scale and height, it is considered that the development as proposed will not be overbearing within its setting. Whilst the inclusion of plant on the roof is regrettable, it is accepted that this cannot realistically be accommodated inside the building itself without limiting the function of the new development. It should be noted however, that the scheme has been amended to locate this plant towards the north east side of the roof, which now means that the far reaching views towards the sea from Harold Place can be retained, resulting in visual connectivity between the Town Centre and the Seafront. The use of perforated metal screens instead of the previously proposed louvres is also considered to go some way to mitigating against the harm caused by the plants' inclusion.

Detailed design comments from the Council's Conservation Officer have raised concern regarding the lack of rustication at ground floor level - that is, additional detailing that could provide further visual interest to the ground floor level. Whilst this is noted, it is considered that the use of render is prevalent in the surrounding area. Given that a 400mm high plinth has been included to help address this issue, it is considered that on balance, the harm caused to the character and appearance of the area through the lack of rustication is not considered to be so substantial that a refusal of permission could be justified on this point alone. In addition, the materials proposed are of high quality, and the design of the development provides interest and detailing on all elevations, taking account of the permeability of the surrounding pedestrianised area, as well as the road to the west. Soft landscaping is to be provided by way of a replacement hedge and additional planters (including those that can accommodate street trees) around the site, further softening the appearance in the streetscene.

Overall therefore, whilst it is accepted that there are some design concerns raised from both the Council's Conservation Officer and the general public (although raising different concerns), it is considered that the proposed development represents good design and will provide a clear focal building that enhances the character and appearance of the area, whilst still allowing views towards the Seafront. It has shown an appreciation of the surrounding area's historic context, scale and massing, and is therefore in accordance with Policy DM1 of the Development Management Plan 2015.

#### c) Archaeology

The application is accompanied by an Archaeology and Heritage Desk-Based Assessment (Border Archaeology, August 2021) in recognition of its siting within an Archaeological Notification Area. This assesses that the archaeological potential of the site as being moderate, with particular reference to encountering evidence of buried remains associated with medieval and post-medieval settlement. The potential for prehistoric remains has been assessed as being Low to Moderate, and the likelihood of encountering Romano-British remains is considered to be Low.

Taking the above into account, there is potential for impacts to heritage assets with archaeological interest to arise. Therefore, prior to the commencement of development, the applicant will be required to undertake archaeological investigations in accordance with a programme of archaeological works, to be approved by the Local Planning Authority (Condition 7). This will enable any archaeological deposits and features that would 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. Subject to the above, the proposed development will protect the significance and setting of areas with archaeological interest, in accordance with Policy EN1 of the Hastings Planning Strategy 2014.

#### d) Layout

The proposed new restaurant will occupy both the ground and first floors, with a platform lift sited within. The kitchen and bar will be at ground floor level, together with internal bin stores and an electrical plant room accessed directly from the loading bay. External terraced areas occupy both ground and first floor levels, with the upper terrace being enclosed by a glass balustrade.

Concern has been raised from objectors that the internal layout does not accord with relevant Environmental Health/Food Safety legislation requirements. The proposed operator is well established within this sector and therefore aware of alternative legislation governing food preparation and health and safety. Environmental Health (Food Safety) have been consulted on this application and do not consider the layout to be inappropriate, noting the provision of a disabled toilet at ground floor level and other toilets upstairs opening into the restaurant area. Should issues arise regarding the internal layout following opening of the restaurant, then this will be dealt with under Food Safety legislation and appropriate action taken.

Taking the above into account, it is considered that the proposed layout is sufficient to provide good operation of the proposed use that takes due consideration of accessibility and servicing requirements, in accordance with Policy DM3 of the Development Management Plan 2015.

Whilst outside the scope of the Local Planning Authority, several concerns have been raised regarding the operational use of the lift, and its conformity with the Building Regulations. The applicant has confirmed by way of a supporting statement that the proposals are designed to

be compliant with the Building Regulations Approved Document Part M: Access to and use of buildings. Building Regulations Approval will be applied for prior to construction, as is the case with most development. To confirm, the technical detail of the lift design and its compliance with the Building Regulations is outside of the planning process and will be dealt with accordingly by Building Control.

e) Loss of existing use

The former public toilet building received planning permission for its demolition in 2017, which was then subsequently carried out. Therefore, the loss of the toilets as identified in several objections, is not considered to be a material consideration here.

f) Proposed commercial use

Restaurants are established Town Centre uses as set out in both National and Local Planning Policy. Policy E3 of the Hastings Planning Strategy 2014 requires development proposals for such uses to be focused within the town and district centres, and that proposals should ensure the vitality and viability of the Town Centre is maintained and where appropriate, enhanced. This includes encouraging a diversity of uses within the Town Centre by providing a wide range of retail, leisure, social, education, arts, cultural, office, residential and commercial uses.

The provision of a restaurant in this Town Centre location is wholly in accordance with Policy E3 of the Hastings Planning Strategy, in that its operation will help maintain and enhance its vitality and viability. It is noted that some concerns were raised at the beginning of the application process by Sussex Police and members of the public regarding the inclusion of a bar area, although it has been demonstrated through supporting statements and an amended description that the principle function of the development is for a food led operation, where alcohol will be served alongside a substantial meal. The bar area is ancillary only to the proposed restaurant, and this will be further secured by the imposition of Condition 21, which clearly restricts the independent use of the bar outside of the restaurant function. Taking this into account, the proposed use wholly falls within Class E(b) of the Town & Country Planning (Use Classes) Order 1987 (as amended). The restaurant will not operate as a public house or drinking establishment, which fall within another Use Class entirely and require a further change of use application should the operators wish to operate a separate bar area that is not ancillary to the principle, authorised use. Following the receipt of additional information, including the provision of Secured by Design methods, both Sussex Police and the Council's Licensing Team raise no objection to the development, subject to a successful Premises Licence application and the imposition of Condition 4 relating to opening hours and crime prevention measures (Condition 20).

Overall therefore, it is considered that the proposed restaurant provides a positive enhancement to the Town Centre, increasing the diversity of uses, in accordance with Policy E3 of the Hastings Planning Strategy 2014.

g) Impact on neighbouring residential amenities

The application site is located within a commercial area, and whilst there are some residential premises nearby, it is not unusual to have a use as proposed in a Town Centre location. That being said, the applicant has agreed to ensure the upper terrace is closed off to the public from 10pm at night until the following day's opening hours to minimise impact on nearby residential premises in terms of noise, secured by the imposition of Condition 4, should planning permission be granted. The scale and form of the development is not considered to give rise to overshadowing or overlooking given the higher scale of



development in the vicinity, and the prevalence of commercial uses already in existence.

It is also noted that the proposed external construction works have the potential to cause disturbance through noise and dust, which can impact on the people who live and work in the area. It is therefore recommended that the application is conditioned to ensure that a plan detailing how the environmental impact of the construction work will be controlled, which will need to be submitted to and approved by the Local Planning Authority in writing prior to the commencement of work (Condition 9).

#### h) Air quality and emissions

The proposed development does not fall within the screening checklist 1 or 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore, no further information is required in respect of air quality. Environmental Health Officers have no objection in this respect.

#### i) Highway safety/parking

##### Impact on the highway network

Whilst no specific trip generation information has been submitted with the application, the Highway Authority do not consider that the proposed development of a restaurant is likely to generate a level of additional trips that will have a significant impact on the wider transport network, particularly given its sustainable Town Centre location.

##### Access

The site is located within a pedestrianised area bordered by Harold Place and Pelham Street. Refuse collection and servicing is intended to be from an area in front of the existing parking area, although no specific details have been submitted. Should permission be granted, it is intended to secure a Servicing Management Plan by the imposition of a condition (Condition 13) to ensure that the impact on passing pedestrians is limited. The Servicing Management Plan will ensure that servicing is undertaken outside of peak hours to minimise disruption to the surrounding area.

##### Car Parking

In accordance with East Sussex County Council's parking guidance, 1 car parking space is required per 5sqm of public area, plus 1 space per 2 full time equivalent staff members. No additional spaces are proposed as part of this development.

Given the former use of the site as a public toilet prior to demolition, there were no dedicated parking spaces to serve that building. However, the site is located adjacent to 5 existing disabled car parking spaces, which are to remain. It is agreed by the Highway Authority that this is likely to be a sufficient amount for the café use as well, taking into account the site's Town Centre location easily accessed from public transport services and nearby car parks.

Overall therefore, the lack of dedicated on site provision is considered acceptable given the nature and location of the site, and the fact that it is easily accessible from sustainable transport modes.

##### Cycle Parking

In terms of cycle parking provision, four short term spaces would need to be provided for the proposed development. Whilst there is no secure cycle store dedicated for the proposed development, there are existing cycle parking arrangements in the Town Centre which are well overlooked, providing a secure storage arrangement. This has been deemed acceptable by the Highway Authority and as such, no additional provision is required.

#### j) Environmental Impact Assessment

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

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

#### k) Drainage and flood risk

##### Drainage

The proposed development seeks to discharge foul and surface water to the public sewer, and as such, is supported by hydraulic calculations to demonstrate surface water flows for the 100-year plus 40% surface water event demonstrate that flows will be limited to 2.5 l/s, which is acceptable to the Lead Local Flood Authority. Given that the proposal does not increase the impermeable area and is limited in its size, it is concluded that the only viable option is to discharge into the existing network, which will ensure that there will not be an increased risk of flooding elsewhere. Southern Water has also confirmed that there is adequate capacity in the local sewerage network to accommodate both foul and surface water flows, and evidence has been supplied to this effect. Policy SC7 of the Hastings Planning Strategy is therefore complied with in respect of foul and surface water drainage.

##### Flood risk

The site is located in Flood Zone 3, and therefore due consideration needs to be given to the sites ability to accommodate the use proposed, without increasing flood risk elsewhere, and whether the mitigation measures proposed are sufficient to deal with the potential flood risk impact.

In accordance with national planning policy, a site specific flood risk assessment was submitted with the application. This identifies the proposed use as being in the "less vulnerable" category, which is appropriate in Flood Zone 3, as set out in the National Planning Practice Guidance. Alternative sites have not been considered given that the proposed application site is identified in the emerging Local Plan (Policy TC9) for commercial use, and therefore has already been subject to a Sequential Test. This has been reviewed by the Environment Agency who raise no objection to the development, subject to the implementation of the mitigation measures as set out in the Assessment. This includes the raising of floor levels, which is secured by the imposition of Condition 6.

#### l) Sustainable construction

Concern has been raised from objectors that the proposed development has not given due consideration to zero carbon development or promoting energy efficiency in accordance with Policies SC1, SC3 and SC4 of the Hastings Planning Strategy 2014.

Policy SC4 requires developers to follow an energy hierarchy in terms of achieving low carbon development, which in the case of Hastings and viability, means assessing what can be achieved through energy efficiency measures first, prior to providing on site renewable energy generation. The submitted Design and Access Statement, together with the Planning Statement, demonstrates that this approach has effectively been followed, and that through

high levels of insulation and the design, the building can achieve a 7.5% improvement over Part L of the Building Regulations, meaning the proposals have sought to maximise the reduction of emissions and adopt a high environmental standard in accordance with adopted policy.

m) Other matters

#### Pre-application community involvement

The Planning Committee is reminded that there are no provisions in the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended) that require pre-application consultation in respect of a development of this nature.

Pre-application engagement is encouraged by the Local Planning Authority, although there is no requirement to do so. All statutory consultation measures have been undertaken as part of the application process, and as such, the lack of pre-application consultation cannot be used as a reason for refusal.

#### Procedural process

Concern has been raised that Planning Committee are not able to determine an application where Hastings Borough Council is the applicant. However, this is not the case, and all relevant protocols are followed in the determination of such applications where Hastings Borough Council is the applicant.

Similarly, the business case for this project has been determined by Hastings Borough Council's Cabinet, and is not a material consideration in the determination of this application as part of the planning process.

## **6. Conclusion**

The provision of a restaurant in this Town Centre location is wholly in accordance with Policy E3 of the Hastings Planning Strategy, which seeks to enhance the vitality and viability of such areas through the development of town centre uses, which include restaurants. Through the imposition of appropriate conditions as detailed above, it is considered that the development will not affect neighbouring residential amenities and is of a sufficiently high standard of design to ensure that the character and appearance of the area is enhanced. Appropriate measures are included to mitigate against flood risk and ensure the risk of flooding is not increased elsewhere. The proposals are therefore 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.

## **7. Recommendation**

**Grant Full Planning Permission subject to the following conditions:**

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

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

1100 P01, 1150 P01, 1400 P04, 1401 P04, 1402 P03, 1403 P03, 1404 P03, 1405 P03, 1500 P02, 1501 P02, 1502 P02, 1503 P02, 1504 P02, 1505 P02 and 1506 P02

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:-

8am - 6pm Monday to Friday  
8am - 1pm on Saturdays  
No working on Sundays or Public Holidays.

4. The premises shall not be used except between the following hours:-

Sunday to Wednesday - 9am - 11.30pm  
Thursday - Saturday - 9am - 12.30am

The first floor terrace is to be closed off to the public at 10pm on weekdays.

5. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:

- Site Waste Management Plan

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

6. The development shall be carried out in accordance with the submitted Flood Risk Assessment (Revision 2, Price & Myers, November 2021) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 5.65 metres above Ordnance Datum (AOD) [Concl.6.iii, p16]

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements.

The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

7. In the event that new foundations or other significant below ground impacts (such as drainage, services trenching etc) be required beyond the footprint of the existing toilet structures, 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.

8. 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 7.

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 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 as appropriate].

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

10. Prior to installation, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- A report on any lighting scheme, such as flood lighting or security lighting, 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

- 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 receptors

The development must then be implemented in accordance with the approved details and retained thereafter in perpetuity.

11. 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: -

- a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.
- b) 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)
- c) 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

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'.

12. Prior to the first operation of the premises, a Scheme and Maintenance Schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The

scheme shall be designed in accordance with EMAQ+ Control of Odour and Noise from Commercial Kitchen Extraction Systems 2018. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

13. No part of the development shall be occupied until such time as until a Servicing Management Plan 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.
14. No development shall take place above ground until details of the materials and finishes to be used in the construction of the external surfaces of the premises hereby permitted, including the roof plant enclosure, have been submitted to and approved in writing by the Local Planning Authority. Details must include proposed colour swatches/RAL numbers. Development shall be carried out in accordance with the approved details.
15. No development shall commence above ground until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - Proposed windows and doors including 1:10 elevations and full size sections
  - Large scale details of the proposed ramps including balustrades and guardings
  - Large scale details of the proposed dwarf walls and railings

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

16. Prior to installation, details of external vents, ducts or similar should be submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details.
17. (i) Development shall then be carried out in accordance with the drainage details approved as part of this consent and no occupation of the building hereby approved shall occur until those works have been completed; and  
(ii) No occupation of building hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

18. Prior to the occupation of development, evidence (including photographs) should be submitted and approved in writing by the Local Planning Authority, showing that the drainage system has been constructed as per the agreed detailed drainage designs.
19. Prior to the commencement of development, an application for building over/near a public sewer must be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. Should a diversion of the sewer be required instead, then details of the measures that will be undertaken must be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.
20. Prior to the occupation of the development hereby approved, the crime prevention measures as set out in the submitted "Response to Crime Prevention Officer Letter" (Kendall Kingscott, 8 February 2022) must be implemented and maintained as such throughout the lifetime of the development.
21. The development hereby approved shall be operated in accordance with Use Class E(b) of the Town and Country Planning (Use Classes) Order 1987 (as amended) only, and at no time should operate as a separate drinking establishment. The bar area within the building must remain ancillary to the approved restaurant use at all times, and retained as such for the lifetime of the development.

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To safeguard the amenity of adjoining and future residents.
5. To ensure a satisfactory standard of development.
6. To reduce the risk of flooding to the proposed development and future occupants
7. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
8. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
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. To ensure a satisfactory standard of development and to safeguard the amenities of nearby occupiers.
11. 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.
12. To safeguard the amenity of nearby occupiers.
13. To safeguard the operation of the public highway
14. To ensure a satisfactory standard of development.
15. To ensure a satisfactory standard of development.
16. To ensure a satisfactory standard of development.
17. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
18. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
19. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
20. To ensure a satisfactory standard of development and protect the amenities of neighbouring occupiers.
21. 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 Health and Safety at Work Etc. Act 1974 will apply. The applicant is strongly advised to contact the Environmental Health Division before services, fixtures and fittings etc. are installed for advice on satisfying the requirements of Health and Safety Law.
4. The Food Safety Act 1990 will apply. The Food Business Operator will be required to register the food establishment with the Local Council 28 days prior to opening. The registration form can be found online at [http://www.hastings.gov.uk/environmentalhealth/food\\_safety/businesses/foodpacks/caterers/](http://www.hastings.gov.uk/environmentalhealth/food_safety/businesses/foodpacks/caterers/)

5. The future operator is advised that they will be required to submit a full premises licence application, in accordance with the requirements of the Licensing Act 2003.
6. 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>
7. The applicant is advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

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**Officer to Contact**

Mrs S Wood, Telephone 01424 783329

**Background Papers**

Application No: HS/FA/21/00905 including all letters and documents

# Agenda Item 6

Agenda Item: 6

<b>Report to:</b>	Planning Committee
<b>Date:</b>	23 March 2022
<b>Report from:</b>	Planning Services Manager
<b>Title of report:</b>	<b>PLANNING APPEALS &amp; DELEGATED DECISIONS</b>
<b>Purpose of report:</b>	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 11/02/2022 to 10/03/2022
<b>Recommendations:</b>	That the report be noted

## The following appeals have been received:

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
16 Harold Road, Hastings, TN35 5NL  HS/FA/21/00512	Proposed demolition of existing detached garage and erect of a new 3 bed end of terrace dwelling on land within curtilage of 16 Harold Road	Prior Approval Refused	DELEGATED	Planning

## The following appeals have been allowed:

<b>Address/ Application Number</b>	<b>Proposal</b>	<b>PSM's Rec</b>	<b>Where the decision was made</b>	<b>Type of Appeal</b>
York Road Buildings between, 4-6 York Road, St Leonards-on-sea, TN37 6PU  HS/FA/20/00130	Change of use of buildings from mixed Class B8 Storage and Distribution and, Class B1 Offices to C3 Dwellinghouses. Conversion and rear extension to existing	Refuse Planning Permission	DELEGATED	Planning

	building to form 3 dwellinghouses. Conversion of existing building to form 4 live/work units. Provision of amenity space, parking areas and bin store, and associated works.			
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**The following appeals have been dismissed:**

**None**

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
Granted Permission	44
Part Grant	3
Prior Approval Approved	2
Refused	5
Withdrawn by applicant	3
<b>Total</b>	<b>57</b>

**Report written by**  
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