

**PLANNING**

**1 JUNE 2022**

Present: Councillors O’Callaghan (Chair), Collins (Vice-Chair), Bacon, Beaney, Beaver, Cannan, Patmore, Roark, Roberts and Williams

**346. APOLOGIES FOR ABSENCE**

Apologies received from Councillor Edwards (substituted by Councillor Patmore)

**347. DECLARATIONS OF INTEREST**

<b>Councillor</b>	<b>Item</b>	<b>Interest</b>
Cllr Beaver	5(a)(b)(c)(d)	Personal – East Sussex County Councillor
Cllr Bacon	5(a)(b)	Prejudicial – Lives nearby and has spoken about the application previously
Cllr Colins	5(c)	Personal – Acquainted with a contributor to the petition
Cllr Roark	5(c)	Prejudicial – Trustee of Foreshore Trust

**348. MINUTES OF PREVIOUS MEETING**

RESOLVED – that the minutes of the meetings held on 20th April 2022 be approved as a true record

**349. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

None received

**350. PLANNING APPLICATIONS**

**351. TILEKILN PLAYING FIELDS, INGLESIDE, ST LEONARDS-ON-SEA (HS/FA/20/00669)**

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Proposal	Proposed Development of a 1,950 Capacity Football Stadium, Sports Hall and Gymnasium, 2no. 3G Artificial Pitches with Changing Facilities and Spectator Stand, Multi-Use Games Area with Associated Car and Coach Parking (amended description).
Application No	HS/FA/20/00669
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 26 objections received

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### **Councillor Bacon left the chamber and did not take part in this item**

The Planning Services Manager presented this application for Proposed Development of a 1,950 Capacity Football Stadium, Sports Hall and Gymnasium, 2no. 3G Artificial Pitches with Changing Facilities and Spectator Stand, Multi-Use Games Area with Associated Car and Coach Parking. The Planning Services Manager gave updates – an additional letter of support from East Sussex College and a petition objecting to the application. The petition did not raise any new issues that are not already covered in the report. Comments have been received from the Parks and Open Space Officer who raises concerns about the loss of open space but have not formally objected to the application.

An additional condition is added to their recommendation. Condition no.35 which states prior to the occupation of any part of the development of building management manual to cover sustainability, renewable energy and accessibility shall be submitted and approved in writing by the Local Planning Authority. The measures therein shall be implemented in full and maintained as such at all times. The reason for this is to ensure the sustainability objectives are realised.

A location plan, aerial view and photographs of the site were shown. It was explained how trees are around the perimeter. The surrounding area is a mix of industrial, residential, commercial, retail and leisure use. The site is a flood risk zone 1. A slide showing the proposed site plan was shown. This included the 1950 capacity football stadium with the floodlit grass pitch and four spectator stands. The principal stand is located on the southwest of the pitch and it will be 2 stories high. It will include a reception area, a ticket office, club and secretary offices, home and away changing rooms, sports bar and kitchen. The upper floor will contain a function room with bar and kitchen, the boardroom, spectator boxes and a training area and lounge. In addition, the proposal includes a sports hall and gymnasium. Two 3 G artificial pitches and multi use games area, changing facilities, spectator stands and associated car and coach parking, non match day and ancillary facilities would include integrated

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conference, hospitality, community, leisure and sports spaces. This is planned to be a phased development in two phases. The existing pedestrian and vehicular access off Ingleside is retained and an additional pedestrian link is created to Napier Rd. The planned opening times for the sports hall are 9:00 AM to 10:00 PM. The three 3G pitches are available for use from 10:00 AM to 10:00 PM. In terms of employment, it is anticipated to provide employment for 19 full time and 36 part time staff. A noise report is submitted, which concludes no harm. Some images were shown of what the site will look like. Sports England were satisfied with the proposal and did not make an objection. The benefits to the proposed development outweighed the harm from the loss of the open space.

In terms of ecology, the site is identified as having a low conservation value with no evidence of protected species. The report concludes that there would be no harm from the proposed development or associated floodlighting.

100 of the 421 trees on site are proposed to be removed none of which are covered by a Tree Preservation Order. East Sussex highways are satisfied that the development would not exacerbate peak time conditions on the Queensway Napier Rd junction and raised no objections in this respect. The land is owned by Hastings Borough Council.

The petitioner Mr Peter Bailey addressed the committee. He explained the pitch will be the minimum size allowed by the FA and the capacity of 1950 is smaller than some attendances at Pilot Field. There is no time scale for the proposed phase 2 expansion to 4000 capacity. The site has poor access and the proposed special buses have never been needed before. The 3G pitches are not suitable for matches beyond the Conference League and bad for players to practice on. Local residents have been canvassed and do not want to lose the green space or the trees. There are also concerns regarding supporters walking through the housing areas, noise, light pollution and parking. The proposed all-in-one stadium venue mixing facilities for meetings, parties and functions with footballers and supporters does not work, as has been proved by the local rugby club facilities. The petitioner highlighted the amount of litter that has been left after matches in local residents' gardens. No plans have been disclosed for the financing arrangements and time scales and therefore no due diligence scrutiny possible. No details provided about the stated economic benefits to the town. This development relies on gifting or selling at below market price the publicly owned Pilot Field to the developers. The petitioner proposed that funds should be used to improve the Pilot Field site which is now in a state of disrepair due to long term neglect.

Councillors had no questions for the petitioner

Mr Billy Wood, Chief Executive of Hastings United Football Club addressed the committee and highlighted their community programs and what they do in the community. Mr Wood explained he has responded positively to requests from the

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Planning officers and consultees which has resulted in changes to the application. The social benefits of the application are significant with employment opportunities and construction jobs. The new facilities will help deliver wider aspirations for Community involvement. Mr Wood explained how the capacity will be able to be increased at a later stage if funding is in place. The average attendance for this season is in the range of 1200. The proposed pitch size is adequate for all senior football. Hastings United believes the club is the central pillar in the community and being connected to various organizations could ensure the whole community can get involved in activities. There are not enough current facilities in Hastings for the 29 teams within the community program. The club does not want to relocate to another borough.

Councillors asked questions of the Applicant.

Councillors Evans as the Ward Councillor for Hollington addressed the committee. Councillor Evans set out four key points. Community consultation, based on talking to residents in Hollington they feel they have not been consulted by Hastings United. Most local grass roots clubs are keen for the town to have a stadium, but they say talks with Hastings United were not productive and they feel unlikely to benefit from the new stadium. The second point, health. The Tilekiln helipad is a key green space for Hollington, which is one of the most deprived areas in the country. It is very well used by dog walkers, kids having a kickabout, picnics in the summer, and grassroots football clubs. Some local football clubs claim the Tilekiln fields are the best grass pitches in town. Hollington has some of the worst health issues in the South East. Free recreational spaces encourage good mental and physical health. The Third Point, climate change, as a Council going forward, we are looking to move away from building on green spaces. Tilekiln helipad connects to the Marline Valley, which is a SSSI. It is surrounded by woods. If the development took place, the woodland would be fenced off and become inaccessible for walkers. Fourthly, the travel plan is now out of date as it is based on the capacity for 1950 attending. There were 50 allocated car parking spaces, and residents are worried that people will park on the estate and during matches the area will become very congested. For those intending to travel by public transport, not using the shuttle bus starting in town, there will be reliance on the current bus service which is unreliable. The majority of Hollington residents want to keep the Tilekiln helipad as a free green open space for recreation. It is a free asset for mental and physical health.

Councillors asked questions to the Planning Service Manager. The Planning Services Manager confirmed that the site is designated as a sports pitch and playing field. It is also designated as open space. The Community use agreement that's mentioned would have to be agreed.

Councillors debated.

Councillor Patmore proposed approval of the recommendation with the addition of condition 35, seconded by Councillor Beaver.

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### **RESOLVED (Unanimously)**

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

**Section 278 Agreement to provide:**

- **A new access into the site from Ingleside**
- **A footway with a minimum width of 2m alongside the site access, which will continue into the site**
- **New footways on both sides of Ingleside to link the site access to the existing pedestrian facilities in Coneyburrow Gardens and through to Tesco Extra on Churchwood Drive**
- **Pedestrian crossing points with dropped kerbs and tactile paving on Ingleside and Coneyburrow Gardens as required**
- **Pedestrian link from the north of the site to be tied into the existing pedestrian facilities on the south side of Napier Road**
- **Improvements to bus stops**
- **Minimum of four real time bus information displays positioned at high pedestrian traffic areas of the development**

**Section 106 Agreement to provide:**

- **Site Travel Plan and audit fee (£6,000); including completion of monitoring reports; provision of shuttle bus service and match day bus tickets**
- **Surveys as required by the highways authority and any mitigation identified**
- **Financial contribution to fund the Traffic Regulation Order (TRO) to implement any necessary parking restrictions (£5,000)**
- **Financial contributions of £5,000 per annum for a 30 year period (£150,000) for management and upkeep of Churchwood and Marline Valley Woods Local Nature Reserves to enhance biodiversity and mitigate pressure on these sites**
- **Community Use Agreement for use of 3G pitches and MUGA**
- **S106 Agreement Monitoring fee of £500**

**In the event that the Agreement is not completed by 30<sup>th</sup> September 2022 that the application be refused on the grounds that it does not comply with the provisions of the National Planning Policy Framework, the relevant policies (policies EN2, EN8 and CI2) of the Hastings Local Plan, The Hastings Planning**

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**Strategy, or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager.**

### **B) Subject to the above**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
6237-L001 B, 6237-L002, 6237-L003 A, 6237-L004 I, 6237-L005 D, 6237-L006, 6237-L007 A, 6237-L008 A, 6237-L009 A, 6237-L010, 6237\_ L011B, 6237-L012 A, 6237\_ L0126237-SK(00)01, 6237-SK(00)02, 6237-SK(00)03, AS/TPP/14-9-2020 3 and T3143-001
3. With the exception of internal works, the building works required to carry out the development allowed by this permission must only be carried out within the following times:-  
  
08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.  
  
These hours of operation also apply to deliveries to and from the premises during construction.
4. No part of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.
5. No part of the development shall be occupied until the vehicular access serving the development has been constructed in accordance with the drawings approved as part of this consent and as amended as part of the s278 Agreement and detailed design.
6. Prior to the first use of the access, visibility splays of 2.4 metres by 70 metres shall be provided in both directions. These visibility splays shall thereafter be kept free of all obstructions over a height of 600mm on Ingleside.
7. The completed access shall have maximum gradients of 4% (1 in 25) from the

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channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter.

8. The development shall not be occupied until parking areas have been provided in accordance with plans/details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
9. Car parking spaces shall measure 2.5m by 5m (with an extra 50cm on either dimension when adjacent to a wall or fence).
10. The development shall not be occupied until covered and secure cycle parking areas have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
11. The new roads shall be designed and constructed to the Highway Authority's standards with a view to their subsequent adoption as publicly maintained highway. Details and evidence of this must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority, prior to first use of the development hereby approved.
12. No development shall commence on site until the detailed drawings, including levels, sections and constructional details of the following have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority:  
  
Proposed road(s):
  - Surface water drainage
  - Outfall disposal
  - Street lighting

The development shall be carried out in accordance with the details approved and no use of any building approved shall occur until those works have been completed.
13. 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 Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate, but not be restricted to, the following matters:

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- 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].

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

14. (i) Prior to the commencement of development, a detailed Foul and Surface Water Drainage Strategy/System shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall incorporate the following:
- a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to 18.2 l/s for all rainfall events,



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including those with a 1 in 100 (plus climate change) annual probability of occurrence.

- b) The details of the outfall of the proposed drainage system and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.
- c) A survey of the watercourse shall be undertaken to ensure that it is in suitable condition to receive runoff from the proposed development. Any remedial works shall be carried out where necessary prior to construction.
- d) The detailed design shall include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
- e) The detailed design of the surface water drainage features (underground tank) shall be informed by findings of groundwater monitoring between autumn and spring at the location of the proposed tank. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system should be provided.

(ii) Development shall then be carried out in accordance with the details approved and no use of any part of development hereby approved shall occur until those works have been completed.

15. Prior to the commencement of development, a Maintenance and Management Plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority to ensure the designed system takes into account design standards of those responsible for maintenance. The Maintenance and Management Plan shall cover the following:

- a) This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development.

The approved Maintenance and Management Plan shall thereafter remain in place for the lifetime of the development.

16. Prior to the commencement of development, measures to manage flood risk, both on and off the site, during the construction phase should be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction

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Management Plan for the development.

17. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
18. No development shall take place until the measures outlined in the submitted statements and reports listed below have been fully implemented, unless the programme for such measures is otherwise specified within that document in which case the works shall be carried out in accordance with the timescales contained therein. The submitted statements and reports are:
  - Arboricultural Report (Arborsense, September 2020)
  - Preliminary Ecological Assessment (bEk Enviro Ltd, November 2019)
  - Ecological Technical Note - Dormice (Avian Ecology, July 2020)
  - Ecological Technical Note - Screening (Avian Ecology, April 2020)
  - Ecological Technical Note - Reptiles & Lighting Impacts (Avian Ecology, March 2022)
19. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
  - a) Risk assessment of potentially damaging construction activities;
  - b) Identification of "biodiversity protection zones";
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

20. Prior to the first use of the facilities hereby permitted, a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall:
  - a) identify those areas/features on site that are particularly sensitive for bat

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species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging;

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places; and

c) indicate hours of illumination restrictions.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior written consent from the Local Planning Authority.

21. In the event that contamination is found to be present upon completion of the works, before any part of the development is first occupied or brought into use 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 verification report and completion certificate shall be submitted 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'.
  
22. All construction 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 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
  - 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

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works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used 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'.

23. No development shall commence above ground until a Community Use Agreement in consultation with Sport England has been entered into, and a copy of the completed approved Community Use Agreement has been provided to the Local Planning Authority. The Agreement shall apply to the 2 x 3G pitches, the MUGA and to the ancillary facilities on the site and include details of pricing policy, hours of use, access by users (including non members), management responsibilities and a mechanism for review including triggers to provide the Phase 2 facilities. The development shall not be used otherwise than in strict compliance with the completed Community Use Agreement.
24. The development hereby permitted shall not be brought into use until:
  - a) certification is received, submitted to and approved in writing by the Local Planning Authority that demonstrates the Artificial Grass Pitches have met FIFA Quality Concept for Football Turf – FIFA Quality or equivalent International Artificial Turf Standard (IMS); and, confirmation is received, submitted to and approved in writing by the Local Planning Authority that demonstrates the pitches have been registered on the Football Association's Register of Football Turf Pitches.
25. The grass pitch and stadium facilities shall not be brought into use until the 2x 3G pitches and MUGA as shown on Drawing no. 6237\_L004 Rev I have been constructed and made available for community use.
26. When the football stadium hereby permitted is in use the following restrictions shall be adhered to at all times:
  - The maximum population of the East stand shall be 500.
  - The maximum population of the eastern side of the pitch shall be 200 (in

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addition to those in the East Stand).  
The maximum population of the MUGA shall be 50.

27. No development above ground level shall take place until there has been submitted to and approved by the Local Planning Authority a Scheme of Soft Landscaping, which shall include indications of all existing trees and hedgerows on the site including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. All soft landscaping shall be carried out in accordance with the approved Scheme of Soft Landscaping.
28. No works or development shall take place above ground until full details of all proposed tree planting, and the proposed times of planting, have been submitted to and approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details thereafter.
29. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same.
30. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards as set out in the submitted Arboricultural Report (Arborsense 17.09.20) and Tree Protection Plan (AS/TPP/14-09-2020). 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.
31. No development shall be brought into use until the measures outlined in the submitted statements and reports listed below have been fully implemented, unless the scheme(s), or programme(s) of measures contained within the statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted statements and reports are:
  - Air Quality Assessment (Miller Goodall, April 2020)
  - Flood Risk Assessment (bEk Enviro Ltd, November 2020)
  - Lighting Design and Assessment (Martin Environmental Solutions, March

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2020)

- Noise Assessment (Acoustic Associates Sussex Ltd, March 2020)  
Preliminary Risk Assessment (bEk Enviro Ltd, November 2019)

32. No development shall take place above ground until details of the materials to be used in the construction of all buildings/stands 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.
33. The premises shall not be used except between the following hours:-  
  
07.00 - Midnight Monday - Saturday  
09.00 - 19.00 Sunday and Bank Holidays
34. The stadium facilities shall not be used until a bin store has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained for that purpose.
35. Prior to the occupation of any part of the development of building management manual to cover sustainability, renewable energy and accessibility shall be submitted and approved in writing by the local Planning authority. The measures therein shall be implemented in full and maintained as such at all times.

### Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To encourage and promote sustainable transport.
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
6. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
8. To ensure the safety of persons and vehicles entering and leaving the access

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and proceeding along the highway.

9. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
11. In the interest of highway safety and for this benefit and convenience of the public at large.
12. In the interests of highway safety and for the benefit of the public at large.
13. 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.
14. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
15. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
16. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
17. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
18. To ensure that any adverse environmental impacts of development activities are mitigated.
19. To ensure that any adverse environmental impacts of development activities are mitigated.
20. To ensure that any adverse environmental impacts of development activities are mitigated.
21. 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.
22. 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

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offsite receptors.

23. To secure well managed safe community access to the sports facility/facilities, to ensure sufficient benefit to the development of sport.
24. To ensure the development is fit for purpose and sustainable, provides sporting benefits and to accord with Development Plan Policy CI2 of the Hastings Planning Strategy 2014.
25. To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Development Plan Policy CI2 of the Hastings Planning Strategy 2014.
26. To maintain the safety of the public at large.
27. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.
28. To mitigate loss of trees on the site.
29. To mitigate loss of trees on the site.
30. The retained trees make an important contribution to visual amenity and biodiversity.
31. To ensure a satisfactory standard of development.
32. In the interests of the visual amenity of the area.
33. To protect the amenity of the area
34. To protect the amenity of the area
35. To ensure the sustainability objectives are realised.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this decision may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
4. This Authority's requirements associated with this development proposal will



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need to be secured through a Section (106/184/171/278) Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning approval 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.
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. Guidance on preparing Community Use Agreements is available from Sport England. <http://www.sportengland.org/planningapplications/> For artificial grass pitches it is recommended that you seek guidance from the Football Association on pitch construction when determining the community use hours the artificial pitch can accommodate. The FA has also indicated that it wishes to be involved in the CUA review group with partner clubs to monitor community football development outcomes.
8. The applicant is advised that pitches to be used for Step 1 and Step 2 level football matches should be built in accordance with FIFA Quality Concept for Football Turf - FIFA Quality Pro and Steps 3 to 6 should be built in accordance with FIFA Quality as a minimum and tested annually as per league rules.

**352. THE PILOT FIELD, HASTINGS UNITED FOOTBALL CLUB & SPORTS & SOCIAL CLUB, ELPHINSTONE ROAD, HASTINGS (HS/OA/20/00673)**

Proposal	Outline planning permission (seeking approval for access), for the comprehensive redevelopment of the existing site to form 86 residential dwelling units, with associated access works, car parking and landscaping
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Application No	HS/OA/20/00673
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 97 objections, 1 in Support. Petition of objection received

-

### **Councillor Bacon left the chamber and did not take part in this item**

The Planning Services Manager presented the application for outline planning permission and seeking approval for access for the comprehensive redevelopment of the site to form 86 residential dwellings with associated access works, car parking and landscaping.

A location plan, aerial view and photographs of the site were shown. The application site is 3.15 hectares. The site is owned by Hastings Borough Council. The surrounding area is predominantly residential with suburban character with mainly detached and semi detached bungalows and two story dwellings. There were no special architectural or historic designations on the site within the immediate area or within the immediate area surrounding the site. The area is affected by surface water flooding with a frequency of 1 in 30.

Only access is being considered here, so any queries about appearance, landscaping, layouts and scale they wouldn't be relevant in this assessment because this is an outline application.

Slides of drawings of the indicative layout were shown. The two vehicular access points off, Elphinstone Rd will remain and be used to serve the site. With pedestrian and cycle accesses via the existing footway that runs along Elphinstone Road and connects the south western and north western sections of the site. The indicative layout links the two sections of the site via a pedestrian ramp and step at the north east and north west points of the site.

The application proposes to provide a minimum of 25% affordable housing secured through a Section 106 agreement should permission be granted. The football stadium is proposed to be relocated to Tilekiln Playing Fields. Condition 8 of this application prevents commencement of development until the development permitted by HS/FA/20/00669 is completed in accordance with the approved plans. This application is very positive, one in that it will contribute to the five-year housing land supply as of January 2020, the Council has only met 42% of its housing delivery test requirement and this is a critical requirement for the Council. Although the site results in the loss of the playing field, this is re-provided at Tilekiln and there is no objection of Sports England, and the application meets the requirements of Policy CI 2 of the Hastings Planning Strategy.

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The petitioner Mr Peter Bailey addressed the committee. Local residents are not convinced Pilot Field is suitable for development and should be classed as a community asset. Mr Bailey explained how the area is prone to flooding and there are already major problems immediately downstream from the site. Other issues will be the additional traffic flowing into Elphinstone Road and onto the Ridge. The removal of a good, accessible sporting facility which is well served by public transport. Degradation of the wildlife corridor. The removal of the Sports and Social Club and the Pilot Bar with no provisions to replace them. The majority of local residents do not want houses on the Pilot Field site. The club's owner has stated that they would take on affordable debt to help fund the Tilekiln development. Why not use those funds to improve the present Pilot Field facilities. No financial figures and business plans have been published to show how the finances would work and therefore any independent scrutiny is not possible at the moment. The proposals rely on the Council selling the land well below its market value.

The councillors had no questions for the petitioner.

The Planning Agent Chris Sampson addressed the committee. He explained how they have worked closely with case officers throughout the lifetime of the application to address all technical matters and to reach a positive recommendation. Concerns from local residents regarding the loss of the social club are noted however Tilekiln proposals will provide a more up-to-date facility, including substantial function room and bar with kitchen facilities that will be available for hire. The proposed use of the site for housing will be consistent with the surrounding area and will relieve pressure on the local roads around the Pilot Field, especially on match days. The junction designs for the two access points have been carefully fine-tuned and agreed with the Highway Authority, including dropped tactile paving at the crossovers, antiskid surfacing, and a right turned marked area for cyclists entering the site. Over one third of the site is to be retained as landscape buffers, which will ensure that the more sensitive areas are left undeveloped and subject to appropriate management and enhancement measures. The Council's Environment Manager and the Arboriculturist are both satisfied that the proposals are acceptable. Surface water flows can be managed as part of the development with the final details to be secured by condition. The site has a residential allocation within the Regulation 18 draft Local Plan for an indicative total of 120 dwellings. The proposals have demonstrated that the site can accommodate the number of homes proposed whilst retaining significant landscape and ecological buffers around the perimeter. The proposals will provide important benefits in their own rights, including significant contributions towards housing delivery, with the full 25% of affordable housing.

Councillors asked questions of the Planning Agent.

Councillor Turner as Ward Councillor addressed the committee for half of the allocated Ward Councillor time. Baird Ward is the most deprived ward in the Borough. This application poses serious environmental issues. There are serious drainage

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issues in the area. Drain covers lift in heavy rainfall with the contents of the drains cascading across the road into people's gardens. East Sussex County Council flood risk management have said that before even brick is even laid, there needs to be a comprehensive reconstruction of the drainage system. The Pilot Field site has greater potential than the proposed Tilekiln site. The club has allowed the Pilot Field site to get run down and need to clean it up.

Councillor Cooke also as a ward councillor addressed the committee for the other half of the allocated Ward Councillor time. Traffic in the area will have an extra 86 or more cars every day using the local roads including the Ridge which already has cars idling during peak times. The drainage and flooding are an issue with damage to local properties and damage to the roads. The area is of high deprivation. A facility is being taken away that provides free access to children under the age of 18 on match days, which is something that is very value. Chris Whitty pointed out the loss of green space areas. It's one of the few things that Hastings has is access to green spaces and this is going to be taking away yet another green area.

The Planning Services Manager gave points of clarification to the committee. With regards to concerns raised about Highways and Ecology in the report there is a list of consultees with the majority having raised no concern. With regards to flooding the matters of surface water and foul water and disposal have been considered by East Sussex County Council and Southern Water. Southern Water have no objection subject to Condition 30.

Councillors debated.

Councillor Patmore proposed approval of the recommendation, seconded by Councillor Williams.

### **RESOLVED (8 votes for, 1 against)**

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

- **A contribution of £263 per dwelling, towards library provision in the locality (£22,618)**
- **A minimum of 25% affordable housing units (22 dwellings)**
- **Travel Plan and audit fee of £4,500 securing the delivery and monitoring of the travel plan over a five-year period, based on surveys at years 1, 3 and 5, commencing from after occupation of 25% of dwellings (when baseline surveys are carried out)**
- **TRO contribution of £5,000 to secure the Traffic Regulation Order for Double Yellow Lines at the access points**

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- **Unallocated parking spaces to remain as such**
- **Provision to confirm that estate roads not to be offered for adoption at a later date (if that is the case), and also to ensure that carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate, lit. Works will need to be appropriately certified from a suitably qualified professional confirming the construction standard**
- **S278 for a scheme of off site highways works at accesses (construction, anti-skid surfacing, dropped kerbs and markings), crossing point**
- **S106 Agreement Monitoring fee of £500**

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

In the event that the Agreement is not completed by 31 September 2022, that the application be refused on the grounds that it does not comply with the relevant policies (Policies H3 and C11) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

**B) Subject to the above**

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

1. No development shall start until details of the:
  - a) Appearance
  - b) Landscaping
  - c) Layout
  - d) Scale

[hereafter called "the Reserved Matters"] have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the reserved matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

2. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the Reserved Matters to be approved, whichever is the later.
3. The details referred to in the Reserved Matters to be submitted pursuant to

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the requirements of Condition 1 above shall be based on the following indicative drawing numbers:

0100 P1, 0101 P1, 0200 P3, 0201 P1, 0202 P1, 0203 P1, 0204 P2, 2000 P1, 2001 P1, 2010 P1 2011 P1, 10065/1170 P8, 10065/1190 P8, SJG1794 SHEET 3, SJG1794 SHEET 4, SJG1794 SHEET 5, SJG1794 SHEET 6 and SJG1794 SHEET 7

4. The details submitted pursuant to Condition 1 above, shall include full details of the materials to be used in the construction of the external surfaces of the development and all hard standing areas. Thereafter development shall be carried out in accordance with the approved details and the works shall be carried out prior to first occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
5. The landscape details submitted pursuant to Condition 1 above, shall include full details of the hard landscape works including proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g refuse areas, lighting etc); proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc). All hard-landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
6. The soft landscaping details submitted pursuant to Condition 1 above, shall include full details of soft landscaping which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.
7. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the occupation of the houses which they serve.
8. The development hereby permitted shall not be commenced until the grass pitch and stadium facilities permitted by planning permission HS/FA/20/00669 have been constructed in accordance with the approved plans and made available for use.

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

The detailed drainage design referred to above shall include details of:

- The outfall of the proposed attenuation tank and how it connects into the sewer, to include cross sections and invert levels
- How surface water flows exceeding the capacity of the surface water drainage features will be managed safely
- 2-dimensional hydraulic modelling and calculations
- Responsibilities of each party for the implementation of the SUDs scheme
- A timetable for implementation
- A Management and Maintenance Plan for the entire drainage system for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Surface water discharge rates for the development should not exceed 5.3 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations as listed above) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and the modelling shall support the proposed diversion of the existing surface water overland flow route through the development. This shall clearly demonstrate that the expected surface water depths upstream and downstream of the development will not be increased. The diverted surface water flow shall have safe flood depths and hazard within the application site.

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

and,

no occupation of any of the dwellings or flats 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.

10. Prior to the occupation of any part of the development, evidence (including photographs) should be submitted and approved in writing by the Local Planning Authority, showing that the drainage system has been constructed

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as per the agreed detailed drainage designs.

11. The development shall not commence until technical details of the layout of the reconstructed site accesses and the specification for the construction of the access which shall include details of the parking restrictions, surface treatment, road markings and street lighting have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority; and any part of the development shall not be occupied until the construction of the accesses have been completed in accordance with those technical details.
12. No part of the development shall be first occupied until visibility splays of 2.4 metres by 56 metres have been provided at the proposed site vehicular access onto Elphinstone Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
13. Car parking spaces shall measure 2.5m by 5m (with an extra 50cm on either dimension when adjacent to a wall or fence).
14. The proposed garages shall measure at least 3m by 6m (measured internally).
15. The details required by Condition 1 shall include details of safe, covered and secure cycle parking areas to serve the development. The areas shall thereafter be retained for that use and shall not be used other than for the parking of bicycles.
16. 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 Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate, but not be restricted to, the following matters:
  - 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 routing of vehicles during construction;
  - the parking of vehicles by site operatives and visitors;



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- 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].

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

17. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
18. Prior to the commencement of development, a detailed Remediation Scheme 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 must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
19. The approved Remediation Scheme must be carried out in accordance with

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its terms prior to commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks prior written notification of commencement of the Remediation Scheme works. Following completion of measures identified in the approved Remediation Scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

20. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority.
21. Prior to occupation of any part of the development, details of any lighting such as security lighting, together with 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 and light sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to occupation of any part of the development.
22. Work which is audible at the site boundary and deliveries to and from the premises shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
23. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - Measures to manage flood risk both on and off the site during the construction phase.

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.

24. Prior to the commencement of development, details of measures to protect the public water supply main shall be submitted to and approved in writing by the Local Planning Authority.
25. No development shall take place until the measures outlined in the submitted statements and reports listed below have been fully implemented, unless the scheme(s), or programme(s) of measures contained within the statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted statements and reports are:
  - Arboricultural Report and AIA (Mayhew Consultancy Ltd, September 2020)

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- Archaeological Desk Based Assessment (RPS, July 2020)
- Desk Study and Ground Investigation Report (GEA, September 2020)
- Preliminary Ecological Appraisal (Corylus Ecology, August 2020)
- Bat Survey and Mitigation Report (Corylus Ecology, September 2020)
- Ecological Impact Assessment (corylus Ecology, January 2022)
- Air Quality Assessment (RF Environmental, September 2020)

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

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements, which should include measures to protect badgers from being trapped in open excavations and/or pipes and culverts);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved CEMP: Biodiversity. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

27. No development shall take place (including any demolition, ground works, site clearance) until a Method Statement for works close to badger sets has been submitted to and approved in writing by the Local Planning Authority. The content of the Method Statement shall include the:

- a) purpose and objectives for the proposed works;

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- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

- 28. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan (Biodiversity) required by Condition 26. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
- 29. The details required by Condition 1 shall include details of Electric Vehicle Charging Points in the development hereby approved. Each individual dwelling shall thereafter not be occupied until a minimum of one electric vehicle charging point has been installed on each of the houses with dedicated 'on plot' parking, and shall thereafter be retained for that purpose.
- 30. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre-based broadband.
- 31. The details required by Condition 1 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy. The development shall be carried out in accordance with the approved details.
- 32. The details required by Condition 1 above shall include a minimum of 2% of all of the residential units constructed within the application site being designed in such a way to be fully wheelchair assessable.
- 33. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
  - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into

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them at the end of each working day; and

- b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
34. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person, for example, an Ecological Clerk of Works or an on-site Ecologist, have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
35. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to occupation of the development. The content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management options for achieving aims and objectives;
  - e) Prescriptions for management actions, together with a plan of management compartments;
  - f) Preparation of a work schedule (including an Annual Work Plan capable of being rolled forward over a five-year period);
  - g) Details of the body or organisation responsible for implementation of the plan;
  - h) Ongoing monitoring and remedial measures.

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

36. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out in accordance with the approved scheme.

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37. Prior to the commencement of development, the developer must agree with Southern Water the measures to be taken to protect the public sewers. Such detail must be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.
38. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

### Reasons:

1. The application is in outline only and to comply with Section 92 of the Town and Country Planning Act 1990.
2. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
3. In order to ensure a satisfactory access, site layout, scale, appearance to the development in the interests of the visual amenities, character and appearance of the locality and the amenities of the neighbouring occupiers.
4. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual amenity of the area.
7. In order to secure a well planned development and protect visual and residential amenities of the area.
8. To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Policy C12 of the Local Development Plan.
9. To prevent increased risk of flooding in compliance with Policy.
10. To prevent increased risk of flooding.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and

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proceeding along the highway.

14. To provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
15. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
16. 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.
17. In the interests of highway safety and the amenities of the area.
18. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
19. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
20. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
21. To safeguard the amenity of adjoining and future residents.
22. To safeguard the amenity of adjoining and future residents.
23. To ensure a satisfactory standard of development.
24. To prevent increased risk of flooding.
25. To protect features of recognised nature conservation importance.
26. To ensure that any adverse environmental impacts of development activities are mitigated.
27. To protect habitats and species identified in the ecological surveys from adverse impacts during construction.
28. Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved

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scheme.

29. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the objectives of the NPPF.
30. To ensure the development complies with Policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy 2014.
31. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014
32. In the interests of a balanced and inclusive communities.
33. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
34. To ensure adequate professional ecological expertise is available on site during construction to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.
35. Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.
36. It is an offence under the Wildlife and Countryside Act 1981, as amended, to introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.
37. To prevent increased risk of flooding.
38. To prevent increased risk of flooding.

### 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.



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3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. This permission which covers part of a wider development is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
6. Formal applications for connection to the public foul sewerage system and connection to the water supply are required in order to service this development. Please read the New Connections Services Charging Arrangements documents at <https://beta.southernwater.co.uk/infrastructure-charges>
7. Should any sewer be found on site during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW.
8. East Sussex County Council's requirements associated with this development proposal will need to be secured through a Section 106 and a Section 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
9. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
10. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.
11. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.  
Address is:  
Southern Gas Networks Plc

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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.

12. Reference should be made to Southern Water publication "A Guidance to Tree Planting near Water Mains and Sewers" with regard to any landscaping proposals.
13. Underground and above ground badger fencing must be installed as per mitigation measures set out in the submitted ecology reports.
14. The watercourse that passes through the Pilot Field site is characteristic of a High Weald deeply incised ghyll or stream which at times flows rapidly. The East Sussex County Council SUDS team advises there are opportunities for this flow to be slowed by the careful introduction of engineered obstructions. The Local Planning Authority would therefore request inclusion of such techniques within the detailed drainage design as part of the Reserved Matters consent, which would incorporate small scale measures such as willow weave constructions, mirroring what happens in a natural ghyll.
15. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

**353. MINIATURE GOLF & CRAZY GOLF COURSE, THE STADE, HASTINGS  
(HS/FA/22/00005)**

Proposal	The enclosure of the existing pirate golf course with a part 1 part 2 storey building
Application No	HS/FA/22/00005
Conservation Area	Yes – Old Town

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Listed Building	No
Public Consultation	Yes – 63 in Objection and 54 in Support

-

### **Councillor Roark left the Chamber and did not take part in this item**

-

### **Councillor Bacon returned to the Chamber**

The Principal Planning Officer gave updates with additional comments being received. There are now 54 support comments, 63 objections and 4 late comments. There was a question if the Foreshore Trust had been consulted on the application. The Principal Planning Officer confirmed they had consulted in the normal way and the Foreshore Trust chose not to make any comments either for or against.

Slides were shown showing the location, aerial view, and images of the proposal. Existing site photos were shown. These put into context some of the existing structures in the vicinity.

Councillors' attention was drawn to principles of sustainable development and paragraph 11 of the National Planning Policy Framework says that there is a presumption in favour of sustainable development, which means that planning permission is granted unless there are material considerations that deem otherwise. Looking at the principles of sustainable development, you have to look at the economic perspectives, the social perspectives and the environmental perspectives.

This application has divided public view. Putting anything on this site which is currently open is going to cause some harm to the setting of the conservation area. It's the Old Town Conservation Area but is detached from the historic core of the Old Town. Historic England and the Council's Conservation Officer have determined that the harm is less than substantial, which means that there is no loss of a heritage asset. Which thereby means that paragraph 202 of the National Planning Policy Framework is engaged. Paragraph 202 states that you have to consider whether that harm is outweighed by the public benefits of the proposal. The officers report covers the pros and cons of the application.

Councillor Hilton as the Old Town Ward Councillor addressed the committee. She originally thought this application was a good idea although now realising the scale of the building has serious concerns. If allowed against the advice of both Historic England and the Conservation Officer, this sets a serious and dangerous precedent for the remainder of the seafront in terms of more proposals for buildings in the future. This proposal would have a harmful impact on the open nature of the foreshore. It seems that the only public benefits that have been assessed is the visitor economy

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and the 18 new jobs. This will completely shut off the views of the Old Town and castle cliffs as people walk along the footpath along the edge of the site, which now offers open views across the landscape. The committee reported acknowledges that this would become the largest building on this part of the seafront and the impact is even greater because of the size of the cafe on the 1st floor. It also mentions that allowing this building would help improve landowner and investor confidence in this part of Town, so she was more alarmed about the precedent that that would be set by allowing this building to go ahead.

The Principal Planning Officer responded. The building will cover the existing golf course. Historic England have acknowledged that it was less than substantial harm, but they did specifically say that it was up to the Planning Officers and the committee to apply the planning balance to determine whether the public benefits and securing the optimum viable use of the site outweighed that harm. Regarding setting a precedent for development, the Hastings Act does restrict development in this location and the committee were reminded that the application is considered on its own merits.

Councillors asked questions of the Officer.

Councillors debated.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Roberts.

### **RESOLVED (8 votes for, 1 abstention)**

#### **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:

480\_001A, 480\_002A, 480\_003B, 480\_010A, 480\_011, 480\_012A, 480\_013A, 480\_102C, 480\_103C, 480\_104C, 480\_105A, 480\_110B, 480\_111B, 480\_112B, 480\_113B, 480\_114, 480\_210A, 480\_211, 480\_212A, 480\_310C, 480\_410A and 480\_411

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

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

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4. The premises shall not be used except between the following hours:-  
  
8.30am - 10.30pm  
  
Monday to Sunday (including Bank Holidays)
5. Prior to occupation of development hereby approved, details, including acoustic specifications of all fixed plant machinery and equipment associated with air moving equipment (including fans, ducting and external openings) compressors, generators or plant of a like kind, installed within the site, which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to BS4142:2014, at any adjoining or nearby noise sensitive premises.  
  
The development shall be carried out in accordance with the approved works.
6. Prior to the first operation of the building hereby approved, 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.
7. 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. The archaeological work shall be carried out in accordance with the approved Written Scheme of Investigation and a written record of all archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is agreed in writing with the Local Planning Authority.
9. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

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The detailed drainage design referred to above shall include details of:

(i)

- Findings of infiltration testing in accordance with the BRE365 to ensure that the soakaway has sufficient capacity to take flows from the development.
- The outfall of the proposed detention basin and how it connects into the soakaway . This should include cross sections and invert levels
- How surface water flows exceeding the capacity of the surface water drainage features will be managed safely
- The proposed brown roof, including cross sections
- A Management and Maintenance plan for the entire drainage system to ensure that the designed system takes into account design standards of those responsible for maintenance. The Management and Maintenance Plan should set out who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

The design of the detention basin should allow for a 300mm freeboard within the basin to allow additional capacity in exceedance events.

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

And

(iii) No occupation of any of the 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.

10. No development should take place, including any ground works, until measures to manage flood risk, both on and off the site during the construction phase have been submitted to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. This may take the form of a standalone document, or be incorporated into the Construction Management Plan for the development, as required by Condition 13 of this consent.
11. Prior to first use of the building hereby approved, evidence (including photographs) should be submitted to and approved in writing by the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

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12. Prior to occupation of the development hereby approved, details of covered and secure cycle storage must be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
13. 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 Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate, but not be restricted to, the following matters:
  - 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].

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

14. Notwithstanding the approved plans, no development shall take place above ground until samples of the following materials have been submitted to and approved in writing by the Local Planning Authority:

- Glazed tile.
- U channel glazing.
- Concrete coping.
- Decking boards.
- Timber cladding boards

These samples shall be submitted together on a materials sample board, which shall also detail the manufacturer, product name/number, unit size, materials, and finish details of each material.

The glazed tile shall be presented as several colour and glaze options, to include some warmer earth colours.

The 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.

15. Notwithstanding the approved plans, no development shall take place above ground until finish details (paint type and colour), for the following elements of the development have been submitted to and approved in writing by the Local Planning Authority:

- Aluminium door and window frames

Development shall be carried out in accordance with the approved details.

16. Notwithstanding the approved plans, prior to the commencement of the individual elements of the works detailed below, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Detailed joinery of the proposed windows and doors, to include 1:10 elevations of each window and door type and example horizontal and vertical sections at 1:2 scale or full size of each detailed joinery section.
- Details of the siting, size, manufacturer, product reference and profiles of the proposed aluminium rainwater goods.
- Details of the proposed external staircases, to include elevations of all visible sides and sections through the stair structural supports, string,



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treads, risers, gates, and handrails.

Development shall be carried out in accordance with the approved details.

17. Notwithstanding the approved plans, prior to the commencement of the hard and soft landscaping works, full details of any proposed new paving materials and planters shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the manufacturer, product name, materials/finishes and unit size.

The development shall be undertaken in accordance with the approved details.

18. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

### Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To safeguard the amenity of adjoining residents.
5. To ensure that the amenity of the area is not detrimentally affected by the use of the site.
6. To ensure that the amenity of the area is not detrimentally affected by the use of the site.
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 order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
10. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.

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11. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
12. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
13. 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.
14. In order to protect the visual amenities of the area and to secure a well-planned development.
15. In order to protect the visual amenities of the area and to secure a well-planned development.
16. In order to protect the visual amenities of the area and to secure a well-planned development.
17. In order to protect the visual amenities of the area and to secure a well-planned development.
18. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.

### 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 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)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

4. 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>.

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[charges](#)

5. 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).
6. 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.

**354. DEBENHAMS, (PART OF 1ST FLOOR) 1-3 ROBERTSON STREET, HASTINGS (HS/FA/21/01060)**

Proposal	Change of use of designated area from Class E to Sui Generis for amusements, including retro and modern video games, pinball games, virtual reality games, interactive games such as air Hockey and dance games.
Application No	HS/FA/21/01060
Conservation Area	Yes – Hastings Town Centre
Listed Building	No
Public Consultation	Yes. 15 in Objection 1 in Support Petition of objection received

-

### **Councillor Roark returned to the Chamber**

The Senior Planning Officer gave updates. Since the reports had been issued there has been one further letter of objection received. Concerns raised reflect those already received. No new matters raised. Slide showing a location plan, Aerial photos and photographs of the outside of the building were shown. A slide showing the different uses of nearby building was shown.

The representative for the petitioner Mr Peter Bailey addressed the committee. When the Debenhams restaurant was open residents of Albany Court could hear the clunk of cups and this was considered acceptable. The Restaurant closed at 5pm. Regarding the closing time of the seafront entrance to the premises in Robertson Terrace, Albany Court held its AGM in March and the leaseholders were happy for the seafront entrance to remain open until 8:00 PM in the summer months. We would like the

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agreed closing times and noise levels to be clarified through a written agreement. We have no information yet on a separate topic as yet regarding if flashing lights and illuminated signs are to be installed at the Robertson Terrace entrance. The conservation aspect needs to be maintained and respected by this development

The Applicant Mr Manning addressed the committee. With the help of Councillor Rogers Mr Manning has been able to meet with local residents. A sound survey has been ordered and with the help of the residents of Albany Court the survey has been completed. The report has been received and soundproofing has been carried out though out the building to make sure residents are not disturbed in any way. The seafront entrance has been agreed locally to stop being used from 8pm in the summer and that time would be earlier in winter months. Security will be at the site and has been budgeted for seven days a week and starting before the recommended time of 6pm. This is a family centre.

Councillors asked questions of the developer.

Councillor Rogers as the Ward Councillor addressed the committee. It was explained how this was a good example of developers working with local residents. There was lots of residents' concerns, but the developers have listened and allayed these. The entrance at Robertson Terrace was a big concern and has again been taken care of.

The Senior Planning Officer replied that any future advertisements would require consideration as part of an advertisement consent application, particularly as the site is in a conservation area. A condition has been imposed in respect of the noise insulation testing that's been carried out on site. The Senior Planning Officer explained that this application is for a small section of the building and is purely considering the change of use of that section of the building to a Sui Generis use to allow the installation of arcade games. Any alterations to the entrance or the use of the entrance can't be considered as part of this application

Councillors debated.

Councillor Roberts proposed approval of the recommendation, seconded by Councillor Beaver.

### **RESOLVED (Unanimously)**

#### **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.

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2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
4185-PL 521, 4185-PL 511, 4185-PL 502, 4185-PL 501, Sound Insulation Testing & Advice (J3377).
3. The Amusement area hereby approved is to be contained within the first floor area outlined in red on plan number PL521. Any increase to the size of the Amusement Area will require the submission of a further planning application for change of use.
4. All recommendations within the Sound Insulation Testing Report (J3377) dated 15/03/2022 are to be implemented on site prior to commencement of use. Evidence that the recommendations of the Sound Insulation Test Report have been implemented shall be submitted to and approved in writing by the Local Planning Authority prior to the use, hereby approved, commencing.

### **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.

### **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 proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. A separate application, to be submitted in accordance with the Advertisement Regulations, will be required for the display of any external advertisements.
5. The developer is advised to contact the Designing Out Crime Officer to discuss any recommendations or additional measures to mitigate against any identified local crime trends and site specific requirements.

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Sussex Police Headquarters, Malling House, Malling, Lewes, East Sussex, BN7 2DZ.

### 354.1 Entrance to Laser Lane at Kings Road and adjoining Hanguard House, St Leonards-on-sea (HS/FA/21/00298)

Proposal	Installation of a secure metal arch shaped double entrance gate to prevent antisocial behaviour (amended description).
Application No	HS/FA/21/00298
Conservation Area	Yes – Kings Road
Listed Building	No
Public Consultation	Yes. 1 in Objection Council application on Council owned land

-

The Planning Services Manager showed slides of a location plan, block plan and aerial picture of the application site. Pictures from the road of the application site were shown. Pictures of the proposed gates were shown. The proposed gates are required to deter antisocial behaviour and improve security. The arched design of the gates fronting onto Kings Road draw from the surrounding architecture. The land is Council owned and maintained by the Council.

Councillors debated.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Roberts.

### **RESOLVED (Unanimously)**

#### **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:  
  
BG/A2/1/1 A, BG/A2/1/1-1A, BG/A2/1/2 A, BG/A2/1/2-1A, BG/A2/1/3 , BG/A2/1/4, BG/A2/1/5, BG/A2/1/6 and BG/A2/1/7.
3. The entrance gates hereby approved shall be constructed of metal as shown on the amended drawings submitted with the planning application.

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4. The Planning Permission hereby approved is contingent on the Public Space Protection Order issued by Hastings Borough Council on 1 May 2021 remaining in force. In the event that the Public Space Protection Order is rescinded by Hastings Borough Council then the gates hereby approved shall be removed within 2 months from the date the Public Space Protection Order is rescinded.

### 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 ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
4. To ensure an acceptable form of development in line with allowing public access to Laser Lane.

### 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 should the construction requirements of the gates require works to be done on highway land then the applicant will be required to obtain a permit in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.

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

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The Committee noted the report.

(The Chair declared the meeting closed at. 8.52 pm)