

Planning Agenda

Wednesday, 1 June 2022 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Tourist Information Centre entrance.

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

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of previous meeting	1 - 14
4.	Notification of any additional urgent items	
5.	Planning Applications	
(a)	Tilekiln Playing Fields, Ingleside, St Leonards-on-sea (HS/FA/20/00669) <i>(P Howson, Principal Planning Officer)</i> https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_117724	15 - 52
(b)	The Pilot Field, Hastings United Football Club & Sports & Social Club, Elphinstone Road, Hastings (HS/OA/20/00673) <i>(P Howson, Principal Planning Officer)</i> https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=HSTBC_DCAPR_117728	53 - 86

(c)	Miniature Golf & Crazy Golf Course, The Stade, Hastings (HS/FA/22/00005) <i>(S Wood, Principal Planning Officer)</i> https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= _H STBC DCAPR 119212	87 - 116
(d)	Debenhams, (Part of 1st Floor) 1-3 Robertson Street, Hastings (HS/FA/21/01060) <i>(E Meppem, Senior Planning Officer)</i> https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= _H STBC DCAPR 119115	117 - 130
(e)	Entrance to Laser Lane at Kings Road and adjoining Hanguard House, St Leonards-on-sea (HS/FA/21/00298) <i>(T Zulu, Principal Planning Officer)</i> https://publicaccess.hastings.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal= _H STBC DCAPR 118350	131 - 144
6.	Planning Appeals and Delegated Decisions	145 - 148

Agenda Item 3 Public Document Pack

PLANNING

20 APRIL 2022

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

336. APOLOGIES FOR ABSENCE

Councillor Bacon and Scott (substituted by Councillor Sinden)

337. DECLARATIONS OF INTEREST

Councillor	Item	Interest
Cllr Marlow-Eastwood	5(a)(b)(c)(d)	Personal – East Sussex County Councillor
Cllr Beaver	5(a)(b)(c)(d)	Personal - East Sussex County Councillor

338. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meetings held on 23rd February 2022 and 23rd March 2022 be approved as a true record

339. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

340. PLANNING APPLICATIONS

341. 400 HAROLD ROAD (HS/FA/21/00997)

Proposal	Proposed part two storey part three storey rear extension and internal improvements (amended description).
Application No	HS/FA/21/00997
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 5 objections received

PLANNING

20 APRIL 2022

The Planning Services Manager presented this application for part two storey part three storey rear extension and internal improvements.

A location plan, aerial view and photographs showing the rear boundary and the houses either side were shown. Drawings showing the elevations and proposed floor plans were also shown to the Committee. The property has a basement store area which makes this application part two and part three storey. The application is to match and complement the host dwelling. The ground floor window will be fixed shut and will be partially obscured. The application is supported by a structural engineer statement which concludes there are no issues around land stability.

Councillors asked regarding light and the impact this application could have on neighbouring properties. The Planning Officer and Planning Services Manager confirmed the proposed extension would not be beyond the extension on the neighbouring property and the application passed the daylight test.

Councillors debated.

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

RESOLVED (Unanimously)

Grant permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site plan, block plan (400/01C), SC/RSD.2021.71.01C,
SC/RSD.2021.71.02E and SC/RSD.2021.71.07B

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

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

5. The side kitchen window within the lower level extension shall be obscure

PLANNING

20 APRIL 2022

glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The development hereby approved shall not be occupied until the obscure glass is installed, and once installed, the window shall be permanently maintained in that condition.

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. In the interests of the visual amenity of the area.
5. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that this notice of decision does not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land, to either construct or subsequently to maintain the proposed development.
4. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any

PLANNING

20 APRIL 2022

stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at

www.naturespaceuk.com

Contact details: info@naturespaceuk.com

342. **ROADWAYS AND FOOTPATHS AT PELHAM CRESCENT** **(HS/FA/21/00994)**

Proposal	Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description).
Application No	HS/FA/21/00994
Conservation Area	Yes - Old Town
Listed Building	Grade II*
Public Consultation	Yes – 2 objections, 1 in Support. Council application on land part owned by the Council.

The Planning Services Manager confirmed that we do not need to notify the Secretary of State before issuing a decision and therefore:

PLANNING

20 APRIL 2022

Final paragraph of 5g of the report is deleted (refers to the Secretary of State notification).

Also Paragraph 7A amended to remove reference to the Secretary of State notification as follows:

“That the Planning Services Manager be authorised to issue planning permission upon completion of a Legal Agreement under S106 of the Town and Country Planning Act 1990 for the entire redevelopment site covered under HS/FA/21/00994 to secure”: as per the remainder of the report.

The Principal Planning Officer gave a description of the site detailing its Grade II* listing and that the site is within the Hastings Old Town Conservation Area. Slides were shown including a location plan and block plan. The buildings are on the National Heritage At Risk Register. The repair works are necessary as there is extensive water ingress into the commercial unit from the roof above. Pelham Crescent forms the roof to the commercial units below and because of the water ingress there is need for a reconstruction of the road.

The application proposes the removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below and reconstruction of the road. A new waterproofing layer over the stone vaults will be constructed with a new drainage, new road contours, and the application also proposes repair and renewal of stone and brick.

The main considerations are the acceptability of the principle of development, the impact on the listed buildings, the impact on the conservation area and highway matters. It is considered that the development as proposed will preserve and enhance the designated Heritage Assets. There are no objections from ESCC Highways.

Councillors asked regarding the removal of the road service and if it includes the pavement. The Planning Services Manager answered by showing a slide of the proposed works and the Principal Planning Officer confirmed that Point 3 under proposed development states that the existing pavement is being replaced with a New York stone pavement.

Councillors debated.

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

RESOLVED (Unanimously)

A) That the Planning Services Manager be authorised to issue planning permission upon completion of a Legal Agreement under s106 of the Town and

PLANNING

20 APRIL 2022

Country Planning Act for the entire redevelopment site covered under HS/FA/21/00994 to secure:

- **The communal management of access to Pelham Crescent by the various owners.**

In the event that the Agreement is not completed by 31 July 2022 that permission be refused on the grounds that the application does not comply with the NPPF policies, Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015, and, 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:

H5602-03J

1610AL(0-)03C

1610AL(0-)04C

1610AL(0-)05D

1610AL(0-)06A

1610AL(0-)07E

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

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. Prior to the commencement of any surfacing of the development hereby approved, samples of the proposed surface materials to match the existing, should be submitted to and approved in writing by the Local Planning Authority. Such samples/details should include:

- York stone slabs
- York stone gullies
- Bricks
- Details of mortar mixes for pointing and agree colour

Thereafter, all works shall be completed in accordance with the approved samples.

5. Prior to the commencement of the surfacing works hereby approved, a

PLANNING

20 APRIL 2022

sample of the proposed resin bonded gravel should be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works shall be completed in accordance with the approved samples / details.

6. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / 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 and future residents.
4. In the interests of the visual 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.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. This Authority's requirements associated with this development proposal will need to be secured through a s171 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.
4. 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.
5. The applicant is reminded that, under the Conservation of Habitats and

PLANNING

20 APRIL 2022

Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural

England should be contacted for advice.
More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

343. **ROADWAYS AND FOOTPATHS AT PELHAM CRESCENT (HS/LB/21/00995)**

Proposal	Removal of the existing road surface and substrate in Pelham Crescent down to the sandstone structural vaults below. Reconstruction of the road, to include new water-proofing layer over the stone vaults, new drainage, new road contours, repair and renewal of stone and brick perimeter drainage channels, new York stone pavement, and new road surface in resin bound gravel. Installation of a new safety balustrade to the southern parapet wall. Repair of the existing eastern pedestrian staircase leading down to the seafront. Upgrading of the western entrance to Pelham Crescent, including the installation of 6x heritage style bollards and new street name signs. Together with proposed dropped kerbs and provision of a new service duct utilities (Amended description).
Application No	HS/LB/21/00995
Conservation Area	Yes – Old Town
Listed Building	Grade II*

PLANNING

20 APRIL 2022

Public Consultation	Yes – 1 in Support Council application on land part owned by the Council.
---------------------	--

The Planning Services Manager gave clarification that we do not need to notify the Secretary of State before issuing a decision and therefore:

- Final para of section 5) under the heading ‘other matters’ of the report is deleted (refers to the Secretary of State notification)
- Paragraphs 7A and 7B are deleted and the recommendation is amended to state:
 - Grant Listed Building Consent subject to the following conditions:
as per the remainder of the report

The Planning Services Manager stated that this submission is the associated Listed Building Consent for item (c) above and as such the proposed works are the same and the consideration is the same as item (c). Officers recommend approval of the Listed Building Consent subject to conditions as detailed in the report.

Councillors asked regarding the pavement outside of the application area. The Planning Services Manager stated that this application is for the area proposed.

Councillors debated.

Councillor Roberts proposed approval of the recommendation, seconded by Councillor Marlow-Eastwood.

RESOLVED (Unanimously)

Grant Listed Building Consent subject to the following conditions:

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:

H5602-03J
1610AL(0-)03C
1610AL(0-)04C
1610AL(0-)05D
1610AL(0-)06A
1610AL(0-)07E

3. Prior to the commencement of any surfacing of the development hereby

PLANNING

20 APRIL 2022

approved, samples of the proposed surface materials to match the existing, should be submitted to and approved in writing by the Local Planning Authority. Such samples/details should include:

- York stone slabs
- York stone gullies
- Bricks
- Details of mortar mixes for pointing and agree colour

Thereafter, all works shall be completed in accordance with the approved samples.

4. Prior to the commencement of the surfacing works hereby approved, a sample of the proposed resin bonded gravel should be submitted to and approved in writing by the Local Planning Authority.

Thereafter, all works shall be completed in accordance with the approved samples / details.

5. Prior to the installation of the approved York stone pillar and signage, full details of the York stone pillar and signage shall be submitted to and approved in writing by the Local Planning Authority. All works shall thereafter be completed in accordance with the approved designs / details.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

3. To safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.

4. To safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.

5. To safeguard the historic fabric and the architectural character and appearance of the Listed Buildings.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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.

PLANNING

20 APRIL 2022

The reason for granting this consent is:

1 National Planning Policy Framework Section 16 applies. The works proposed will not harm (or alternatively, "will positively enhance") the designated heritage asset.

344. LAND OPPOSITE 34-35 ST MARY'S TERRACE (HS/FA/21/01132)

Proposal	Construction of a raised deck for 4 parking spaces opposite 34 and 35 St Mary's Terrace (amended description).
Application No	HS/FA/21/01132
Conservation Area	Yes – Old Town
Listed Building	No
Public Consultation	Yes. Application by serving employee in politically restricted post.

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. Photographs also showed how vehicles are parked in St Marys Terrace. The site is located in the Old Town Conservation area and other designations are noted in the report. The application proposes the parking spaces and the associated decking large enough to comfortably accommodate parking for a modern sized car. There will be space to store bicycles and there will be four electric charging points. The Decking is supported by columns.

The Conservation Officer had queried as to why steel railings were proposed instead of a continuing the wall round, but a reasonable justification has been provided, and it is considered that that matter is satisfactorily addressed. The appearance of the parking deck is acceptable in accordance with Policy EM1 of the Hastings Planning Strategy and Policy DM1 of the Hastings Development Management Plan. Structural plans have been submitted by a suitably qualified engineer and Building Control have no objection to the application.

Councillors asked regarding where the power will come from for the electric charging points. The Planning Services Manager replied that electricity would not be supplied by the Council but by the residents of those properties.

Councillors debated.

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

PLANNING

20 APRIL 2022

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:
SMT048-03A, SMT048-02A, SMT048-01B and H5896/01 Rev B
3. The materials to be used must match [as closely as possible, in type, colour and texture] those listed in Section [7] of the application form.
4. All ecological measures and/or works shall be carried out in accordance with the details contained in Land opposite 34 and 35 St. Mary's terrace Hastings East Sussex: preliminary ecological assessment by Martin Newcombe, 31st March 2021 (Revised 19/12/21) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
5. The car deck hereby approved shall be constructed in accordance with the 'outline structural arrangement for parking deck' drawing no. H5896/01 Rev B by E.A.R Sheppard.

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 that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
5. To ensure that the car park deck does not affect and is not affected by matters of local land stability.

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

20 APRIL 2022

Planning Policy Framework.

3. The applicant is advised that retaining walls in excess of 1.5m in height, taken from the lowest ground level adjacent to the retaining wall, will require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988 - Retaining Walls. The application should include detailed structural calculations. Works should not commence until the approval of any such application. The applicant is advised to contact the East Sussex Building Control Partnership at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk for further advice and to ascertain whether a separate Retaining Wall Act application is required.

4. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

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

England should be contacted for advice.

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

Contact details: info@naturespaceuk.com

6. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk

7. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.

345. PLANNING APPEALS AND DELEGATED DECISIONS

Councillors noted a correction regarding an appeal for Land adjacent to 777 The Ridge as the report reads 77.

The Committee noted the report.

PLANNING

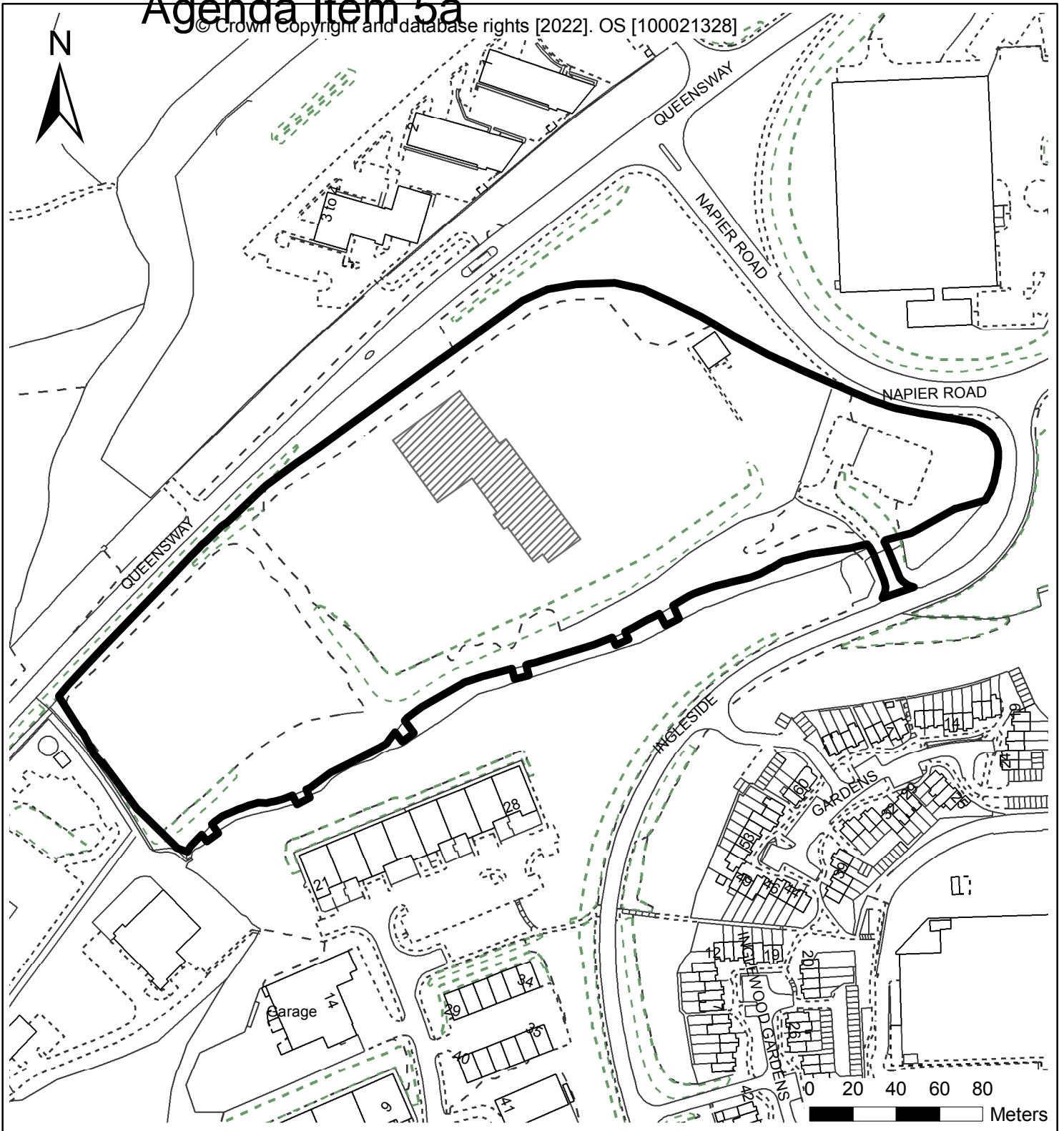
20 APRIL 2022

The Chair gave thanks to Councillor Scott who was standing down as a Councillor for all his work on the Planning Committee during his time as a Councillor.

(The Chair declared the meeting closed at. 6.41 pm)

Agenda Item 5a

© Crown Copyright and database rights [2022]. OS [100021328]



**Tilekiln Playing Fields
Ingleside
St Leonards-on-sea**

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).



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

Date: FEB 2022

Scale: 1:2,500

Application No. HS/FA/20/00669

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are not permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 01 June 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Tilekiln Playing Fields, Ingleside, St Leonards-on-sea

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

Recommendation: Grant Full Planning Permission

Ward: HOLLINGTON 2018

Conservation Area: No

Listed Building: No

Applicant: Hastings United Football Club per PWA Planning 2 Lockside Office Park Lockside Road Preston PR2 2YS

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	No
People objecting:	26
Petitions of objection received:	0
People in support:	59
Petitions of support received:	0
Neutral comments received:	1

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

1. Site and surrounding area

Tilekiln Playing Fields are located to the north of Ingleside, lying at the north-western edge of the Town. At present, the site comprises 3 full size grass football pitches, with two in the eastern portion of the site and one in the western portion. There is an existing car park in the south-eastern corner of the site, together with a changing room facility. A line of trees splits the west and east portions of the site. Tree coverage is present around the boundaries of the site, screening the site in its entirety from the wider area.

The site is bounded by Queensway to the north-west and Ancient Woodland to the south, with Castleham and Churchfields Employment Areas to the north-east and south-west respectively. Residential properties lie approximately 50m to the south of the site, accessed from Church Wood Drive and Ingleside. Along Queensway lies the Enviro 21 Business Park, which houses a restaurant, cinema and three industrial/storage units. Beyond this is Marline Valley Nature Reserve, classified as a Site of Special Scientific Interest (SSSI), a Local Nature Reserve, a Local Wildlife Site and an Ancient Woodland.

Vehicular access to the site is currently provided via Ingleside to the south-eastern corner, with access to the existing car park. A public right of way (footpath) runs along the southern side of the site along the northern perimeter of the woodland, linking Queensway with Ingleside.

The surrounding area is characterised by a mix of industrial, residential, commercial, retail and leisure uses. The site is within Flood Risk Zone 1 with no landscape or heritage designations.

The site is identified on the Local Plan Proposals Map as designated Sports Pitches & Playing Fields.

Hastings United's current stadium, known as The Pilot Field, is situated 5.6km to the east of the proposed development site. An outline planning application (HS/OA/20/00673) has been submitted alongside this planning submission for its redevelopment for 86 residential dwellings.

Relevant site constraints

- Public Right of Way
- Partially within Great Crested Newts District Licencing Ponds Buffer
- Great Crested Newts District Licencing Impact Risk Zone (part Red, Amber & Green)
- 25m buffer zone of a medium pressure pipeline (SGN) on north-west edge of site
- Hastings Borough Council owned land
- Health & Safety Executive Outer Consultation Zone
- Ancient Woodland directly to the south
- Identified as protected open space (Policy EN8 of Hastings Planning Strategy)

The site is also located adjacent to an opportunity site in the East Sussex County Council Waste and Minerals Local Plan (Churchfields Industrial Estate).

2. Proposed development

Full planning permission is sought for the redevelopment of the site to provide a 1,950-capacity football stadium with floodlit grass pitch, sports hall and gymnasium, together with 2 x 3G floodlit artificial pitches, a multi-use games area (MUGA), changing facilities, spectator stands and associated car and coach parking.

The development is intended to provide a stadium to meet Hastings United Club's ambitions to play in higher leagues, as well as providing ancillary facilities as a revenue stream to provide financial stability for the club. The mix of non-match day ancillary facilities would include integrated conference, hospitality, community, leisure and sport spaces.

The proposal would be developed in 2 phases. The first phase comprises the construction of the football stadium and playing pitches with ancillary facilities. The stadium would have 4 spectator stands around the pitch.

The focal point of the stadium would be the main stand occupying the south west side of the pitch. The proposed stand would include an array of facilities, including the main reception area, ticket office, club/secretary offices, home/away changing rooms and a sports bar and kitchen. External concourses will link spectator areas, with facilities including a kiosk, toilets, first aid and steward areas via turnstiles.

On the upper floor of the main stand, there would be a function room with bar and kitchen, the boardroom, spectator boxes, and a training area/lounge, all which would provide views over the football pitch. The upper level would also provide a gym, control room, store, and toilets. Spectator seating will be present on both ground and first floor levels.

As part of this first phase, two 3G artificial pitches are to be provided to replace the existing grass pitches. An associated spectator stand and changing facility block is proposed which would include four changing rooms with showers and toilets for sports teams and officials. This block will also have a kitchen/servery, meeting/hospitality room, toilets, and a store.

Materials proposed for the main stand are grey blockwork, with aluminium cladding above in a mix of blue, red and black colours. Significant areas of glazing are also proposed. The smaller stands along the northern, eastern and southern perimeter would feature concrete terracing with steel framing. Black aluminium and grey flat panel cladding will be applied to the elevations.

Phase 2 of the development would comprise the construction of a sports hall and gymnasium to adjoin the north-west side of the football stadium's main stand.

The proposed site layout retains the existing pedestrian and vehicle access point off Ingleside to the south-east corner of the site, with an additional pedestrian link to Napier Road.

A total of 139 car parking spaces including 12 accessible spaces are to be provided in Phase 1 of the development, together with 2 dedicated coach parking bays. A further 16 car parking spaces would be provided in Phase 2.

All pitches would be flood lit.

The planned opening times are (subject to the Community Use Agreement):

- Stadium Facilities (including function rooms, lounge, hospitality rooms and training area): 9am until 11pm (with occasional functions until midnight) Mon - Sat; 9am until 7pm Sunday
- MUGA: 9am until 10pm
- The two 3G artificial pitches: 9am until 10pm
- Sports Hall: 9am until 10pm

The proposal is anticipated to provide employment for 19 Full Time and 36 Part Time staff.

This application for full planning permission seeks to provide a new football stadium to compensate for the loss of the existing facilities at Pilot Field, Elphinstone Road. That reciprocal application forms a separate item for consideration by Planning Committee, under planning reference HS/OA/20/00673.

The application is supported by the following documents:

- Air Quality Assessment (Miller Goodall, April 2020)
- Arboricultural Report (Arborsense, September 2020)
- Design and Access Statement (FWP, September 2020)
- Drainage Strategy Statement (Monson, January 2021)
- Ecological Technical Note - Dormice (Avian Ecology, July 2020)
- Ecological Technical Note - Screening (Avian Ecology, April 2020)
- Ecological Technical Note – Reptiles and Lighting Impacts (Avian Ecology, March 2022)
- Preliminary Ecological Assessment (bEk Enviro Ltd, November 2019)
- Final Sporting Need Assessment (PWA Planning, January 2020)
- Flood Risk Assessment (bEk Enviro Ltd, Nov 2019)
- HSE Response Report - Grounds of Consideration (RP Safety Services, June 2021)
- Lighting Design and Assessment (Martin Environmental Solutions, March 2020)
- Noise Assessment (Acoustic Associates Sussex Ltd, March 2020)
- Planning Statement (PWA Planning, September 2020)
- Preliminary Risk Assessment (bEk Enviro Ltd, November 2019)
- Transport Assessment (PSA Design, December 2019)
- Addendum Transport Assessment (PSA Design, March 2021)
- Travel Plan (PSA Design, March 2021)
- Highways Technical Note (PSA Design, May 2021)
- Road Safety Audit (Highway Associates, October 2020)

Relevant planning history

HS/FA/81/00760 Erection of a sports pavilion
Granted 3 February 1982

HS/FA/80/00784 Use of land for the formation of a Helipad
Granted 7 January 1981

Planning application HS/OA/20/00673 in relation to the Pilot Field, Elphinstone Road is also relevant. This is a reciprocal application seeking approval for 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. This application is yet to be determined.

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

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

Policy SC3 – Promoting Sustainable and Green Design

Policy SC7 - Flood Risk

Policy DS2 – Employment Growth

Policy EN2 - Green Infrastructure Network

Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN4 – Ancient Woodland
Policy E2 – Skills and Access to Jobs
Policy E4 – Tourism & Visitors
Policy EN3 – Nature Conservation and Improvement of Biodiversity
Policy EN4 - Ancient Woodland
Policy EN5 – Local Nature Reserves
Policy EN8 - Open Spaces - Enhancement, Provision and Protection
Policy CI1 - Infrastructure and Development Contributions
Policy CI2 - Sports and Leisure Facilities
Policy T3 - Sustainable Transport
Policy T4 - Travel Plans

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy HC3 – Community Facilities
Policy HN8 - Biodiversity and Green Space

Hastings Draft Local Plan

No site specific policies

Other policies/guidance

National Design Guide
Air quality and emissions mitigation guidance for Sussex (2020)
Rother and Hastings Playing Pitch Strategy (2016)
Sports England - Planning for Sport Guidance (2019)

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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

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

c) approving development proposals that accord with an up-to-date development plan

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

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

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

Paragraph 92 of the NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which: a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages; b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 93 states that to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments; b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community; c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs; d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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

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

- a) use retail and employment land for homes in areas of high housing demand, provided this

would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

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

Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

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

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

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

recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

Sport England – **no objection subject to the imposition of conditions** (Conditions 23-25)
Initially had a holding objection pending requested further information. Following re-consultation on additional information, Sport England confirmed the proposal meets exceptions E4 & E5 of Sport England Playing Field Policy.

Parks and Open Spaces – no response received.

Southern Water - **no objection subject to the imposition of condition** (Condition 14)
Identifies capacity within the sewer network to manage foul sewerage and surface water runoff disposal; and Southern Water can facilitate water supply to service the proposed development, both subject to a formal application for connection.

East Sussex County Council (Highways) **no objection subject to the imposition of conditions and Section 106/278 Agreements** (Conditions 4-13)
Initially had a holding objection pending requested further information. Following the receipt of additional information, the Highway Authority do not consider the proposal to have an unacceptable impact on highway safety or network capacity. Furthermore, the level of parking provision is acceptable.

East Sussex County Council (SUDS) - **no objection subject to the imposition of conditions** (Conditions 14-17)
Initially had a holding objection pending requested further information. Following the receipt of additional information, the Lead Local Flood Authority are satisfied the proposed development is capable of managing flood risk effectively.

East Sussex County Council (Minerals and Waste) – **have advised they have no comments to make on the application.**

Hastings Borough Council (Estates) – **have advised they have no comments to make on the application.**

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

Hastings Borough Council (Natural Environment and Resources Manager) - **no objection subject to the imposition of conditions and financial contributions** (Conditions 18-20)
The information and proposals provided are satisfactory in meeting planning policy provision and national guidance where impacts on biodiversity can be mitigated or compensated for through planning conditions and/or the adoption of a S106 legal agreement.

Hastings Borough Council (Environmental Health) - **no objection subject to the imposition of conditions** (Conditions 3,13, 21 & 22)
No objection in principle subject to the imposition of conditions in relation to submission of a construction plan, hours of work, unsuspected contamination and ensuring mitigation measures set out in the submitted Noise Assessment are implemented.

Hastings Borough Council (Policy) – **no objection** positive economic and health benefits outweigh the policy conflicts.
The site is protected under local Policy EN8 (Open Spaces – Enhancement, Provision and Protection) and development should only take place if the benefit significantly outweighs the

harm and, in line with Policy EN2 (Green Infrastructure Network) to protect public access to the green network and also create opportunities to conserve and enhance biodiversity and green corridors.

Hastings Borough Council (Arboricultural Officer) - **objection**

Suggested amendments to reduce loss of trees, and in the event that planning permission is granted, recommends imposition of conditions (Conditions 27-30).

Hastings Borough Council (Leisure) – **no objection subject to safeguarding community access**

Recommends a Community Use Agreement to maximise the community benefit of the proposed sports facilities, with the involvement of key stakeholders, and to address the loss in terms of access to open space.

Hastings Borough Council (Surveying) – **provided comments** - no new bus shelter required.

Natural England – **have advised they have no comments to make on the application.**

NatureSpace - **no objection, recommend imposition of informative** (Informative 5)

Do not consider the development to have an impact on Great Crested Newts or their habitats.

Health and Safety Executive – **no objection subject to imposition of condition** (Condition 26)

Initially had a holding objection pending requested further information. Following the receipt of additional information, HSE have no objection on safety grounds subject to the Football Club strictly restricting populations within the sensitive areas.

Environment Agency – **have advised they have no comments to make on the application.**

Right Of Way Officer – **no response received.**

East Sussex County (Contributions) - **have advised no contributions are being sought.**

4. Representations

In respect of this application, a wide neighbouring residents consultation exercise was carried out. Site notices were displayed around the perimeter of the site and an advert was placed in the local paper.

In response, a total of 95 representations were received, 31 objections were received from 26 different people, and 63 supporting comments from 59 different people. 1 neutral comment was also received.

A summary of the submitted objections is provided below:

- Increase in the vehicular traffic levels in the area
- Insufficient parking spaces provided for spectators
- Severe traffic disruption on match days
- Access junctions from neighbouring roads are hazardous
- Increase in the noise levels with chants and shouting on match days
- Potential increase in antisocial behaviour
- Impact of floodlights on the residents on match days

- The site is not suitable for the type of development sought due to proximity to residential dwellings
- The site is not suitable, and the club should remain on Elphinstone Road which is more appropriate
- Site is in a deprived part of Hastings and locals would not be unable to afford the facilities
- Not for community benefit
- Loss of well valued recreational open space for local residents
- The proposal would result in the loss of wildlife habitat and have adverse impact on protected species
- Loss of specimen trees / mature trees on the site periphery which add to local amenity

The 63 letters of support received are summarised as follows:

- Ideal location with good access and fewer residents as the area is mainly industrial
- Much needed facility for grassroot and league sports
- The local football club need a venue with improved facilities
- The development would generate employment opportunity for locals in an area with high unemployment
- The development will boost economic growth
- The development will be a great asset for the town
- Good for boosting community spirit, local pride, and cultural capital
- The development will encourage sports and fitness in all especially the younger generation
- Ease instances of antisocial behaviour in youth as they will have a destination for sports

A single representation was received neither objecting nor supporting the application and made the following observations:

- The development would have the potential to increase indiscriminate parking in the area which would need to be addressed; and the appropriateness of Tikekiln for the siting of a stadium development was questioned. Harrow Lane and a location near Queensway were cited as alternative suitable sites.

5. Determining issues

The main issues to consider in this application are; if the proposed development will have an acceptable impact in terms of the key considerations including socio-economic factors, appearance of the area, residential amenity, ecology, arboriculture, transport/highway safety and drainage.

a) Background

The current football stadium for Hastings United Football Club is located at The Pilot Field, Elphinstone Road. The capacity of the existing ground is 4,050 with an average attendance of 469 (per football match), as per figures taken from the 2018/19 season. Football matches are usually Saturday afternoon (but not always) and generally fortnightly (because they play home and away on alternate weeks) subject to the fixture list. The current stadium is therefore seen by the club to be underutilised and it is proposed to be redeveloped for 86 new homes. An outline planning application has been submitted alongside this planning submission for its redevelopment under reference (HS/OA/20/00673). It is a requirement that these applications are determined concurrently, as any loss of the current stadium must be replaced with similar facilities in the Town, in compliance with both local and national policies.

Furthermore, Sport England require the imposition of a conditional requirement for the approval of planning permission of the new stadium at Tilekiln, before the grant of permission for the residential development at Pilot Field can be considered, in a reciprocal arrangement.

b) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. Chapter 6 of the NPPF seeks to build a strong, competitive economy to create jobs and prosperity. In addition, it also notes the importance that the planning system can play in facilitating social interaction and creating healthy and inclusive communities as well as supporting social, recreational and cultural facilities.

The site is within a sustainable location with reasonable access to public transport, shops, services and facilities. Policy CI2 of the Hastings Planning Strategy is relevant in that it seeks to retain Sports and Leisure Facilities and allows redevelopment where this would upgrade those facilities or they are reinstated elsewhere on the site. Subject to the loss of the existing playing fields being acceptable as discussed in detail below, the principle of providing a sports stadium at this location, together with ancillary sporting development is considered acceptable subject to other planning considerations and Local Plan policies.

c) Loss of existing use and proposed new use

The land at Tilekiln is designated in the proposals map as a Sports Pitch and Playing Field and as such Hastings Planning Strategy 2014 (Policy CI2) is relevant. Policy CI2 does not allow for the reduction in size or loss of playing fields unless:

- the existing facilities are of a poor and unsustainable quality and surplus to requirements; or
- the proposal would serve to upgrade the sports facilities, or reinstate them elsewhere on the site; or
- the proposed development is necessary to meet an important national, regional, or local need and alternative provision is made that enhances, or is equivalent to, existing recreational facilities.

In addition, Sport England will oppose the granting of planning permission which would result in loss of or prejudice the use of playing fields, unless the development meets at least one of its five exceptions:

E1 - A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.

E2 - The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.

E3 - The proposed development affects only land incapable of forming part of a playing pitch and does not:

- reduce the size of any playing pitch;
- result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas);
- reduce the sporting capacity of the playing field to accommodate playing pitches or the

capability to rotate or reposition playing pitches to maintain their quality;

- result in the loss of other sporting provision or ancillary facilities on the site; or
- prejudice the use of any remaining areas of playing field on the site.

E4 - The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

E5 - The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

In assessing the development against Sport England's Policy Exception E4 states that:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- of equivalent or better quality, and
- of equivalent or greater quantity, and
- in a suitable location, and
- subject to equivalent or better accessibility and management arrangements.

Furthermore, in assessing the development against Sport England's Policy Exception E5 states that:

- The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.

The Sport England assessment of this proposal against these exceptions can only be done in combination with parallel application HS/OA/20/00673 for the Pilot Field (Hastings United's existing ground). The Pilot Field development would result in the loss of the existing playing field there, and its relocation to Tilekiln. At Tilekiln, a new grass pitch within the proposed stadium, two 3G pitches, a MUGA and Sports Hall would be provided, in place of the 3 existing grass pitches.

In pursuit of being able to fully assess the proposal, at Sport England's request, the applicant provided additional supporting information, in the form of a Final Sporting Needs Assessment, amended site plan, proposed fencing plan and additional usage information for the 3G pitches. The evidence provided in support of the application has been assessed by Sport England and found to be credible. They are satisfied that the proposed new stadium at Tilekiln will provide a like-for-like replacement for the grass pitch at Pilot Field; and, that development of the remaining playing field at Tilekiln, to provide two full size 3G pitches and a MUGA as part of the first phase of development, will deliver a new outdoor facility for sport that is of sufficient benefit to the development of community sport, to outweigh the loss of the existing pitches, further enhanced when the Sports Hall is completed in Phase 2 of the proposed development. As such, Sport England raise no objection to the proposal, subject to the first phase of the Tilekiln development being constructed and made available first, before the existing football pitch at the reciprocal site (The Pilot Field) is developed for housing; and, that the 3G pitches (constructed to FIFA & FA standards and in accordance with the approved layout) and MUGA are made available and subject to a Community Use Agreement

prior to the first use of the stadium. This will be secured by the imposition of Condition 23, should planning permission be granted.

In term of the Local Plan, it is acknowledged that the proposed development will result in the loss of the existing playing fields made up of 3 full size playing pitches, as well as the loss of an easily accessible site for recreation when not in formal use for sporting purposes. However as discussed above, the proposal will replace the site's existing grassed playing fields with a new stadium and two 3G artificial grass pitches for all weather use, together with other ancillary facilities to provide replacement 'Sport and Leisure Facilities' in line with Policy CI2 and Sport England's Exceptions Policy. In its current form, the site is in a less than optimal state, with the Council's own Playing Pitch Strategy (2016) noting that whilst the football pitches at the site are generally of a good quality; they are prone to waterlogging during the winter months limiting the usability of the space. The provision of all weather and high-quality sporting facilities in this location will therefore increase the useability of the space for its intended purpose, as designated in the Local Plan under Policy CI2. Furthermore, the development of a comprehensive sport and leisure facility of this size and scale will be significant not only in terms of creating new employment opportunities and construction jobs, but also for the opportunities that will arise for training, sporting development, apprenticeships and work placements.

It is intended that the resultant facilities would not only be used by Hastings Football Club, but also by partner organisations and the wider community. With the benefit of improved facilities, both individuals and community groups would gain the maximum football and sports outcomes, with pre-arranged and structured access during the day and evenings. To that end, should planning permission be approved, it is essential that genuine community access to the proposed facilities is safeguarded. In accordance with Sport England guidance and that of the Council's Leisure Manager, a Community Use Agreement would secure benefits to both the wider football community, as well as the local community. The imposition of Condition 23 will ensure that such a Community Use Agreement is submitted to, and approved in writing by the Local Planning Authority, in consultation with Sport England, prior to the commencement of development above ground. Such an agreement must include:

- Pricing policy;
- Hours of use;
- Access by all use (including non-members);
- Management responsibilities; and
- Mechanisms for review.

The loss of open space which is accessible to the community on an ad hoc basis is regrettable, and in this regard, it is noted that as well as the site being designated as a sports and leisure facility in the Local Plan, the recreation ground is also subject to protection set out in Policy EN8 due to its contribution to the green infrastructure network, where Policy EN2 seeks to preserve public access to managed open space on such sites. With this in mind, in this instance the harm from the loss of unrestricted public access to the open green space the site currently provides, is considered to be significantly outweighed by the benefits of providing new employment opportunities and construction jobs in accordance with Policy DS2, as well as through promoting healthy lifestyles from the provision of modern sports facilities, to improve the health and wellbeing of the local community. Furthermore, the ensuing potential for the growth of the football club could result in greater attendances, and consequently more visitors to the Town, with the economic benefits that arise from that in accordance with Policy E4. As such, it is considered the provision of a multipurpose, all weather, all year round modern sports facility for the Town, as well as a fitting new home for the local football club, would warrant a departure from the development plan Policy EN8, which seeks to protect and enhance existing open spaces that are of Town wide significance

through the green infrastructure network (Policy EN2), of which Tilekiln Playing Field is a site afforded protection under this policy.

In conclusion, the proposal is in accordance with Policy C12 of the Hastings Planning Strategy and meets the exceptions set out by Sport England for the loss of playing fields through providing equivalent or better facilities that would benefit development of sport, which along with the socio-economic benefits, would outweigh the loss of the existing playing fields and accessible open space.

d) Impact on appearance of area

The focal point of the development would be the main West stand of the proposed stadium, which with extensive glazing over the entrance has a strong modern design and contemporary form. Due to the scale of the proposed development, it would be a visually prominent addition to a largely undeveloped site. But given the proposed use, which is intended to be a landmark structure to signpost the ambition and status of the club, this is not in itself inappropriate. The stadium and associated facilities are intended to be a destination for the local community, and making a statement is intentional.

Notwithstanding this, the site is well screened from the locality by existing mature boundary vegetation that is to be retained for the most part. This will ensure that visual impact from Queensway and Ingleside would be limited, especially when the trees are in leaf. The most significant views, however, will be of the stadium from its south-eastern approach on Ingleside, towards the main stand, entrance and public concourse, which forms the 'hub' of the development; and, also from the Napier Road elevation to the east where one of the smaller proposed stands would be seen in the foreground, with the main stand as the backdrop.

Nevertheless, the views from around the entrance from Ingleside, and from around the pedestrian link on Napier Road are important, as this is the main approach for most users of the stadium and is its 'public face'. It needs to be visible as it is designed to be seen, creating a legible entrance and marking its importance to the route. The siting of the main entrance, and the interaction of the ground floor activities (club bar, shop, turnstiles) with the other commercial uses proposed on the ground floor is appropriate, as these uses and the new public space between them, will provide a liveliness and sense of place that would help create an identity for the development.

The application is supported by indicative materials which include aluminium cladding, flat panel cladding, painted steelwork and facing blockwork for the new stadium, as well as aluminium cladding to the stands. These materials are typical of development of this type (and also similar to the surrounding industrial units), although the variety of materials proposed is welcomed, to avoid a utilitarian appearance. Should planning permission be granted, Condition 32 is imposed to require further details of all materials used in the external walls of the development to be submitted for approval, to ensure that the character and appearance of the surrounding area is not harmed.

Overall, it is considered the design of the stadium, fencing and ancillary facilities is appropriate for the proposed use. Therefore, subject to the imposition of Condition 32, the development is considered to be acceptable in terms of appearance, and subsequently in accordance with Policy DM1 of the Development Management Plan 2015.

e) Layout

In regard to the site layout, the proposed development is focused around the three main football pitches. At the north-east end of the plot nearest to the site entrance would be the Hastings United football stadium featuring the floodlit grassed pitch. The majority of the rest of the site to the south-west of the main stadium would be taken up by two 3G artificial pitches.

The proposed site layout retains the existing vehicle access from Ingleside at the south-east corner of the site, linking to an internal road which would wrap around the north-east and south west side of the stadium, serving the three respective vehicle parking areas; immediately north of the site entrance (from which there would be a new pedestrian access from Napier Road), on the north east side of the stadium and to the south west of the stadium. Highways officers have no concerns regarding the internal road layout subject to securing by condition sufficient road and footway widths, parking bay dimensions and manoeuvring space (see Highway section below). The submitted tracking drawings demonstrate the proposed layout would enable a coach to negotiate the site.

Aside from the three main pitches, the layout also includes a Multi-Use Games Area (MUGA) adjacent to the north-east perimeter of the site, a changing block facility and small (100 capacity) spectator stand on the south eastern edge of the furthest south west 3G pitch.

Phase 2 of the development would provide a Sports Hall and Gymnasium with their own dedicated shared surface area and vehicle parking spaces. These would be on the north-west side of the site attached to and projecting from the north-west side of the main stand.

In terms of the stadium, the proposed new home of Hastings United, the main two storey stand would be on the south-west side of the ground, with an external concourse to the south-eastern end of the stand. The main stand would house the club's main amenities, including the players changing facilities. Three smaller further spectator stands would be provided on each of the other three sides of the pitch.

Policy DM3 of the Development Management Plan 2015 requires that there is adequate space for storage of waste and the means for its removal, including adequate turning space for refuse vehicles. The submitted plans show that this can be accommodated, and the Council's Waste Management Team raise no objection to the proposal.

Overall, it is considered the proposed layout makes good use of land for the proposed use. Policies DM1 and DM3 of the Development Management Plan are therefore complied with in terms of layout.

Health and Safety aspect of layout

Part of the site falls within the outer Health and Safety Executive (HSE) consultation zone for a major hazard site. In this instance it relates to the proximity to Plastica Ltd which has consent for storage of hazardous chemicals. In such circumstances the HSE is a statutory consultee.

For the purposes of the Health and Safety Executive, the development is classed as 'Outdoor Use by Public', with a sensitivity level 4 (SL4). This level of sensitivity is predominantly associated with open-air developments likely to attract the general public in numbers greater than 1000 people at any one time, including sports stadia which are not in daily use. HSE guidance advises against any SL4 developments to be located within any of their consultation

zones.

Upon assessment, the HSE has noted that only part of the site fell within the outer consultation zone, with the remainder of the site being located outside of it. Namely, the East stand along Napier Road, part of the stadium pitch, the Multi Use Games Area (MUGA) and some car parking spaces to the eastern side of the site are within the outer consultation zone.

The site layout and how they present in the proposed use of the site is believed to have presented a challenge for the Health & Safety Executive in forming a methodology for site safety and security. The specific set of circumstances present in this instance, needed evaluating outside the standard methodology.

Hastings United Football Club in consultation with the HSE has agreed to restrict the maximum population within the outer consultation zone to 750 people (less than the 1000 threshold). To accommodate this, the maximum population of the proposed East stand of the football stadium has been reduced to 500 people; the remainder of the spectators on the eastern side of the pitch (not in the covered stand) will be restricted to 200 people (in addition to those in the East stand i.e. 700 in total); and the maximum population of the MUGA would be 50 persons at any one time. Further to this the North stand has been moved outside of the consultation zone.

The Health and Safety Executive therefore does not raise an objection to the development, subject to the imposition of Condition 26 to ensure strict adherence to the capacity limits set out above.

f) Impact on neighbouring residential amenities

The majority of built development in the area surrounding the application site is primarily light industrial/commercial premises. The nearest residential receptors are the modern housing developments around Coneyburrow Gardens east of Ingleside (with a large Tesco superstore immediately to the west); and around Chatfield Close & Harvey Close also to the east of Ingleside (to the north of the supermarket). The closest point to the application site from the western edge of these residential areas is approximately 50m from the site entrance, and approximately 100m from the easternmost car parking area and the eastern edge of the stadium. It is of note that there is a dense band of woodland either side of Ingleside between these housing estates and the application site. As such, it is considered these established trees would screen any visual impact of the proposed development from the occupants of these dwellings, other than occasional glow from the floodlights when in use. Equally, for the same reason overlooking and overshadowing would not be an issue.

Concerns have been raised by objectors regarding the potential impact of the development on the amenities of neighbouring properties through increased noise levels on match days from supporters chanting. In this regard the application is accompanied by a supporting Noise Assessment. This acknowledges that sound levels produced by the development would be audible on matchdays from the noise sensitive receptors. However, the noise levels would be below the average ambient noise for the site, which combined with the infrequency of matches (in the main fortnightly), would not be considered to have a significantly adverse effect on neighbouring occupiers. Equally, in terms of the Multi Use Games Area (MUGA) the findings of the Noise Assessment conclude that with the mitigation methods outlined therein implemented, the noise levels would be below the average ambient noise levels for the location. Furthermore, the noise levels emitted from the proposed bar and function rooms are unlikely to cause noise nuisance to surrounding receptors. As such, the Council's Environmental Health officers agree that with the proposed mitigation

implemented, the noise and disturbance to residential occupiers would be within acceptable levels and they raise no objection. A Construction Management Plan should be secured by condition to minimise disturbance during construction and mitigate any harm or damage (Condition 13).

Overall, it is considered that there is sufficient space separation from the proposed development and the nearest residential properties, with extensive natural screening which would help to ensure that any impact on existing and future occupiers in the area is minimised. In any case, any noise and disturbance from the proposed development would not exacerbate any impact that already exists from the activities at other nearby land uses. As such, the proposal complies with Policy DM3 of the Development Management Plan in this regard.

g) Ecology

The application is supported by a Preliminary Ecological Assessment and supplemented by technical notes relating to Ecology; Dormice; and Reptiles and Lighting Impacts. The application is also accompanied by a Bat Survey, and a Lighting Assessment. The site is considered to be of low conservation value and there is no evidence of use of the site by protected species. The site is not considered suitable habitat for Dormice and no further surveys are required. Furthermore, no adverse impact on reptiles is identified and again no further surveys are required. The Council's Ecology Officer is satisfied with these findings.

Whilst the application site in itself is of limited ecology value, the development site is adjacent to designated Ancient Woodland and Churchwood Local Nature Reserve. The proposed development is also close to the Marline Valley Woods nationally designated Site of Special Scientific Interest (SSSI), a Local Nature Reserve, which is designated for its Ancient Woodland habitats and biodiversity. In terms of the latter, with a busy carriageway between the site and the SSSI, there is no green interconnectivity between the site, and this designated area. Therefore, the supporting ecological documents conclude there would be no significant adverse effects (direct or indirect) on designated sites or Ancient Woodland in relation to land take, hydrology, or air quality. Bat activity was recorded in the adjacent woodland, and it is accepted the removal of some trees and the proposed lighting would have potential to impact on roosting bats. However, as the submitted surveys acknowledge that the boundary treatment would be largely retained and that as the site would remain unlit for the majority of the hours of darkness, the bat population would not be unduly impacted. The Council's Ecology Officer concurs with these findings, subject to the imposition of a condition to secure the specific lighting requirement to protect Bats foraging routes (Condition 20).

Whilst the Ecology Officer has no objection to the proposal and accepts the findings of the submitted supporting documents, in line with national planning guidance, it is noted that planning decisions should contribute to and enhance the natural environment by minimising impacts on and where possible provide net gains for biodiversity. The proposed development would attract large numbers of people in close proximity to habitats of both national and local importance. To that end, to compensate for the increased pressure on adjacent designated sites, further enhancements and management of these sites should be secured through a s106 legal agreement, to mitigate against any biodiversity impacts from the proposed development, as well as the imposition of a planning condition to minimise impact during construction (Condition 19). This requirement is in accordance with Policies, EN3, EN4 and EN5 of the Hastings Local Plan – Planning Strategy 2014, which seeks to protect the natural environment and designated sites from harm and to provide mechanisms for enhancing local sites impacted by development.

In regard to the above, it is noted that whilst the Environment Act 2021 is now in force, there remains no requirement in planning law for a 10% biodiversity net gain and as such, this has not been formally assessed as part of the application. However, given the proximity of the development to nationally designated sites of nature conservation importance, the Council needs to ensure that these areas are not harmed by the increase of visitors to the area. Therefore, it is proposed as part of the Section 106 Agreement to secure contributions towards enhancements and management of the designated areas. Such a contribution would mitigate against adverse impacts on the Local Nature Reserves and Site of Special Scientific Interest arising from the development proposal and provide for appropriate biodiversity enhancements. This accords with current planning policies and the National Planning Policy Framework. Mandatory biodiversity net gain, as set out in the Environment Act, will only be required in planning applications in England once the Town & Country Planning Act (TCPA) is amended which is likely to occur in 2023.

Great Crested Newts

The development falls within the red Impact Zone for Great Crested Newts. There are 2 ponds within 250m of the application site, and 3 more ponds within 500m. However, there is limited connectivity between them and the development site, with little in the way of suitable habitat on the site itself. As such, it is not considered that the proposed development will have an impact Great Crested Newts or their habitat, subject to the imposition of a precautionary informative (Informative 5).

h) Trees

The existing site has substantial tree cover around the entire boundary, as well as a line of trees across the site between two of the pitches. These are not subject to a Tree Protection Order (TPO), however, there is Ancient Woodland adjacent to the site.

Consequently, the application is accompanied by an Arboricultural Report which surveyed 421 of the trees. Of these approximately 100 trees would need to be removed to facilitate the proposed development (none of which form part of the Ancient Woodland). This includes the linear band of trees across the site in their entirety. There are no significant trees in this group. Equally where trees are to be lost around the perimeter, none are substantial, and they are parts of groups of trees where there are trees behind them to maintain amenity value. As such, the proposal would not adversely impact on the landscape.

Overall, whilst acknowledging that the loss of trees is regrettable and the objection of the Council's Arboricultural Officer, the layout has been amended to retain as many of the existing trees as possible, and a substantial amount of trees will be retained (76%). Furthermore, replacement trees and enhanced landscaping, along with tree protection measures can be secured by condition.

In conclusion, the development as outlined above would provide significant socio-economic and health benefits for the local community, and in the planning balance this outweighs the loss of a small proportion of the existing trees, where retained tree coverage would adequately screen and soften the proposed development. As such the proposal is acceptable in this regard subject to the imposition of (Conditions 27-30).

i) Highway safety/parking

The application has been subject to extensive consideration and discussion with the Highway Authority, resulting in an addendum to the Transport Assessment being submitted, alongside a Travel Plan. Following which, the Highway Authority have withdrawn their initial objection to

the proposal based on insufficient supporting information to assess the highways implications of the development, subject to the imposition of conditions and highway works secured through a Section 278/106 Legal Agreement. Key highway considerations are as follows:

Site accessibility

The site is well connected to the local and principal road network, making it readily accessible by car and coach. However, Ingleside, from which the site has existing vehicular access, has no footways on either side. There is an existing footway on the western side of Napier Road which runs to the north-east, and a formal pedestrian access to the site will be provided from this footway. However, the lack of footways in the vicinity prevents walking being an attractive option. In order to make the proposal acceptable from a sustainable transport point of view, new footways of an appropriate width will be required on Ingleside to link the site to existing pedestrian routes from bus stops at Tesco via Coneyburrow Gardens, together with pedestrian crossing points with dropped kerbs and tactile paving on Ingleside and in Coneyburrow Gardens. This together with improvements to bus stops, bus information displays and connecting pedestrian links would increase the likelihood of supporters using the bus stops that are within reasonable walking distance. Furthermore, the club can provide match day bus season tickets, and a private shuttle bus will be provided between the railway station and the Town Centre, to the proposed stadium.

Overall, the existing site is not well located from an accessibility perspective, however, the measures outlined above would encourage supporters to use sustainable modes of transport such as buses and walking, which will be secured through a Section 278/106 Legal Agreement, should permission be granted, which will improve the existing situation.

Site access

The proposed new stadium will be served via the existing site access from Ingleside. The access will be reconstructed with a width of approximately 6m with appropriate junction kerb radii either side, and it has been demonstrated that the access as agreed can accommodate buses and coaches in a safe and convenient manner. It will, however, be necessary to secure increased visibility splays over and above those normally required (Condition 6) given that Ingleside lacks frontage and does not share the normal characteristics of a typical urban street. Overall, the Highway Authority consider the proposed access arrangements to be acceptable in principle, subject to detailed design considerations secured through a Section 278 Agreement.

Car parking

The new football ground will be provided with a total of 139 car parking spaces (including 12 accessible spaces), together with 2 coach parking spaces. Parking provision will be located to the west and east of the stadium with the informal overspill parking area located to the south. The assessments carried out as part of the submitted Transport Assessment identify 105 car trips on average match days, which the proposal can accommodate along with spaces for staff and away supporters. Furthermore, the 2 coach spaces would accommodate the away team and travelling supporters.

There is currently limited spectator parking provision at the Pilot Field, the current home of Hastings United Football Club, and as such, the proposed parking provision for the new stadium would be significantly greater. The proposal greatly reduces the need for spectators to park on street, subject to monitoring once the site becomes operational. In accordance with the submitted Transport Assessment trip generation calculations, the proposal also provides spare capacity for larger attendance games. The proposed shuttle bus that will run

from the railway station and Town Centre, together with other measures in the Travel Plan (to be secured through the Section 106 Agreement) would be considered to have a significant impact on the number of car trips to the site and thereby would reduce the demand for parking at the site. Taking account all of the above the Highway Authority are satisfied the parking capacity to be provided would be sufficient for the anticipated number of car trips the site would generate on matchdays. As such, there would not be pressure to park on the street, which in any event, would probably be in the nearby industrial estate at times when it is quiet. This would need to be monitored as part of the Travel Plan when the site becomes operational, with any mitigation subsequently identified by the surveys also secured through the s106 legal agreement.

Similarly, detailed assessment has been undertaken in respect of the ancillary uses proposed (3G pitches, MUGA, sports hall and function room), which will not be operational at the same time as the football stadium on a match day. These assessments identify that the likely trip generation, assuming a worst-case scenario that all the facilities are fully occupied at the same time, would not generate significant volumes of traffic and the impact on the operation of the local road network would be minimal.

Cycle parking

Safe, covered and secure cycle parking will need to be provided within the site. Details of this provision will be required to be submitted to and approved in writing by the Local Planning Authority, prior to the first use of the development should planning permission be approved (Condition 10).

Impact on the surrounding road network

Traffic generated on match days would not coincide with peak traffic times in the area. The application states that the number of off-peak trips generated on match days would not severely impact on the operation of the site access or nearby junctions.

It has been determined in the Transport Assessment that at the Queensway/Napier Road junction, the proposals would result in increased traffic of just 6.2% and 4.1% in the weekday and Saturday periods, respectively. These increases are considered to be within an accepted range of daily fluctuations and accordingly should not have a significant impact on the junction's functionality, particularly during off-peak periods where there are not currently any existing capacity issues. It is also noted that these percentages assume a worst case that 80% of trips will be made via this junction, whereas in reality, this is likely to be lower. As such, Highways officers are satisfied the development proposal would not exacerbate peak time conditions on the Queensway/Napier Road junction.

The assessment of the Ingleside/Church Wood Drive junction also indicates that 'with development' flows are significantly lower than the PM Peak flows at the Queensway/Napier Road junction. Consequently, Highways officers are also satisfied this junction can accommodate match day traffic.

Overall, following the above assessments of the two critical junctions nearest the site, the Highway Authority raise no objection regarding the development impact on the highway network from either a highway safety or capacity perspective.

Travel Plan

A Travel Plan has been provided for the development proposal. The Travel Plan covers most of the points required although the full Travel Plan requirements will be agreed at a later date

and will be secured by a Section 106 Legal Agreement, should permission be granted.

In light of the above considerations, the Highway Authority are satisfied that the development traffic can be accommodated on the highway network without it being detrimental from a highway safety or capacity perspective. In addition, it is considered that the level of car parking proposed within the site is sufficient to meet the parking demands on match days, although this will be subject to the measures detailed above being provided as part of the proposal, to improve accessibility to the site and to encourage supporters to travel to matches via non-car modes of transport secured through a Section 278/106 Agreement (see section m) below). As such, the proposed development is considered to be in accordance with Policy DM4 of the Development Management Plan 2015 and would provide safe access to and within the site.

j) Flood risk and drainage

Flood risk

The application site lies within Flood Zone 1, the area at lowest risk of flooding. Developments in this flood zone do not usually require a site-specific Flood Risk Assessment, although due to the major scale of the proposed development, National Planning Policy requires a formal assessment of the site's suitability for the proposed development, with a view to ensuring flood risk is not increased elsewhere.

As a result, the application is supported by a full Flood Risk Assessment, which applies the sequential test in accordance with Policy SC7 of the Hastings Planning Strategy 2014 and the National Planning Policy Framework. This confirms that the proposed use of the site is an appropriate form of development within this Flood Zone, negating the need for further assessment. Policy SC7 is therefore complied with.

Drainage

The Lead Local Flood Authority initially had a holding objection to the site drainage strategy, due to insufficient information to assess the flood risk. An amended Drainage Strategy was submitted, which proposed to discharge the surface water runoff to the watercourse located to the south of the site (rather than discharge to the public sewer) with attenuation tanks and a rainwater harvesting tank to manage and discharge surface water via six separate outfalls. The red line location plan was amended to facilitate the establishment of outfalls across third party land along with agreement of the landowner for the surface water to be discharged into the watercourse. This approach is considered acceptable by the Lead Local Flood Authority, subject to a further detailed drainage strategy that includes; a survey of the condition of the watercourse; that any remedial work identified as necessary is carried out; and that the detailed drainage design should show amongst other things how the outfalls would connect to the watercourse and how excess capacity is managed (Condition 14). Subject to this condition it is considered that surface water run off can be appropriately managed without increasing flood risk elsewhere, following construction of the development. Foul water is proposed to discharge into the existing sewer and a formal application would need to be made to Southern Water in this regard (Informative 6).

Taking the above into account, it is considered that the proposed development is appropriate in this location and will not increase the risk of flooding either within the site or elsewhere. Policy SC7 of the Hastings Planning Strategy is therefore complied with.

k) Environmental Impact Assessment

The proposed development falls within Schedule 2, Part 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such, a screening opinion has been carried out which concluded that the development will not have significant effects on the environment that would justify a separate Environmental Impact Assessment to be provided with the application.

l) Air quality and emissions

An Air Quality Assessment has been submitted as supporting information for the application process. Following a review of the existing air quality around the site, the assessment concludes the site is suitable for the proposed sporting use with regards to air quality. Impact of the vehicle emissions associated with the proposed use on local air quality is not considered to be significant. The implementation of the recommended mitigation would be in accordance with air quality and emissions mitigation guidance for Sussex. Further to this, the Technical Note: Ecology submitted with the application concludes potential effects of the proposed development on air quality, in relation to designated sites or ancient woodland, is considered not to be significant. Environmental Health has been consulted and are satisfied with air quality assessment.

Lighting

The application is accompanied by a Lighting Design & Assessment which sets out that a lighting scheme has been designed to provide sufficient luminance for the proposed sporting activities on the site, whilst minimising the impact on neighbouring land uses, including the highway. The road lighting adjacent to the site has a higher lux level than the proposed lighting for the site, and as such the light overspill from the site would not be intrusive and would not adversely impact on adjacent land. Further to this, the submitted Technical Note: Ecology states that illumination levels as designed are not considered to create light spill into the woodlands or SSSI which would be likely to have significant adverse effects. Environmental Health officers are satisfied with the lighting assessment. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

m) Planning obligations

The following planning obligations and financial contributions will be required as a result of the development:

Highways:

- The provision of a new access into the site off Ingleside.
- Provision of a footway with a minimum width of 2.0m 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's. Details to be agreed.
- Pedestrian crossing points with dropped kerbs and tactile paving on Ingleside and Coneyburrow Gardens as required.
- A pedestrian link from the north of the site to be tied into the existing pedestrian facilities on the south side of Napier Road.
- Possible improvements to bus stops.
- A minimum of four real time bus information displays prominently positioned at high pedestrian-traffic areas of the development, so as to show departure times of buses

- from Hollington Tesco or Juniper Close.
- A robust site travel plan would also need to be put in place as detailed above (including audit fee of £6,000).
 - A financial contribution (£5,000) to fund the Traffic Regulation Order required to implement any parking restrictions necessary.
 - Shuttle bus service and match day bus tickets.

Biodiversity:

- S106 agreement to secure enhancement and management of both Churchwood Local Nature Reserve (LNR) and Marline Valley LNR/SSSI.
 - Financial contributions of £5,000 per annum for a 30 year period (£150,000) for the management and upkeep of Churchwood and Marline Valley Woods Local Nature Reserves to improve biodiversity and mitigate pressure on these sites.
 - Contributions would go towards footpath improvements; tree management; biodiversity monitoring; invasive species control; conservation groups; and onsite signage and map boards.
- S106 Agreement Monitoring fee of £500.

6. Conclusion

The proposal to provide a new football stadium with ancillary sporting facilities on the site of Tilekiln playing fields, for Hastings United Football Club to replace the existing stadium facilities at Pilot Field, is acceptable in principle subject to the relevant material planning considerations, development plan policies and national planning guidance.

The proposal has socio-economic benefits in that it would provide employment during construction and afterwards when the development becomes operational, alongside facilitating healthy lifestyles by providing social, recreational and cultural facilities. These benefits would outweigh the loss of the existing stadium and the existing playing fields and accessible open space, through providing better facilities to be utilised by the local community, that would help the development of sport.

The proposal has been assessed as having an acceptable impact on the appearance of the area; the layout is appropriate for the proposed use and in regard to Health & Safety; the impact on residential occupiers in the area would be within acceptable limits; with appropriate mitigation there would be no significant adverse impact on matters of ecology or nearby designated sites; the proposal would not be detrimental to highway safety subject to measures to encourage sustainable means of transport being secured; and, the drainage strategy is appropriate and would not increase flood risk.

As such, whilst acknowledging the loss of the existing playing fields and a small proportion of the trees is regrettable, given overall that limited harm has been identified and the proposal would provide significant economic, health and wellbeing benefits, the planning balance tilts in favour of the proposed development, which is recommended for approval subject to the recommended conditions, and the recommended mitigating measures and contributions secured by legal agreement.

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

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

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

7. Recommendation

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 31st 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 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 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:
 - 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,
- 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, 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 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 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 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,

b) 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 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 2020)
 - Noise Assessment (Accoustic 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.

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 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 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

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 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.

Officer to Contact

Mr Paul Howson, Telephone 01424 783279

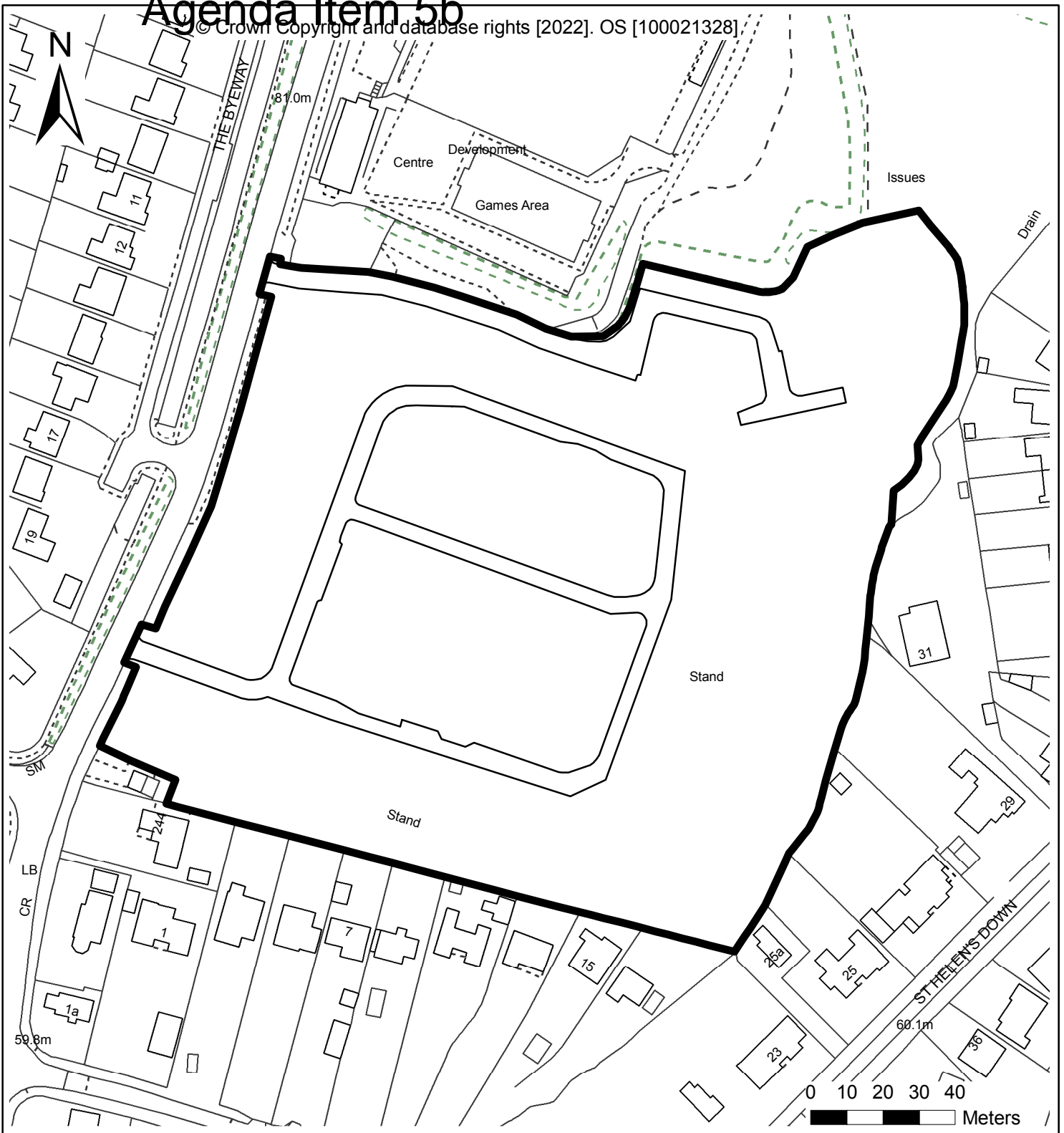
Background Papers

Application No: HS/FA/20/00669 including all letters and documents

This page is intentionally left blank

Agenda Item 5b

© Crown Copyright and database rights [2022]. OS [100021328]



The Pilot Field, Hastings United Football Club and Sports and Social Club, Elphinstone Road Hastings, TN34 2AX

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



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

Date: Feb 2022

Scale: 1:1,500

Application No. HS/OA/20/00673

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are not permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 01 June 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **The Pilot Field, Hastings United Football Club and Sports and Social Club, Elphinstone Road, Hastings, TN34 2AX**

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**

Application No: **HS/OA/20/00673**

Recommendation: **Grant Outline Planning Permission**

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

Applicant: Hastings United Football Club Limited per Kember Loudon Williams Ltd Ridgers Barn Bunny Lane Eridge, Nr. Tunbridge Wells, Kent. TN3 9HA

Public Consultation

Site notice:	No
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	Yes
People objecting:	97
Petitions of objection received:	1
People in support:	1
Petitions of support received:	0
Neutral comments received:	3

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

1. Site and surrounding area

The application site is the current home of Hastings United Football Club, locally known as The Pilot Field. It is located to the eastern side of Elphinstone Road, occupying an area of 3.15 hectares.

The site is bounded to the north by The Firs, a sports and community facility occupied by the Education Futures Trust. To the east lies a mature swathe of trees and vegetation which is part of Ochiltree Woods Local Wildlife Site, which separates the site from the houses of St. Helens Down and Lyndhurst Avenue. The gardens of residential properties along St. Helens Down bound the site to the south and Elphinstone Road completes the boundary of the site to the west.

The Pilot Field is operated as a sports field and aside from the pitch itself, slopes significantly from north to south with a large banked area located north of the football pitch.

The application site consists of two distinct areas. To the north of the main stadium is a separate access, which leads to the Hastings United Sports and Social Club, which is a freestanding building located in the north east corner of the site, and at a much higher level than the stadium football pitch.

There are smaller spectator stands for standing at the western and eastern ends of the football pitch. A series of other relatively small buildings including a clubhouse / bar area located in the vicinity of the entrance from Elphinstone Road. The eastern part of the site is steeply sloping and is wooded, which provides a readily landscaped backdrop with mature trees around the other site boundaries.

There are two separate vehicle and pedestrian access points, the first serving the stadium from Elphinstone Road, is located at the south-western corner of the site; the second, also from Elphinstone Road, serves the Hastings United Sports and Social Club, and is to the north of the stadium entrance.

The surrounding area is predominantly residential, with a suburban character, with mainly detached and semi-detached bungalows and two storey dwellings. There are no special architectural or historic designations on site or within the immediate area surrounding the site.

Relevant site constraints

- Area affected by surface water flooding (EA 1 in 30 Flood Map Surface Water)
- Area Susceptible to Groundwater Flooding
- Historic Landfill Site
- Local Wildlife Site
- Hastings Borough Council owned land

2. Proposed development

This is an outline planning application with all matters reserved except for access, for the comprehensive redevelopment of the existing site to form 86 residential dwellings. Two vehicular access points are proposed off Elphinstone Road on the southwestern section and north-western section of the site, with pedestrian and cycle access via the existing footway that runs along Elphinstone Road and connects to the southwestern and north-western sections of the site. The indicative layout links the two sections of the site via a pedestrian ramp/step combination at both the northeast and north west points, providing an internal footway between the housing and apartment elements of the proposal and their respective separate accesses.

The application is accompanied by a significant level of indicative detail including elevations and a proposed housing mix. As this is an outline planning application, these are not for consideration at this point, other than to demonstrate what could be achieved within the site.

86 dwellings over an area of 3.15ha would yield a density of 27 dwellings per hectare.

Whilst the proposed housing types are only indicative at outline stage, it is envisaged that these will be made up of:

- 6 x 1 bed apartments
- 24 x 2 bed apartments
- 11 x 2 bed houses
- 18 x 3 bed split level houses
- 23 x 3 bed houses
- 4 x 4 bed houses

The application proposes to provide a minimum of 25% affordable housing with a mix of houses, town-houses and apartments to include a mix of shared ownership with social rented tenures. Details of specific tenure and mix are to be provided in the form of an Affordable Housing Scheme as part of a Section 106 Agreement attached to this consent, should permission be granted.

This outline application represents a reciprocal development for the relocation of the sports field to an alternate site at Tilekiln Playing Fields, Ingleside. That reciprocal application forms a separate item for consideration by Planning Committee, under planning reference HS/FA/20/00669.

The application is supported by the following documents:

- Design and Access Statement (HMY, September 2020)
- Planning Statement (KLW, September 2020)
- Air Quality Assessment (RF Environmental, September 2020)
- Arboricultural Report and AIA (The Mayhew Consultancy Ltd, September 2020)
- Archaeological Desk Based Assessment (RPS, July 2020)
- Desk Study and Ground Investigation Report (GEA, September 2020)
- Flood Risk Assessment (GTA Civils, September 2020)
- Amended Flood Risk Assessment (GTA Civils, March 2021) - Amended
- Overland Flow Technical Report (GTA Civils, March 2021)
- Preliminary Ecological Appraisal (Corylus Ecology - August 2020)
- Bat Survey and Mitigation Report (Corylus Ecology, September 2020)
- Ecological Impact Assessment (Corylus Ecology, January 2022)
- Transport Assessment (GTA Civils, September 2020)
- Transport Assessment Addendum (GTA Civils, April 2021)

Relevant planning history

None

National and local policies

Hastings Local Plan - Planning Strategy 2014

Policy DS1- New Housing Development

Policy FA2 - Strategic policy for Central Area
Policy SC1- Overall Strategy for Managing Change in a Sustainable Way
Policy SC2 - Design and Access Statements
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy EN1- Built and Historic Environment
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN8 - Open Spaces - Enhancement, Provision and Protection
Policy H1 - Housing Density
Policy H2 - Housing Mix
Policy H3 - Provision of Affordable Housing
Policy CI1 - Infrastructure and Development Contributions
Policy CI3 - Children's Play Provision
Policy T3 - Sustainable Transport
Policy T4- Travel Plans

Hastings Local Plan - Development Management Plan 2015

Policy LP1 - Considering Planning Applications
Policy LP2 - Introduction to Site Allocations
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy DM6 - Pollution and Hazards
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
Policy HN7 - Green Infrastructure in New Developments
Policy HN8 - Biodiversity and Green Space

Other policies/guidance

- National Design Guide
- National Model Design Code
- Sussex Air Quality and Emissions Mitigation Guidance 2021
- Hastings Walking and Cycling Strategy May 2014
- ESCC Guidance for Parking at New Residential Development October 2017

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

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

different areas.

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

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

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

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

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

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

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

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

Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities

and transport networks; and

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

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

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

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

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

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

3. Consultation comments

Sport England - **no objection subject to the imposition of a condition (Condition 8)**

Applied the Exception Test and determined that subject to the relocation of the playing field and new stadium at the reciprocal application site (Tilekiln), the development is acceptable.

Natural England - **no objection**

Does not consider the development to have a significant adverse impact on statutorily protected nature conservation sites.

Forestry Commission - **no comment**

Refer to standing advice for the determination of the application.

Environment Agency - **no objection subject to the imposition of a condition (Condition 20)**

Recommend measures for dealing with unsuspected contamination.

Southern Water - **no objection subject to the imposition of conditions (Conditions 9, 37 and 38)**

Require drainage conditions to be included to protect public sewers and enable reinforcements.

East Sussex County Council (Section 106 Team) - **no objection subject to the receipt of financial contributions through a Section 106 Legal Agreement**

Require financial contributions towards library infrastructure.

East Sussex County Council (Archaeology) - **no objection**

Do not consider that any significant archaeological remains are likely to be affected by the proposals.

East Sussex Council (Highways) - **no objection subject to the imposition of conditions and a Section 106 Legal Agreement (Conditions 11-17)**

Consider access arrangements and cycle/car parking arrangements to be sufficient, and can be accommodated within the site.

East Sussex County Council (SUDS) - **no objection subject to the imposition of conditions (Conditions 9-10)**

Consider that surface water can be sufficiently managed within the site, without increasing the risk of flooding elsewhere.

NatureSpace - **no objection**

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

Hastings Borough Council (Environmental Health) - **no objection subject to the imposition of conditions (Conditions 16, 18-22)**

Require the imposition of conditions relating to land contamination, air quality, Construction Environmental Management Plan and details for fixed plant, lighting etc.

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

Have no comments on the application.

Hastings Borough Council (Housing) - **no objection subject to a Section 106 Legal Agreement**

Require 25% affordable housing to be secured through a Section 106 Agreement.

Hastings Borough Council (Arboriculturalist) - **no objection subject to the imposition of conditions (Conditions 6, 25)**

Notes that the outline scheme retains the majority of existing trees and that the buffer between the trees and proposed development is sufficiently large. Conditions relating to soft landscaping imposed.

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

Does not consider any harm to be caused to designated heritage assets.

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

Consider waste storage and collection can be adequately accommodated within the development site.

Hastings Borough Council (Natural Environment and Resources Manager) **no objection subject to the imposition of conditions (Conditions 25-28)**

Considers that the ecological impacts can be satisfactorily mitigated.

4. Representations

In respect of this application; consultation letters were sent to neighbouring residents, site notices were displayed around the perimeter of the site and a press advert was issued in the local newspaper.

115 letters of representations in total were received from 100 different properties. Of the 112 objections, these raised the following concerns:

- Proposed development would increase vehicular traffic on local road network, including unadopted roads;
- Lack of parking provision;
- Loss of community facility;
- Infrastructure for utilities in the area not capable of supporting additional residential units;
- Development will negatively impact local services which are already over stretched;
- The development has a high density which is inappropriate;
- The development would result in the loss of green space and encroaches upon wildlife zones;
- The development would result in significant tree loss on the site;
- The development would have negative impact on neighbouring residential amenity in terms of outlook and restricted views;
- Concerns raised about the true affordability of the proposed dwellings;
- The development is not in keeping with the character of the area;
- Overdevelopment on the social club site;
- Increase in crime and anti-social behaviour;
- Risk of contamination at the site;
- Increased discharge of surface water affecting nearby properties;
- The development should be carbon neutral;
- Loss of space for dog walking;
- Negative impact on waste services;
- Loss of natural barrier between Pilot Field and Lyndhurst Avenue.

Comments received not material to the determination of the application were the impact of the development on property values in the area and that the development could be somewhere else other than the chosen location.

In addition, a petition has also been received which sets out the following concerns and observations:

- The proposal offers nothing to compensate for the loss of the Sports and Social Club and the football club;
- The proposal offers inadequate drainage of water and sewage;
- The proposal underestimates the volume of traffic;
- The proposal does not provide adequate parking;
- The proposal lacks sufficiently detailed plans to protect local ecology.

3 neutral comments were received which noted the following:

- Would like reassurance that the existing woodland is to be preserved
- Relocation of sporting facilities should be considered in conjunction with this application
- Need to ensure there is adequate drainage on site

5. Determining issues

The main considerations regarding this development are the principle of the development, the loss of the existing use and community facility, layout, the impact on the character and appearance of the area, impact on neighbouring residential amenities, highway matters, the impact on trees, ecology, contamination, drainage, provision of market and affordable housing and other financial contributions to supporting necessary infrastructure.

a) Principle of development

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

b) 5 year housing land supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The NPPF advises that permission should be granted for new housing development unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

At present the Government identified need for additional housing in Hastings is 481 dwellings per annum. From 1 April 2022 the 5-year requirement is 2,405 (481 x 5). As the annual Housing Delivery Test is not being met, a 20% buffer must also be added to this figure, which increases the 5-year requirement to 2,886.

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

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

This lack of a current 5-year housing land supply, together with under performance against the housing delivery test are two important considerations that need to be considered alongside other planning policies, discussed further in this report.

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

c) The loss of existing use

Justification for relocation

In support of the application, the applicant has submitted both a Sporting Needs Assessment and a statement by email that seeks to provide justification why Hastings United cannot

continue to play at the Pilot Field, supporting the move to the reciprocal site at Tilekiln. Ultimately, the applicant argues that due to the need for expansion, the site is no longer fit for purpose, both from a practical and economic perspective. The site itself is constrained and cut into a steep hillside, which inhibits the ability of the club to expand its facilities to provide for wider community use, subsequently limiting the potential to develop additional and reliable income streams outside of match days to support its future. In addition, it is argued that the existing facilities are in need of significant upgrading and replacing to serve modern football. It is envisaged by that applicant that within a few years the club will be expending so much on maintenance and safety compliance it would have to consider playing matches to a very limited capacity, and therefore it would not be a viable option to continue to operate the Football Club in its current form. The re-development proposals for the Pilot Field are said to be critical to enabling the provision of a state-of-the-art facility at Tilekiln to the benefit of the whole community of Hastings, and beyond.

Playing fields

The Pilot Field is a long-established sports and leisure facility in the St Helens Ward of the Borough. Such facilities are protected by local policies within the Local Plan and for the purpose of this application Policy CI2 of the Hastings Planning Strategy is of relevance. This policy relates to the provision of sports and leisure facilities and whilst foremost seeking to protect and preserve such facilities, does also allow for development under certain criteria such as where the facility is of a low quality, surplus to requirements or where it would be reinstated elsewhere. The policy criteria specifically states:

"Playing fields and sports pitches will be identified as part of the green infrastructure network (see Policy EN2), and planning permission for the reduction in size or number of playing fields or sports pitches will only be granted where:

- a) existing facilities are of a poor and unsustainable quality and surplus to requirements; or
- b) the proposal would serve to upgrade the sports facilities, or reinstate them elsewhere on the site; or
- c) the proposed development is necessary to meet an important national, regional or local need and alternative provision is made that enhances, or is equivalent to, existing recreational facilities; or
- d) in the case of an operating school site, the proposal is for educational purposes that are essential and cannot be satisfactorily accommodated elsewhere."

The local policy is supported by the NPPF at paragraph 99 where it is noted amongst other things that sports and recreational buildings including playing fields should not be built on unless it can be demonstrated that it is surplus to requirements; it would be replaced; or the benefit of the proposed use would outweigh their loss.

The proposed development would result in the total loss of the playing field, although the reciprocal application at Tilekiln Playing Fields (HS/FA/20/00669) would see its relocation, together with the development of a sports hall, gymnasium, 2 x 3G artificial pitches and a Multi Use Games Area (MUGA). The applicant has provided material evidence in support of the application informing the site as existing at Pilot Field is under utilised. Details provided include patronage figures which in the 2018/2019 financial year was declared as below 20% of overall site capacity.

The evidence provided in support of the application has been assessed by Sports England and found to be credible. The proposed loss of the sports field has also undergone the Sports England's Exceptions Test which concluded that subject to the successful outcome of the stadium development at Tilekiln; the development would be deemed acceptable. It is

imperative however, to ensure that the grass pitch is relocated, and the new stadium provided, prior to the development of the Pilot Field for housing. This will be secured by the imposition of Condition 8, should planning permission be granted.

Whilst the loss of the playing fields and open space may be regrettable, there is credible justification that the sports stadium is under utilised and can be successfully re-sited elsewhere with improved facilities at a different location within the Town. On this basis, it is not considered that a refusal of the proposal can be sustained on this point, given its compliance with both Local and National Planning Policy.

Community facilities (Sports and Social Club)

Policy HC3 of the Development Management Plan 2015 only permits the loss of community facilities through development where it can be demonstrated that the existing community use is no longer required, viable, or if there are proposals for its replacement.

The existing Hastings United Sports and Social Club formerly housed a private members club, but now operates under a premises licence with a function room available to hire. The reciprocal application at Tilekiln Playing Fields includes provision for a 152 capacity function room and bar with associated kitchen, which will also be available for hire. Should permission for that proposal be approved, a Community Use Agreement will be required (and secured by condition 23 of planning permission HS/FA/20/00669, if granted consent) that will ensure that these facilities are available prior to the first use of the grass pitch and stadium facilities, to compensate for the loss of the Social Club.

In addition, it is noted that Hastings United Football Club will provide a community coordinator who will liaise with the community and directly encourage the use of the facility by disabled, minority and disadvantaged communities. Their role will involve delegating how the facility is accessed and the specific hire fees relevant to these users, enabling disabled and disadvantaged communities to use the facility for reduced costs.

Taking the above into account, whilst the loss of a community facility in this location is regrettable, its re-provision and enhancement with the new football stadium is considered sufficient to ensure compliance with Policy HC3, subject to the implementation of the Community Use Agreement associated with the development at Tilekiln Playing Fields, considered under application HS/FA/20/00669.

d) Housing density

It is noted that some concern is raised by residents that the proposed development of 86 residential dwellings represents overdevelopment, and that the density of development should be decreased. Councillors are advised that Policy H1 of the Hastings Planning Strategy 2014 requires developments out of centre to reach a density of at least 30 dwellings per hectare, unless there are special local circumstances that require a different treatment.

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

e) Housing Mix

Policy H2 of the Hastings Planning Strategy 2014 requires a balanced mix of housing both within each site and across Hastings as a whole. Whilst the precise type and mix of housing is not considered in detail as part of this outline consent, the indicative mix of the following homes is considered appropriate for a site of this size and location.

- 6 x 1 bed apartments
- 24 x 2 bed apartments
- 11 x 2 bed houses
- 18 x 3 bed split level houses
- 23 x 3 bed houses
- 4 x 4 bed houses

This will however, be considered fully at the detailed design stage, following the receipt of a Reserved Matters application.

f) Impact on character and appearance of area

The site has no special architectural or historic designations, and given the distance, topography of the site and indicative building heights, it is not considered that the development will cause harm to the setting of the nearest designated heritage asset at Ore Place.

The positioning of the housing within the development itself is principally guided by the existing spine road into the site, which shows properties on well sized and generous plots looking into the site for natural surveillance which is considered generally acceptable. The site is also relatively self contained, and mature vegetation is to be retained on the site boundaries, therefore reducing the impact of the development when viewed from surrounding roads.

Although this application is in outline and concerns access only, (all other matters reserved to a later date), it does include an indication of the proposed house designs and materials. Whilst these are not matters for consideration under this current application, the applicant is advised to ensure that elements of local distinctiveness are incorporated into the designs, so that the established character of the immediate setting can be reflected in the residential redevelopment scheme. Condition 4 requires details of these materials to be submitted as part of the Reserved Matters application.

Taking the above into account, it is considered that the development will not cause harm to the character or appearance of the area, subject to details of appearance being assessed at the detailed design stage. Policy DM1 of the Development Management Plan 2015 is therefore complied with in respect of these outline proposals.

g) Impact on neighbouring residential amenities

Concerns have been raised by objectors regarding the potential impact of the development on the amenities of neighbouring properties. Being an application with all matters reserved except for access; the specific impact on existing and future residents in terms of overlooking and overshadowing cannot be considered at this time. However, the site is relatively self contained and retains extensive screening at its boundaries which will help to ensure that any impact in terms of site layout on neighbouring residents is minimised.

To the south eastern corner of the site, it is noted that a few existing residential properties along St Helens Down are set deeper within their plots bringing them closer to the boundary of the application site. Due to the generous nature of the site, it is considered that there are opportunities for the developer to achieve the 21 metre separation between facing adjacent habitable room windows during the detailed design stage and therefore this is not considered to be an issue at this time.

h) Layout

Specific arrangements for waste storage and collection will be considered at the detailed design stage, although the indicative layout shows sufficient space for such storage in the gardens of the proposed dwellings, with communal storage within the grounds of the proposed apartment blocks. As stated in section l) below, tracking drawings have demonstrated that the site is capable of accommodating refuse vehicles, therefore ensuring the minimum distances that residents/operators have to travel for collection will not be exceeded. The Council's Waste Management Team raise no objection to the proposal.

Policy DM3 of the Development Management Plan 2015 requires rear gardens to have a minimum of 10m in length. As with the waste storage and collection issues above, this is a matter for consideration at the detailed design stage. However, indicative layouts show that this can be accommodated for the most part within the site, with areas of deficiency incorporating additional side garden areas.

Therefore, although matters of layout are not to be considered pursuant to this consent, indicative drawings demonstrate that Policy requirements can be accommodated within the site in principle. Policies DM1 and DM3 of the Development Management Plan are therefore complied with in terms of layout at outline stage.

i) Ecology

The application is supported by an initial Preliminary Ecological Appraisal (Corylus Ecology - August 2020), Bat Survey and Mitigation Report (Corylus Ecology, September 2020) and a final Ecological Impact Assessment (Corylus Ecology, January 2022), which brings together all the findings of the surveys undertaken, together with the provision of mitigation measures to ensure protected species are not harmed as a result of the development.

The site is heavily wooded on its boundaries and lies partly within the Ochiltree Woods Local Wildlife Site, which envelopes a significant proportion of the existing football pitch and the eastern boundary of the site. The indicative layout indicates that development is steered away from this designated area, although a small proportion of the indicative built form falls slightly within its boundaries. However, the extent of this encroachment, and ultimately, whether it will be acceptable in terms of layout, will be for detailed consideration at the detailed design stage (Reserved Matters). The established woodland at the east of the site is to be retained as part of the development.

Potential impacts determined by the ecological surveys relate to deciduous woodland, unimproved grassland, outlier badger setts (secondary setts away from the main sett) and a bat roost. However:

- The woodland is being retained and a woodland buffer is recommended for the detailed design. A Woodland Management Plan and Sensitive Lighting Strategy will be required to form part of the detailed design in order to minimise impacts.
- The affected grassland area is being retained and will be protected and enhanced through a Grassland Mitigation Strategy.

All of the above mentioned strategies are required as mitigation measures as set out in the Ecological Impact Assessment, and therefore secured through the imposition of Condition 25.

A maximum of three outlier badger setts at the southern section of the site may require exclusion or interference dependent on the final layout at the reserved matters stage, which would need to be licenced by Natural England. Similarly, a licence from Natural England will also be required to lawfully disturb or destroy the bat roost identified within the existing Sports and Social Club.

Additional impacts identified are related to invasive plant species, reptile habitat, dormice habitat, hedgehog habitat and breeding bird habitat however these can be reduced to a negligible level through mitigation measures set out in the final Ecological Impact Assessment, secured by the imposition of Condition 25.

Great Crested Newts

The development falls within the amber Impact Risk Zone for Great Crested Newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber Impact Zone, there is suitable habitat and a high likelihood of Great Crested Newt presence.

The submitted ecological statements and reports have fully assessed the potential impact on Great Crested Newts. Given that the closest pond is located 450m north west of the site and that there is limited connectivity between the development and surrounding features in the landscape, there is not considered to be any impact on these protected species.

Biodiversity Net Gain

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

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

j) Trees and soft landscaping

The application is supported by an Arboricultural Report (The Mayhew Consultancy, September 2020), which identifies the level of tree loss required to facilitate the proposed development. This identifies that 8 individual trees, 7 groups of trees, and parts of a further 6 groups of trees would be lost if the proposal were to be implemented. There are no Tree Preservation Orders within the development site.

In its current form the site is densely vegetated on its site boundaries, and the proposal seeks to retain the majority of this, apart from some loss to facilitate the improved access, and some trees within the site itself. The existing woodland is to be retained. No tree loss would affect Category A trees within the site, with removal affecting Category B and C trees only.

Overall, it is considered that whilst with any development, tree loss is regrettable, this is necessary to facilitate the development, and will not cause harm to the visual amenity given

the expanse of coverage to be retained. Proposed Condition 6 will ensure that a robust and detailed soft landscaping scheme is submitted at the detailed design stage to ensure a good level of soft landscaping is provided which will assimilate the development into the surrounds appropriately.

k) Air quality and emissions

The proposed development falls within checklist 1 and checklist 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2021 produced by Sussex Air Quality Partnership. As such an Air Quality Assessment has been submitted as supporting information for the application process. Environmental Health has been consulted and has raised no objection to the content of the submission.

l) Highway safety/parking

Vehicular access

This application seeks to utilise the existing two vehicular access points from Elphinstone Road, one forming the main entrance to the site, and the second allowing access to the apartment blocks on the site of the existing Hastings United Sports and Social Club in the north east corner. Zones within the development itself will incorporate some shared surface arrangements, although this detail will be demonstrated at the detailed design stage (Reserved Matters).

As originally submitted the layout did not provide accesses to the site which were wide enough and had the appropriate levels of visibility splays. This has since been amended and offsite improvements including construction of the access, anti-skid surfacing, dropped kerbs and markings (including parking restrictions) will be secured as part of a Section 278 Agreement attached to this consent, should permission be granted. Refuse vehicles and emergency services can also be accommodated and tracking drawings have been provided to substantiate this.

The Highway Authority have been consulted on this proposal and have removed all objections subject to the imposition of conditions relating to access arrangements and visibility splays (Conditions 11 and 12). They also note that the trip generation calculated within the submitted Transport Assessment is accepted, and subject to the anti-skid surfacing mentioned above, the impact in terms of the highway network is acceptable. It is therefore considered that the applicant has demonstrated that safe access can be accommodated into, and within the site, in accordance with Policy DM4 of the Development Management Plan 2015.

Pedestrian access

As above, the application seeks to utilise the existing footway that runs along Elphinstone Road and connects to the southwestern and northwestern sections of the site. Whilst only indicative at this stage given that this application is in outline only, the layout shows the two sections of the site (the playing field and the Sports and Social club to the north), linked by a pedestrian ramp/step combination at both the north east and north west points. A central pedestrian footpath is also identified that runs north/south through the site, bringing the two zones together with a key route for both pedestrians and cyclists.

Car and cycle parking

Although the application is in outline form, the applicants have provided an indicative level of

parking provision. This proposes 96 allocated, and 56 unallocated parking spaces interspersed equally around the site. The exact parking requirement would be determined at the detailed design stage (Reserved Matters), which would in part be dependent on the number of bedrooms of the respective houses, but the indicative parking layout is considered to demonstrate that an adequate level of parking can be provided on site, to address the needs of the future residents, without resulting in 'over spill' into the neighbouring highways.

Cycle storage is provided in the rear garden areas of each dwelling, with communal storage areas provided in the grounds of the apartment blocks.

As with the access arrangements discussed above, the Highway Authority raise no objection to the proposed development in principle, in terms of car and cycle parking, subject to further detail regarding cycle and car parking areas being submitted at the detailed design stage. It is considered that adequate car and cycle parking can be accommodated within the application site without any significant impact upon highway safety, or upon the parking provision within the locality of the site. Policy DM4 of the Development Management Plan is therefore complied with.

m) Environmental Impact Assessment

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

n) Drainage and flood risk

Policy SC7 of the Hastings Planning Strategy states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere. This policy goes on to state that development proposals will need to be of flood resistant or resilient design and ensure the most vulnerable land uses are directed away from the areas at highest flood risk on a site where there is more than one flood zone.

The application site lies within Flood Zone 1 and as such is at low level of flood risk and therefore immediately satisfies the sequential test for development. However, given the scale of the development, a Flood Risk Assessment was required to be submitted, which demonstrates how foul and surface water flows can be safely accommodated within the development to ensure there is not a risk of flooding elsewhere following construction.

Foul water

It is proposed to discharge foul water to the existing sewer, which will be subject to a formal application to Southern Water. Southern Water have been consulted on this application and raise no objection, subject to the imposition of conditions relating to the protection of public sewers and required network reinforcements (Conditions 37 and 38).

Surface water

It is proposed to provide a large geo-cellular storage tank and permeable paving as sustainable drainage methods to serve the development. Surface water is to be discharged at specified rates into the existing watercourse that runs north to south through the site.

Numerous concerns have been raised by residents regarding the additional pressure surface water will have on the pre-existing problems encountered from flooding from the watercourse. These issues have been assessed in detail, with the Flood Risk Assessment also being supplemented by a Technical Overland Flow report, which looks at how best to manage surface water drainage, without exacerbating problems further downstream. The supporting documents are informed by 2-dimensional hydraulic modelling, at the request of the Lead Local Flood Authority, which has shown that surface water flows can be managed as part of the proposed development. However, further hydraulic modelling will still be required at the detailed design stage to inform the final layout, which does not form part of this outline planning application (Condition 9).

Subject to the submission and approval of these additional drainage details, it is considered that additional surface water flows can be accommodated within the development, without increasing flood risk elsewhere. Policy SC7 of the Hastings Planning Strategy is therefore complied with.

Notwithstanding the above, the level of concern raised by residents regarding the pre-existing problems with the existing watercourse is noted. Whilst the applicant is at no obligation to address such pre-existing problems as part of this planning application, they have been advised to consider further opportunities for this flow to be slowed by the careful introduction of engineered obstructions as part of the detailed design, to which they have agreed (Informative 14). This could include measures such as willow weave constructions, that when installed, will help slow the flow by mirroring what happens in a natural ghyll, to help alleviate elements of flash flooding that at times affects properties to the south of the application site.

o) Affordable housing and other contributions.

Affordable housing

Policy H3 of the Hastings Planning Strategy refers to affordable housing and requires that all residential proposals on previously developed land and comprised of 15 dwellings or more will provide at least 25% of the net units proposed as affordable where viable. This application proposes 86 new residential units on the site, and therefore is required to provide a minimum of 22 affordable housing units (rounded up from 21.5) to meet the policy requirements.

The applicant in their supporting Planning Statement has indicated that the full requirement of 22 affordable housing units will be provided to meet local housing needs. In compliance with policy requirements, these would be a mix of housing typologies which will be secured through a S106 Legal Agreement. Policy H3 of the Hastings Planning Strategy 2014 is therefore complied with.

Planning obligations/financial contributions

In addition to the affordable housing to be secured through a Section 106 Agreement, the following planning obligations and financial contributions will be required as a result of the development:

- Library services contribution £22,618 towards the cost of providing additional and more flexible library and information services to meet changing needs. Contribution made up of number of dwellings 86 x £263 per dwelling.
- Travel Plan and audit fee of £4500, 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).
- Off site highway works at accesses (construction, anti-skid surfacing, dropped kerbs and markings), crossing point.
- TRO administrative fee of £5000 to secure the Traffic Regulation Order (TRO) for Double Yellow Lines at the access points.
- Unallocated/visitor parking areas are secured to remain as such and not sold to individual residential units as private parking.
- The Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption (if that is the case) at a later date and wording included to ensure that the carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.
- Scheme for highway works under S278 Agreement highway works and public realm improvements.
- S106 Agreement Monitoring fee of £500.

East Sussex County Council has confirmed that there is sufficient capacity in the educational facilities to accommodate the additional demand created in terms of Early Years Education, Primary school provision and secondary school provision. Therefore, no contributions are sought towards education provision.

q) Sustainable construction

Concern has been raised from residents that the development needs to be sustainably constructed and adhere to zero carbon development. Whilst these are matters for detailed design stage, the applicant has stated in their Design and Access statement that the "fabric first" approach will be adopted, in line with the hierarchy of requirements set out in Policy SC4 of the Hastings Planning Strategy 2014. Notwithstanding this, Conditions 29 and 31 require detail to be submitted regarding climate change mitigation and adaptation measures at the detailed design stage as well as the provision of Electric Vehicle Charging Points for all dwellings with dedicated on plot parking.

6. Conclusion

In determining the application, a number of material planning concerns have been carefully balanced. In this instance, the proposal, for the erection of residential properties within the site is in accordance with the adopted Local Plan, and the applicant has sought to address all concerns raised by statutory consultees. As set out above in the determining matters section of the report, there are no policy conflicts, and this weighs favourably for the proposal. Sports England has no objection to the loss of the sports field due to the reciprocal development at an alternative site in Tilekiln.

Indicative plans show a well-designed development that would respond positively to the character and appearance of the locality. The number of dwellings as shown would not give rise to any over-development of the site. The layout also shows the pattern of development is generally acceptable and adheres to the pattern and grain of development within the local area. The scale of development provides appropriate separation between the existing and proposed dwellings, which ensures there is no significant overshadowing on neighbouring dwellings nor will the development potentially result in a sense of enclosure.

There are no objections to the development in terms of the highways impact, with the two points of access considered to be appropriate by East Sussex County Council on highway safety grounds.

In respect of biodiversity and ecology; existing trees will be retained where appropriate around the perimeter of the development site and the wildlife corridor on site is not compromised in the development process.

The proposal is therefore considered to be an acceptable scheme. Planning balance is tipped in favour of the development and subject to planning conditions and a legal agreement; the recommendation is for approval. The proposal therefore complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

7. Recommendation

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**
- **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 CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above

Grant 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 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.
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 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;
- 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 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)

- 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;
- 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 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.
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 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 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.
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. 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
SGN Plant Location Team
95 Kilbirnie Street
Glasgow
G5 8JD
Tel: 01414 184093 OR 0845 0703497
Search online at:
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.

Officer to Contact

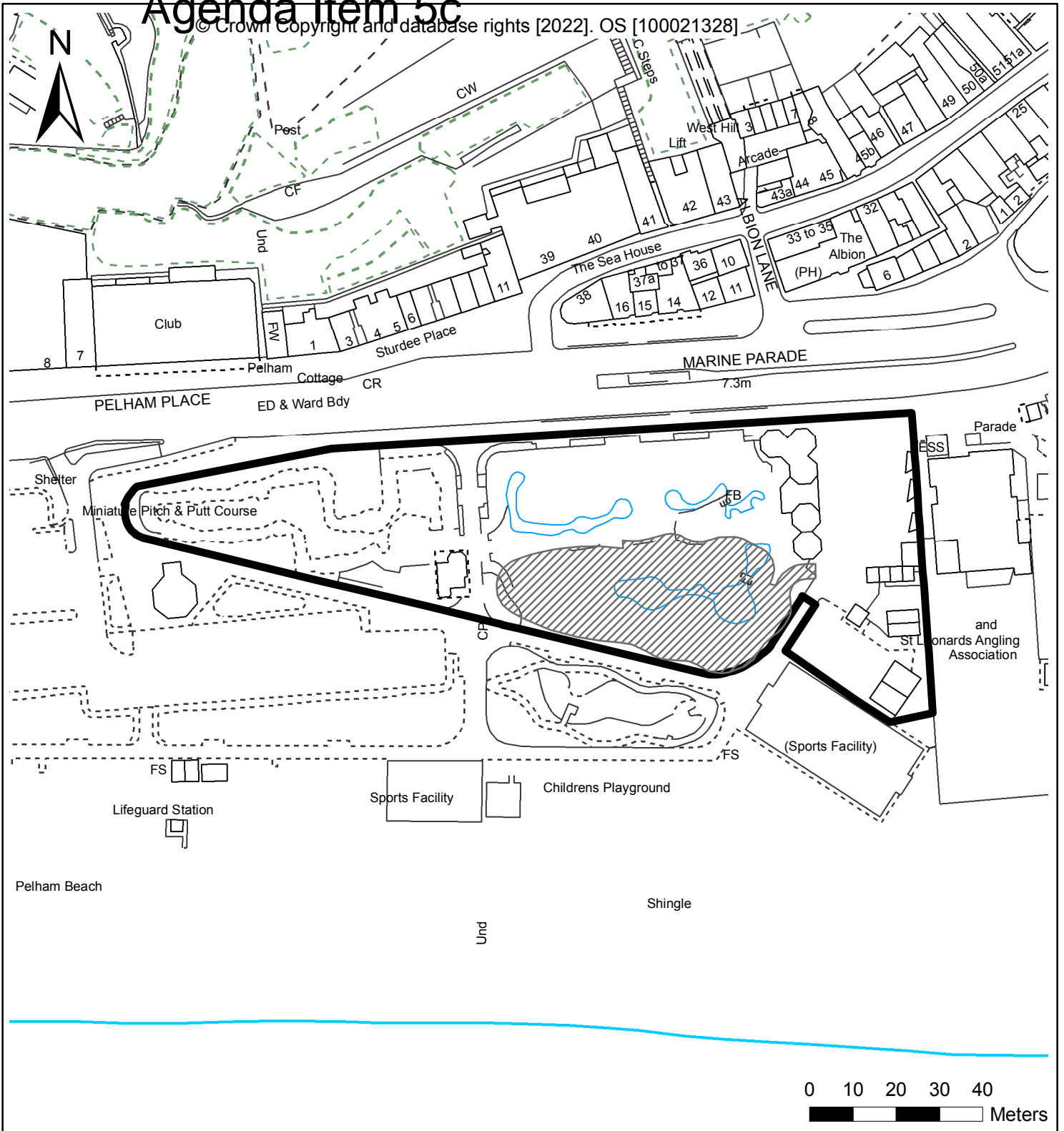
Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/OA/20/00673 including all letters and documents

Agenda Item 5c

© Crown Copyright and database rights [2022]. OS [100021328]



**Miniature Golf and Crazy Golf Course on the Stade
Marine Parade
Hastings
TN34 3AG**

The enclosure of the existing pirate golf course with a part 1 part 2 storey building



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

Date: May 2022

Scale: 1:1,250

Application No. HS/FA/22/00005

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 01 June 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **Miniature Golf and Crazy Golf Courses on the Stade, Marine Parade, Hastings, TN34 3AG**

Proposal: **The enclosure of the existing pirate golf course with a part 1 part 2 storey building**

Application No: **HS/FA/22/00005**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE 2018
Conservation Area: Yes - Old Town
Listed Building: No

Applicant: Saris Leisure per NCA Neil Choudhury Architects
170 North Street Brighton BN1 1EA

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	No
People objecting:	56
Petitions of objection received:	0
People in support:	54
Petitions of support received:	0
Neutral comments received:	0

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

1. Site and surrounding area

The site lies directly on Hastings Seafront providing an unenclosed Pirate Golf Course, as part of a wider leisure and tourism offer provided by the applicant. To the immediate north and north west of the Pirate Golf course (to which this application relates) are two further golf courses within the applicant's control. A pedestrian walkway runs along the site's southern boundary, separating it from an existing children's play area that lies directly adjacent to the beach and the sea.

To the east are further cafe buildings and outside seating forming part of the wider leisure offer, together with Hastings and St Leonards Angling Club which occupies a single storey building originally constructed in the 1970s. There is also a trampolining centre and Multi Use Games Area. To the west is Pelham Place, a large surface level car-park accessed from Marine Parade. The A259 runs to the north of the complex, separating it from the range of commercial uses operating in existing buildings on Marine Parade and Pelham Place.

The site lies within the Old Town Conservation Area and falls within the setting of numerous listed buildings, including those facing onto Hastings Seafront, such as the houses at Pelham Crescent and Pelham Place (Grade II* Listed), properties in Marine Parade and East Parade (all Grade II), and Hastings Castle/Ladies Parlour (Grade I Listed, Scheduled Monument). Given the open nature of this part of the Seafront, views are also possible to Hastings Pier, which is also Grade II listed.

The application site itself is set down approximately 0.5m from the adjacent walkway and promenade.

Constraints

- Old Town Conservation Area
- Area affected by surface water flooding (1 in 100, 1 in 1000)
- Land owned by the Foreshore Trust
- SGN Low Pressure Pipeline
- Hastings Historic Core Archaeological Notification Area
- Flood Zone 2, 3 and 3a
- Great Crested Newts District Licensing Scheme - Red Zone

2. Proposed development

It is proposed to construct a part single, part 2 storey building over the existing Pirate Golf Course to provide an enclosed golf course that can be operated all year round, together with a cafe and terrace area at first floor level. The first floor is smaller than the built form at ground floor level, set in from the sides to provide terraced areas to serve the cafe, as well as landscaped areas. The new building will link up to the existing kiosks and office areas that serve the retail provision to the north east. Emergency and disabled accesses are provided for within the layout of the building, which include a fully Building Regulations compliant lift. This is in the form of a conventional (rather than platform) lift which exceeds the requirements of Part M of the Building Regulations, measuring 1100mm x 2100mm, with automatic push button operation, automatic doors and Braille marking to controls.

Materials proposed include tile cladding and a timber boarded screen at first floor level. Gabion cages filled with beach cobble form the low level plinth of the south elevation, as well as forming part of the north elevation. The building facades, however, are to be predominantly glass to promote views through the building towards the sea.

Both ground and first floor roofs will be part planted with beach tolerant plants species, and partly covered in beach shingle. The intention is that it reads as a raised beach, whilst also providing for a sustainable drainage solution.

Key dimensions of the building are:

- 69m long east to west running parallel to the promenade
- maximum 31m wide tapering to a minimum 14.5m wide North to South

- the primary roof eaves are 4.1m above promenade level
- the pavilion roof eaves are 7.4m above promenade level
- the internal ground floor area is 1,400 sqm
- the internal first floor area is reduced to 425 sqm.
- overall site area 7,820 sq m

The reduced first floor means that the proposed café at the east end of the building pulls back 0.75m in all directions from the perimeter of the building. The toilets have been moved to the ground floor to enable the first floor back of house area to be set back 1.1 metres from the eastern boundary.

12 cycle parking spaces are to be provided in the form of a 6 rack cycle stand.

The two further golf courses (Crazy Golf and Adventure Golf) to the immediate north and north west of the application site will remain open and unenclosed.

The application is supported by the following documents:

- Air Quality Mitigation Statement (Air Quality Consultants, December 2021)
- Archaeological Desk Based Assessment (HCUK Group, November 2021)
- Flood Risk Assessment (Neil Choudhury Architects, December 2021)
- Planning Statement (Freeths, December 2021)
- Waste Minimisation Statement (Neil Choudhury Architects, December 2021)
- Design and Access Statement - Rev A (Neil Choudhury Architects, March 2022)
- Economic Benefits Statement (Saris Leisure Group, March 2022)
- Heritage Impact Assessment - Version 2 (HCUK Group, March 2022)
- SUDs Decision Support Tool for Small Scale Development - Rev (March 2022)
- SUDs Statement (Neil Choudhury Architects, March 2022)

Relevant planning history

HS/FA/18/00754 Remodel existing trampoline ticket office under existing roof and re-clad. Extend kiosk to form children's party hut. Extend service yard and part cover the roof and add trampolines

GRANTED 28 April 2020

HS/FA/17/00776 Form Dutch gable style roof and re-clad existing ticket office and kiosk. Replace timber and upvc windows to cafe with aluminium frame sliding glazed patio doors and aluminium windows. Replace small area felt roof with single ply membrane to match other roofs

GRANTED 2 November 2017

HS/FA/15/00580 Promenade improvements and additions to existing cafe building

GRANTED 27 August 2015

HS/FA/11/00201 Alterations to existing sales area for ticket sales to Adventure and Crazy Golf course

GRANTED 27 April 2011

- HS/FA/10/00428 Landscaping and Remodelling of existing Mini Golf Course
GRANTED 8 October 2010
- HS/FA/00/00424 Construction of adventure golf course with ancillary kiosk with basement storage and general upgrading
GRANTED 7 September 2000
- HS/FA/93/00185 Erection of extension to existing ticket office for ice cream sales
GRANTED 24 June 1993
- HS/FA/90/00588 Reconstruction of putting course and landscaping
GRANTED 19 September 1990
- HS/73/01164 Erection of ticket office and store, and laying of a crazy golf course and putting green
GRANTED 11 December 1973
- HS/72/01371 Excavation of beach, laying out of two grassed areas and construction of additional promenade
GRANTED 12 December 1972
- HS/61/00093 Extension to existing amusement kiosks
GRANTED 14 March 1961
- HS/FA/52/00221 Erection of three kiosks - renewal of consent
GRANTED 11 May 1957

National and local policies

Hastings Local Plan – Planning Strategy 2014

- Policy FA2 - Strategic Policy for Central Area
- Policy FA6 - Strategic Policy for The Seafront
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy SC2 - Design and Access Statements
- Policy SC3 - Promoting Sustainable and Green Design
- Policy SC7 - Flood Risk
- Policy EN1 - Built and Historic Environment
- Policy EN3 - Nature Conservation and Improvement of Biodiversity
- Policy E4 - Tourism and Visitors
- Policy CI2 - Sports and Leisure Facilities

Hastings Local Plan – Development Management Plan 2015

- Policy LP1 - Considering planning applications

Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
Policy HN8 - Biodiversity and Green Space

Revised Draft Local Plan (Regulation 18)

Strategic Policy 4 (SP4) - Business Development - Retail and Leisure Uses

Other policies/guidance

National Design Guide
Air quality and emissions mitigation guidance for Sussex (2021)

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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

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

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

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

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance

with the development plan, unless material considerations indicate otherwise.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 195 of the NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3. Consultation comments

Nature Space - **no objection subject to the imposition of an informative (Informative 3)**
Satisfied that if the development was to be approved, it would not cause an impact on Great Crested Newts and/or their habitats.

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

Note that Southern Water can facilitate water supply and provide foul sewerage disposal subject to an application to connect to the sewer.

Historic England - **objection, although acknowledge the Local Planning Authority should assess that the level of harm caused has been fully justified.**

Do not object to the principle of redeveloping the site, acknowledging the contribution the existing facilities make to the character and vitality of the Seafront. However still consider the proposals to cause harm to the significance of the Conservation Area.

East Sussex County Council (SUDS) - **no objection subject to the impositions of conditions (Conditions 9-11)**

Note that whilst the information provided has not satisfied all the Lead Local Flood Authority's requirements, they consider this can be addressed through suitably worded conditions.

Environment Agency - **no objection**

Raise no objection to the proposal as submitted.

East Sussex County Council (Archaeology) - **no objection subject to the imposition of conditions (Conditions 7-8)**

Require a Written Scheme of Investigation and Programme of Archaeological works.

East Sussex County Council (Highways) - **no objection subject to the imposition of conditions (Conditions 12-13)**

Require conditions to secure additional cycle parking and a Construction Management Plan.

Building Control - **no objection**

Note that the proposed lift meets the minimum requirements for the Building Regulations. Suggest lift enhanced to meet full accessibility requirements (scheme amended to suit).

The Foreshore Trust - **no comments to make on the application**

Acting as Estates Manager for the Foreshore Trust, there are no comments to make on the application.

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

Confirm no objection is raised with regard to the planning application.

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

Note that waste storage areas are already in situ and the waste generated currently causes little or no detriment to the locality.

Hastings Borough Council (Planning Policy) - **no objection subject to further consideration of heritage impacts**

Support the development of the site taking account of the significant positive benefits for the local economy and tourism, subject to the consideration of the level of harm caused to designated heritage assets.

Hastings Borough Council (Environmental Health) - **no objection subject to the imposition of conditions and Informatives (Conditions 3-6 and Informatives 5-6)**

No objection in principle subject to the imposition of conditions relating to hours of construction works and deliveries, noise, odour, health and food safety.

Hastings Borough Council (Marketing & Major Projects Manager) - **no objection**

Notes the importance of tourism to the local economy and fully supports the provision of all year round facilities.

4. Representations

In respect of this application, 4 site notices were displayed around the site and in main thoroughfare areas at both the initial consultation stage, as well as following the receipt of amended plans. 54 letters of support were received (from 54 individuals/organisations) and 57 objections from 52 different people/organisations.

No petitions of support or objection were received.

A summary of the concerns raised is as follows:

- The proposal will have a detrimental impact on the setting and appearance of the Conservation Area
- Surrounding development is single storey in scale, reflecting a gradual establishment from the shoreline to Sturdee Place
- The proposal will break the relationship between the shore and the historic Old Town
- Loss of far reaching open views
- Development will overwhelm and overshadow the existing public access path running north to south, to the east of the site
- Lift does not meet Building Control or Equalities legislation
- The proposed scale and mass is not appropriate in this location
- Have not adequately demonstrated economic benefits
- Lack of quality in design terms, as well as the materials proposed
- Does not fit in with the distinctive character of the Old Town
- Footprint is too large
- Will set a precedent for future development along the Seafront
- Unattractive design and development
- Do not need more cafes in the town
- Other more suitable sites are available elsewhere
- Will change the nature of the Seafront
- Not necessary to enclose the existing course
- Scars views from the West Hill
- Lack of consultation with the public on the proposals
- Crazy golf should remain outdoor like other beachfront activities
- Would make existing walkways less user friendly
- No flood mitigation measures
- Overly illuminated and heated

Support comments note the following:

- The site owners have continued to invest in the area and will provide a showpiece of what modern seaside leisure development should look like
- We should encourage continued support and investment in the town, which is what is being shown here
- Views to the sea area already limited given site levels and mature landscaping present
- Height of the building is considerate of the surroundings, taking account of the height of the lifeboat building and funfair rides
- Proposal will contribute the tourist season which is already limited and weather dependent, benefiting other local businesses in the surrounding area
- The town will gain a venue with a view
- This is a tourism destination, and development will attract more visitors all year round
- The design, scale and massing is in keeping and sympathetic to the area
- Will help make Hastings a top destination over the long terms
- Will allow all to enjoy the much loved pastime (mini-golf)
- Proposal is a true 21st Century advancement that Hastings needs
- Indoor golf is popular in other towns
- Will enhance existing facilities on site
- Will increase employment opportunities, both permanent and seasonal
- Provides for many social benefits - helping families and friends to engage with each other
- Will encourage further investment in the town
- Scheme doesn't attempt to over develop the site, leaving 2 of the 3 courses as they are
- Existing tourist attractions cannot support the season for very long - something else is

needed

- Will be the start of a new Hastings marching forward and not resting on the past
- Site is well served by parking and will not increase hard landscaping on the Seafront
- Roof planting is a welcome addition
- This is a well established business that will last
- All investment in the town should be encouraged

5. Determining issues

a) Background

The site is not allocated in either the adopted or emerging Local Plan but is recognised as providing a vital contribution to the Town's tourism offer, as well as the local economy. The applicant has worked closely with the Local Planning Authority at both the pre-application stage and during the course of this application process, resulting in the scheme being significantly amended from the original proposals. The applicant has also undertaken consultation with the wider community prior to submission. These details are set out in Appendix 1 of the submitted Planning Statement (Freeths, December 2021).

b) Principle

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

c) Impact on character and appearance of the Old Town Conservation Area

The Old Town as a whole is an exceptionally attractive area, rich in historic buildings and associations. It is well-protected by its Conservation Area designation, the listing of buildings, and the self-interest of the many tourism-related businesses in the area.

S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, in exercise of its planning powers in Conservation Areas, special attention shall be paid to the desirability of preserving or enhancing the character and appearance of that area.

Paragraph 195 of the NPPF instructs Local Planning Authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 199 instructs that great weight must be given to the conservation of heritage assets, with paragraph 200 stating that any harm that will be caused should require clear and convincing justification. Where less-than-substantial harm would be caused, paragraph 202 explains that this must be weighed against the proposal's public benefits including, where appropriate, securing its optimum viable use.

Policies HN1 and DM1 of the Development Management Plan 2015 require applications that have the potential to impact upon the significance of designated heritage assets to be assessed against their siting, scale, height, appearance and materials, and that permission will be given for those schemes that show a full understanding of the significance of the

asset and that proposals must reach a good standard of design and take account of protecting and enhancing local character and show an appreciation of surrounding neighbourhoods historic context.

What is the significance of the affected heritage assets?

To assess the requirements of the NPPF and Local Plan policy, it is important to first understand the significance of the heritage asset(s) in question.

The significance of a heritage asset is a measure of the value of the asset to this, and future, generations because of its archaeological, architectural, artistic or historic interest. In Hastings however, there is no formal statement of significance or adopted Conservation Area Appraisal for any of the conservation areas and as such, each case is assessed on its own merit, taking account of the wider historic context. This includes the number and type of listed buildings and the identified Scheduled Monument, their location and views, to and from the site, and their context in relation to the proposed development

In considering this significance, the Council's Conservation Officer notes that the Old Town Conservation Area has a distinctive character, and both the Conservation Officer and the submitted Heritage Impact Assessment note the presence of historic buildings at the base of the sea cliffs, on the north side of the A259 (including properties within Pelham Arcade, St Mary in the Castle, Pelham Crescent, Marine Parade and East Parade), together with Hastings Castle, a Grade I Scheduled Monument sited at the top of the cliff. It is noted that all development along this part of the Seafront will contribute to the setting of the Castle, old and new, given its location and the views afforded from the hilltop position over the coastline. The outlook from both Hastings Castle and the listed buildings at Pelham Place to the beach and beyond, also includes a substantial car park to facilitate the more modern development on the south side of the Seafront.

The Conservation Area itself was designated in 1968 and the boundary takes in the Castle at the southwestern edge, West Hill, the cluster of historic shopping and residential streets extending north from the Seafront, Hastings Country Park (elevated above the seafront) to the east and the seafront, including the Site and Pelham Crescent/Pelham Place. The Old Town however, is very much the focus of the designation, with Croft Road, High Street, The Bourne, All Saints Street and Tackleway all extending north from East Parade and the Seafront. This area remains largely unchanged and retains a strong sense of character.

It is important to note however, that the site to which this application relates is located away from the historic core of the Old Town itself, in a more commercial location, directly on the promenade adjacent to the beach.

Is there harm caused and if so, how much?

Determining whether the harm caused by a proposed development is substantial or less than substantial is a matter of judgement, having regard to the circumstances of the case and policy in the NPPF. Generally, substantial harm does not differ significantly from the total loss of the significance of the heritage asset. Importantly, it is necessary to note that it is the degree of harm to the asset's significance, rather than the scale of development that is to be assessed.

The ground floor of the proposed building would cover the length of the existing Pirate Golf course, although this is to be made slightly smaller to accommodate the enclosure. An existing low level wall on the western boundary of the site is to be removed, creating more enhanced space and circulation in the north to south pedestrian access between the

application site and the adjacent Crazy Golf course.

Development at first floor level introduces a large terrace and round shaped café, subservient to the ground floor enclosure. Materials are of good quality, and the use of glazing, Gabion cages, timber and reflective tiles is considered to draw from the surrounding historic context as well as providing an element of visibility through the development towards the beach and beyond. It is noted however, that some of the colour choices could be enhanced, and should permission be granted, it is recommended that further details of materials and finishes are secured by the imposition of Conditions 14 and 15, in accordance with Conservation Officer advice.

The inclusion of green roofs is considered to significantly reduce the impact when compared to previous schemes when viewed from above, particularly in terms of the setting of the Grade I Listed Castle and Ladies Parlour. The scheme is now considered to blend in more smoothly, thereby reducing the impact on the setting of these designated heritage assets.

Notwithstanding the above, it is acknowledged that the scale, massing and height of the building does introduce a new type of development to this part of the Conservation Area. Whilst it would become the largest on this part of the Seafront, the height of the building is not significantly greater than the ridge height of the nearby Hastings and St Leonards Sea Angling Association, which sits 5.2m above the promenade, compared to the first floor height of the new building, which is 7.4m above the promenade. The impact of the height of the existing seafront rides and Lifeboat Building should also be considered in this context. Furthermore, the height of the building is also reduced visually, given that it is set down approximately 0.5m from promenade level, taking account of the existing arrangement of the golf course.

It is also acknowledged that the open aspect of this part of the seafront will be partly lost. However, it is important to note that views from the A259 towards the sea are also already obstructed by high level structures and landscaping within the golf course development, and the inclusion of large expanses of glazing in the facades help with the relative transparency of the building, thereby reducing its impact in this respect.

Taking the above considerations into account, it is accepted that the principle of a building on this site, particularly given the addition of a second storey, does cause harm to the significance of the Conservation Area. This harm, however, is considered to be less than substantial, thereby enacting paragraph 200 of the NPPF, which requires justification of this harm and paragraph 202, which requires the level of harm to be weighed against the public benefits of the proposal.

Both the Council's Conservation Officer and Historic England agree with the finding that the harm caused by the proposal is less than substantial.

Is the harm justified?

To comply with paragraph 200 of the NPPF, as well as Policy HN1 of the Development Management Plan 2015, the applicant has sought to provide justification for the proposal through the following submissions:

- Planning Statement (Freeths, December 2021)
- Design and Access Statement - Rev A (Neil Choudhury Architects, March 2022)
- Economic Benefits Statement (Saris Leisure Group, March 2022)
- Heritage Impact Assessment - Version 2 (HCUK Group, March 2022)
- Written responses to Conservation Officer comments (April 2022)

A summary of this justification is provided below.

Economic benefits

The main cause of the less than substantial harm results is from the inclusion of a first floor to the proposed building. In summary, it is argued that this harm is justified given that the additional café and covering of the course will allow all year round operation by providing an enclosed all-weather facility. Although the courses currently open 364 days a year, winter months and inclement weather substantially reduce visitor attraction operating hours. The café/catering side of the business is further limited by the seasonal weather. It is noted in the supporting documents that the development will result in an estimated 40,000 extra visitors per year with the majority in the winter months that would otherwise be deterred due to the weather conditions. This will increase visitor spend in the area all year-round, contributing significantly to the local economy.

The proposed first floor cafe extension is also identified as being necessary to support the increased need in cafe space as a result of the 40,000 additional visitors. The lack of internal seating in existing outlets means that they will not be able to serve these increased catering needs without additional internal floorspace. The proposed development includes a direct internal route from the course, which will help retain spend in the immediate area, as well as providing opportunities for existing business with the increased number of visitors. The orientation of the building, taken together with the expanse of glazing in its design, will offer uninterrupted views across the sea, making it a key tourist destination that can help improve landowner and investor confidence in this part of the Town, as it works to recover from the effects of the pandemic and support the increased attraction of UK tourist destinations.

It is argued that reducing the playing area at ground floor level to accommodate the cafe there (thereby removing the first floor level) is not a viable option. This is because the courses comprise the only site in Europe to host 3 full size championship courses, making it one of the main attractions for Hastings. Extending the use of the facility for national and international competitions beyond the summer months is also argued by the applicant to increase hotel occupancy outside of the season, as well as offering multiplier benefits for local businesses.

Furthermore, it should be noted that the proposal, should it be accepted, will generate a minimum of 18 full time equivalent jobs, leading to 40 permanent roles plus additional seasonal jobs.

Social and environmental benefits

The site in its current form has limited biodiversity benefits, albeit that there is presence of planting within the course itself. The inclusion of green roofs comprising of planting and shingle provides a clear opportunity for biodiversity enhancements, whilst also providing a suitable surface water management mechanism. Furthermore, the wave form of the building facades provides an opportunity for additional planting around the proposed development, not only to soften the transition from the building to the promenade, but also to provide additional environmental benefits.

As discussed above, the enclosure of the golf course will allow it to be used all year round, providing a tourist attraction and leisure facilities for all ages and abilities. Many of the supporters of the scheme in their representations highlight the social benefits of the proposed development particularly in terms of opportunities for families and young people to enjoy the facility together, as well as its associated health benefits by providing an

opportunity for physical activity.

Whilst the Council's Conservation Officer does not consider the harm to have been adequately justified through the applicant's submission, it is important to consider the proposal in the wider context of sustainable development, and not just in terms of specific heritage issues. Historic England advise that it is up to the Local Planning Authority to determine this level of justification, and in this instance, the Planning Officer recommendation is for approval, taking account of the justification provided in support of the application as summarised above.

Consideration of the proposal's public benefit

In accordance with paragraph 202 of the NPPF, following the assessment of justification, it is a requirement to consider the public benefit of the proposal, and subsequently, determine whether this outweighs the level of harm caused.

Tourism is vitally important to Hastings, and in 2019 (the last full year before COVID) supported over 7,000 jobs in the town. During this period, it was estimated that the total value of tourism activity was over £385m. Good "all weather" attractions are likely to help improve the visitor economy all year round, importantly creating more permanent jobs both directly, and indirectly, through visitor spend elsewhere, including supporting the Town's hotel and bed and breakfast offer. Continued investment in tourism infrastructure is important to both retain existing visitors as well as attracting new, in line with the Council's more strategic priorities and policies as set out in detail in section f) below. The cafe will also act as a destination in its own right, providing a facility with clear views across the sea, encouraging customers to linger longer, with a consequent increase in trade and benefit to the local economy. Providing an all year round, and upgraded facility, is also considered to encourage further sport and recreation activities, provided enhanced biodiversity and landscaping on the site, all of which contribute to wider health and well being matters, as well as improving quality of life of the Town's residents and future visitors.

Assessment in line with the requirements of the NPPF

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The assessment above has determined that the level of harm caused from the development will lead to less than substantial harm; a determination agreed by both Historic England and the Council's Conservation Officer in their formal responses. Thus, the key issues to consider are:

- i. whether or not the public benefits of the proposed development outweigh the level of harm caused; and
- ii. whether the proposed development will help to secure the site's optimum viable use.

Whilst it is acknowledged that the development is within the setting of several listed buildings, there is a clear separation of the application site on this part of the Seafront, by way of the pre-existing leisure facilities and amusement park, from the historic core of the wider Old Town. The proposed building will be sited adjacent to heritage insignificant parking areas and modern leisure facilities, thereby reducing its prominence in the streetscene, when compared to providing such a building in the more 'heritage rich' built form on the north side of the A259, leading towards the Old Town itself. As such, it is considered

that what the setting makes to the significance of the Conservation Area would not be undermined to such a significant extent than it would if placed in an alternative location deeper towards the Old Town or away from the promenade.

It has also been demonstrated that the proposal will have clear public benefits in terms of the local and visitor economy, providing additional long term employment, health and well being, as well as helping to create a further attraction to boost the town's tourism offer in accordance with the Council's own strategic objectives as set out in Policies FA6 and E4 of the Hastings Planning Strategy 2014. The enclosure of the pirate golf course will also help secure the site's optimum viable use by providing an all year round attraction, currently restricted by it being weather dependent, resulting in it being fully used only on a seasonal basis. Taking these matters into account, it is considered that while the resultant less than substantial harm caused to the significance and setting of designated heritage assets is regrettable, this harm is not such that it outweighs the public benefits of the proposal, taking account of the fact that the development will help to secure the optimum viable use of this well known and well used part of the Seafront. Historic England have confirmed that should permission be granted contrary to their advice, this will not result in the application being 'called in' by the Secretary of State for determination.

Paragraphs 200 and 202 of the NPPF, and Policy HN1 of the Development Management Plan 2015 are therefore complied with, taking account of the above detailed assessment of the case.

d) Archaeological implications

This application is accompanied by a detailed desk-based Archaeological Assessment that places the site in an archaeological and historic context. The site lies within an Archaeological Notification Area (a non-designated heritage asset) associated with the historic core of medieval and post-medieval Hastings, The Priory and Castle.

The desk-based Archaeological Assessment confirms that the application site has the potential to contain significant buried archaeological remains dating to the Saxon (early medieval) medieval and post-medieval periods. The assessment also states that the site may contain archaeological remains of prehistoric origin, including extant peat deposits with the potential to hold well - preserved waterlogged structures, artefacts and palaeoenvironmental evidence.

It is acknowledged that the site has in the past almost certainly been subject to dynamic coastal changes and that these may have had an impact on, or indeed removed, any archaeological remains present. However, the precise nature and impact of these coastal changes remains unknown. Accordingly, any groundworks undertaken in association with this application do still have the potential to expose/disturb buried archaeological features, deposits and artefacts of significance. In light of this, the area affected by the proposals should be the subject of a programme of archaeological works to enable any archaeological deposits and features that would be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. This will be secured by Conditions 7 and 8, should planning permission be granted.

Subject to the works being undertaken in accordance with an approved Written Scheme of Investigation and Programme of Archaeological Works, it is considered that the proposal will ensure that the archaeological interest of the site will be satisfactorily preserved either in situ or by record, in accordance with Policy EN1 of the Hastings Planning Strategy 2014 and Policy HN4 of the Development Management Plan 2015.

e) Layout

The proposed layout seeks to retain the Pirate Golf course at ground floor level, with the proposed enclosure linking up to the existing back of house/office environment and existing kiosks to the north east of the application site. A new, fully enclosed lift that exceeds the minimum requirements of the Building Regulations enables visitors using the golf course to travel to the new first floor level internally, without using the new external staircase on this eastern boundary. Disabled access ramps and an emergency escape are also featured at ground floor level.

The external staircase leads up the large, terraced area at first floor level, where the cafe is to be situated. This is significantly subservient to the ground floor area, and it is understood that it is intended to serve approximately 124 covers in terms of capacity. Toilets are also identified at this level, with 2 x dumb waiters to help with service requirements.

The waste storage area that is already in situ, contains the waste currently generated well, and causes little or no detriment to the locality. These existing resources will continue to be utilised, with increased frequency in collections, should they be required. The Council's Waste team raise no objection in this regard.

The proposed layout has been amended throughout the course of the application to contribute to reducing the scale of the first floor addition as much as possible, whilst still enabling the cafe to function. No objection is raised from statutory consultees in terms of the internal layout, and the Council's Environmental Health and Waste teams consider the proposed use to be able to function effectively. Full disabled access is provided for, and as such the proposed scheme is considered to comply with both Policies DM3 and DM4 of the Development Management Plan in terms of functionality and access requirements.

f) Proposed leisure and recreational use

In addition to the detailed assessment of the proposal's public benefit set out in section c) above, it is important to consider the development in the wider context of the Council's own Planning Strategy 2014 and its aspirations strategically as set out in adopted policy.

Policy FA6 of the Hastings Planning Strategy 2014 provides a strategic direction for the Seafront, specifically noting (amongst other things in that policy) that along the Seafront the Council will:

"encourage the regeneration of key landmark sites along the Seafront, from the Stade to West Marina, supporting development that builds on the Seafront's distinctive heritage and attractiveness as a destination for leisure and recreational activity; and encourage the development of all year round tourist attractions to provide permanent jobs"

Furthermore, a key theme running through the Hastings Planning Strategy and reflected in Objective 7 and Policy E4, is the need to support and provide for the local tourism sector. This includes providing a more diverse and high-quality tourism offer which encourages a longer tourism season.

The proposed development would provide for an all-year-round attraction on the seafront and an upgrading of the offer of a key tourist attraction in the town, clearly in accordance with both Policies E4 and FA6.

The proposal also identifies that there will be 18 full time jobs generated by the proposal alongside an estimate 40,000 extra visitors per year to the attraction with many of these

expected to be over the winter season. This again supports policy aims of Policies FA6 and E4, as well as supporting wider positive economic impacts including associated spend in the local economy and assisting in promoting investor confidence alongside of the Town Deal and Town Investment Plan initiatives.

Therefore, whilst it is acknowledged that there is a concern about the level of harm caused to the significance and setting of the Conservation Area and nearby listed buildings, it is clear that the proposed development is in accordance with the wider strategic aims of the Council, in terms of working to promote and secure sustainable tourism development in the town. Specifically, Policy E4 states that a more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities, and sustain the tourism economy. It has been strongly demonstrated that the proposed development achieves all these aims, and as such is in accordance with Policy E4 of the Hastings Planning Strategy 2014.

g) Impact on neighbouring residential amenities

Whilst residential premises are in occupation to the north on Marine Parade, this is typically a commercial area, and it is not considered that the proposed development will exacerbate the existing situation in terms of noise, privacy or overlooking given the distance of 53 metres. Policy DM3 of the Development Management Plan is therefore complied with in respect of the impact on residential amenities.

h) Ecology and landscaping

The site is of limited ecological value in its current form, and as such, that applicant was not required to submit a Phase 1 Preliminary Ecological Assessment with the application. However, the curved nature of the building's design allows for additional soft landscaping to be provided around the new building within the site boundary, and the provision of a green/brown roof offers significant biodiversity enhancements as compared the current situation. Policy EN3 of the Hastings Planning Strategy and Policies DM1 and HN8 of the Development Management Plan 2014 are therefore complied with in that the development enhances biodiversity provision and provides for additional soft landscaping to soften the appearance of the development, reducing harm to the character and appearance of the area.

Impact on Great Crested Newts

The development falls within the red Impact Risk Zone for Great Crested Newts. In the red impact zone, there is suitable habitat and a high likelihood of Great Crested Newt presence. However, due to the size and scale of the development and the lack of ponds in this location, news are not expected to be a constraint to the development. Subject to the imposition of Informative 3, which reminds the applicant of their obligations in terms of Great Crested Newts, no objections are raised on the grounds of the potential impact on this protected species.

i) Air quality and emissions

The proposed development falls within both Checklist 1 and Checklist 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2021 produced by Sussex Air Quality Partnership. Whilst ordinarily an Air Quality Assessment and an Emissions Mitigation Assessment would be required, Environmental Health Officers have confirmed in writing that given that the proposal is only enclosing what its already there and that the increase in visitors in the venue at any one time is not likely to be significant, then an Air Quality Mitigation Statement is sufficient for this application. On review of this Statement,

Environmental Health raise no objection to the proposal and agree with the presented findings, including the implementation of procedures incorporated into the design to minimise emissions.

j) Highway safety/parking

This site is located on Hastings Seafront and is therefore in an area where attractions do not/cannot provide site parking. There are however a number of car parks in close proximity of the site, along with good accessibility to public transport. The area also has parking restrictions in place to prevent parking in inappropriate locations.

The pedestrian links from the Town Centre & Old Town are also good with a number of pedestrian crossings in place along the length of the seafront.

With this in mind, whilst the proposed development is expected to increase the number of visitors to the site, the Highway Authority are satisfied that this will not have a detrimental impact on the highway network or significantly increase car parking pressures either on-street or in the surrounding car parks. This is especially the case as there is likely to be a cross over of uses with many visitors travelling to the area to make use of the various facilities and attractions located nearby and within the town.

The development has been designed to utilise the existing servicing and waste management facilities. There will be no change in the arrangements. Whilst there will be an increase in usage and capacity, there will remain sufficient provision to support operations on-site.

It is noted that 6 cycle storages racks are proposed, providing storage for 12 cycles. However, it would be beneficial for additional covered and secure cycle storage spaces to be provided for staff, which can be secured by the imposition of a condition (Condition 12)

Subject to the imposition of Condition 12 as detailed above, it is considered that the proposal has sufficiently considered access and parking arrangements in accordance with Policy DM4 of the Development Management Plan 2015. No objection is therefore raised in this regard.

k) Flood risk and drainage

It is proposed to provide foul sewerage disposal via a connection to the mains sewer. This approach has been accepted by Southern Water subject to the normal application to connect, secured by the imposition of Informative 4. The submitted SUDs report identifies that a total of 28 cubic metres attenuation storage is required to serve the development, which will be exceeded through both the detention basin within the golf course itself and through the provision of the green/brown roof. Whilst the Lead Local Flood Authority initially raised some concerns about the level of detail provided within the application, they have now accepted that this detail can be secured by the imposition of Conditions 9-11, taking account of the scale and nature of the proposal, including its location directly adjacent to the beach where soakaways will drain to, should planning permission be granted.

The Environment Agency has also been consulted on the proposal and raise not objection to the mitigation measures proposed in respect of managing risks from tidal and surface water flooding, given the site's location in Flood Zone 3/3a.

Taking the above into account, Policy SC7 of the Hastings Planning Strategy 2014 is therefore satisfied in respect of ensuring flood risk is managed and does not increase risk elsewhere, subject to securing the additional detail requested by the Lead Local Flood Authority by condition as described above.

l) Environmental Impact Assessment

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

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

m) Financial contributions

No financial contributions are sought for this proposal due to its scale and proposed use not meeting adopted thresholds.

n) Sustainable construction

The application has provided a statement within the submitted Design and Access Statement, which sets out key principles of sustainable building to be employed. These include:

- Highlighting that the structure can be easily dismantled, not requiring a floor slab
- Sourcing of construction materials locally as much as possible, minimising embodied energy in the transportation of materials
- The design resulting in the minimal use of mechanical ventilation
- Natural cooling
- The provision of planted roofs providing a suds solution and extensive internal planting to help with evaporative cooling.

Whilst these measures are welcomed, it is considered that additional detail should be provided, should the application be approved. The imposition of Condition 18 therefore is proposed, to require the applicant to submit more detailed information regarding details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy 2014.

6. Evidence of community involvement

Whilst community involvement is not a statutory requirement and cannot be a material consideration in the determination of a planning application, the applicant did undertake their own pre-application consultation in developing the proposals prior to submission. Details are set out in the Appendix 1 of the submitted Planning Statement. In summary however, the following measures were undertaken:

- A dedicated website for the development proposals, including an opportunity to submit comments
- Signage placed around the site
- Development plans posted on social media channels
- Information distributed via the mailing list of the company
- Article in the Hastings Observer
- Presentation to Old Town Residents Association

7. Conclusion

Both national and local planning policy requires that in assessing a development proposal, the levels of harm caused to the significance and setting of designated heritage assets must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It has been demonstrated that there are strong social, environmental and economic benefits for this proposal, in accordance with the overarching principles of sustainable development.

Policy HN1 of the Development Management Plan states that permission will be given for schemes that show a full understanding of the significance of the assets, and proposals must reach a good standard of design. Policy E4 states that a more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities, and sustain the tourism economy.

In considering the above, it is noted that whilst the conclusions of the submitted Heritage Impact Assessment and the Council's Conservation Officer differ, the full assessment in line with the requirements of the NPPF throughout this report concludes that whilst harm results to designated heritage assets, this will be less than substantial. The public benefits arising, including the positive impact on the local economy, the improvements to all year round tourism, job creation and resultant positive impacts on local businesses, together with other social and environmental benefits, outweigh the level of harm caused. The development will also ensure the site reaches its optimum viable use in accordance with paragraph 202 of the NPPF.

Therefore, in applying the planning balance, it is considered that the evidence presented, and the proposed development would achieve significant positive benefits for the local economy and tourism, which comply with key objectives and policies in the adopted Local Plan, compared to the harm to the Conservation Area. The proposal therefore complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

8. Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

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.

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.

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.

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].

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, 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.
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

Contact details: 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-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/
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.

Officer to Contact

Mrs S Wood, Telephone 01424 783329

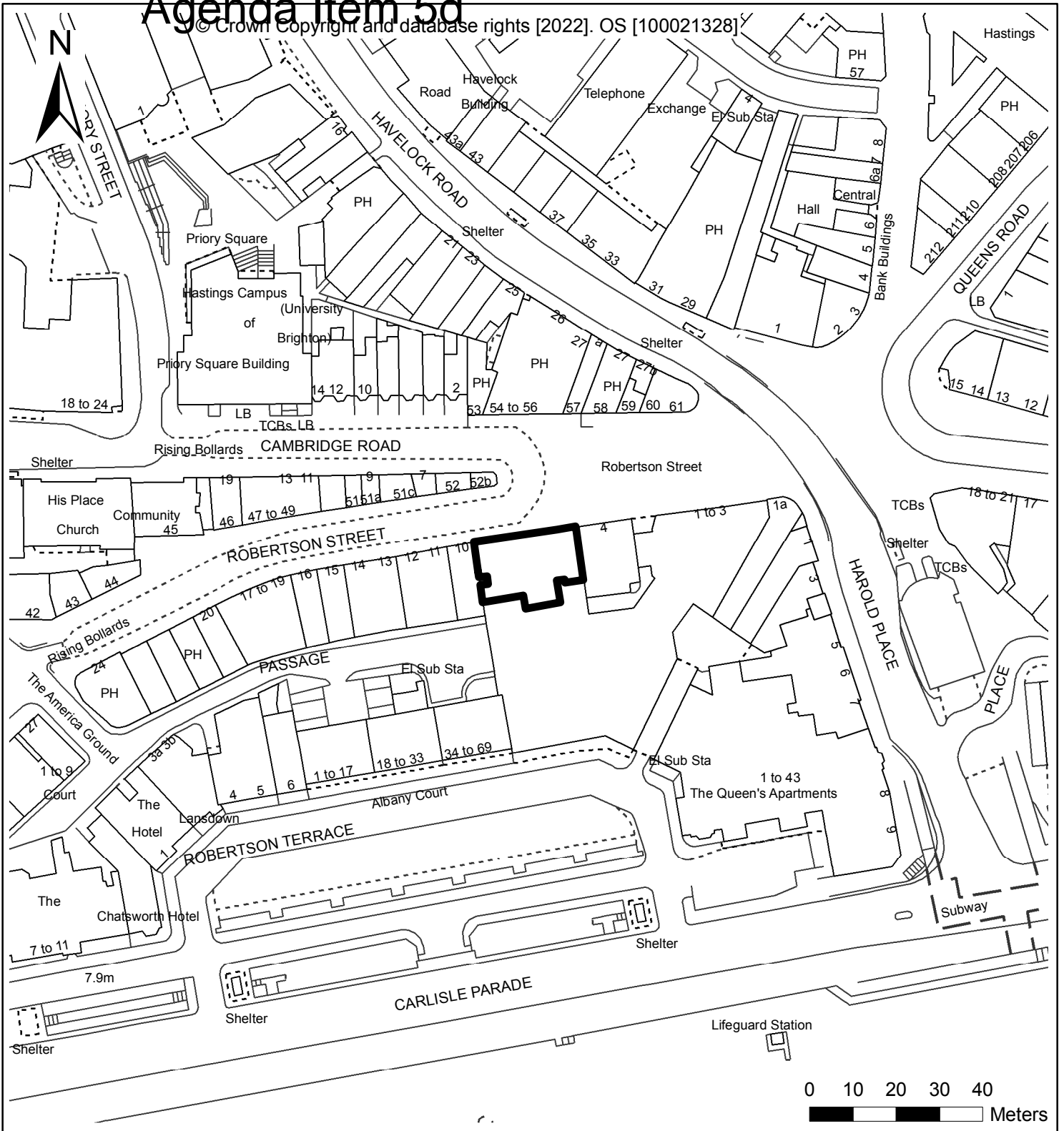
Background Papers

Application No: HS/FA/22/00005 including all letters and documents

This page is intentionally left blank

Agenda Item 5d

© Crown Copyright and database rights [2022]. OS [100021328]



**Debenhams (Part of 1st floor)
1-3 Robertson Street, Hastings
TN34 1HN**

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.



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

Date: May 2022

Scale: 1:1,250

Application No. HS/FA/21/01060

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE

Date of Meeting: 01 June 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Debenhams, (Part of 1st floor) 1-3 Robertson Street, Hastings, TN34 1HN

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

Recommendation: Grant Full Planning Permission

Ward: CASTLE 2018

Conservation Area: Yes - Hastings Town Centre

Listed Building: No

Applicant: C&O Entertainment LTD per Haines Phillips Architects Tankerton Works 12 Argyle Walk London WC1H 8HA

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area Amended Plans
Neighbour Letters:	No
People objecting:	15
Petitions of objection received:	1
People in support:	1
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - Petition received

1. Site and surrounding area

The site consists of a portion of the first floor of the former Debenhams department store in Hastings Town Centre.

The Premises is located on Robertson Street with a secondary entrance onto Robertson Terrace. The building is large, comprising 3no. of floors. Part of the building also extends at first floor above HSBC Bank in the centre located at ground floor. At ground floor are the large shop floor display windows with a mix of smaller windows to the upper floors. At the western end of the premises is a large, arch-topped feature window which spans two floors.

This site is within Hastings Town Centre and is surrounded by additional commercial and office uses. The site is also in close proximity to several bars, pubs and restaurants. Above the eastern end of the premises are the residential properties at Queens Apartments and to the rear are those in Albany Court.

The site is well connected by public transport and there are multiple public car parks within easy reach of the site.

Constraints

SSSI Impact Risk Zone

Heritage at Risk Register

Heritage Action Zone

Flood Zone 3 Environment Agency

Flood Zone 2 Environment Agency

Flood Zone 2 SFRA

Flood Zone 3a SFRA

Flooding Ground Water

Business Improvement District

GCN District Licensing Scheme - Green IRZ

Archaeological Notification Area

Climate Change 1000 Year

Climate Change 200 Year

Conservation Area - Town Centre

Saturation Policy Area 1, Hastings Town Centre - Licensing

2. Proposed development

This application seeks permission for the change of use of a portion of the premises from retail (Class E) to an amusement centre, a Sui Generis use. The proposal relates to the northwest corner of the building (the Robertson Street side of the building) at first floor only. The area of the application site is approximately 293 square meters.

The proposed change of use of this area from Class E to Sui Generis would allow for the installation of amusements, including retro and modern video games, pinball games, virtual reality games, interactive games such as air hockey and dance games. These games/amusements are aimed to attract families. There would be no financial transactions at the machines.

The proposed opening hours are

Monday - Friday - 09:00 - 23:00

Saturday - 09:00 - 23:00

Sunday and Bank Holidays - 09:00 - 23:00

The application is supported by the following documents:

- Waste Management Statement
- Sound Insulation Testing and Advice - Acoustic Associates

Relevant planning history

Application No. HS/FA/80/00007
Description Erection of covered walk-way on 2nd floor flat roof for use during contractors operations, to be dismantled after six weeks.
Decision Permission with conditions on 16/01/80

Application No. HS/FA/96/00177
Description Erection of rear extension at second floor including roof plant
Decision Permission with conditions on 10/06/96

Application No. HS/FA/97/00213
Description Retention of alterations to Debenhams staff entrance and fire exit
Decision Permission with conditions on 02/06/97

Application No. HS/FA/15/00601
Description Replacement of damaged roller shutter to yard entrance
Decision Permission with conditions on 21/09/15

Application No. HS/FA/21/00960
Description Insertion of new door into existing shop front
Decision Permission with conditions on 24/02/2022

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA3 - Strategy for Hastings Town Centre

Policy EN1 - Built and Historic Environment (Archaeological Notification Areas)

Policy EN1 - Built and Historic Environment (CA16 TOWN CENTRE)

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

Policy E1 - Existing Employment Land and Premises

Policy E3 - Town, District and Local Centres

Policy E4 - Tourism and Visitors

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas) (CA16 TOWN CENTRE)

Policy HN2 - Changing Doors, Windows and Roofs in Conservation Areas (CA16 TOWN CENTRE)

Policy HN3 - Demolition involving heritage assets (CA16 TOWN CENTRE)

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

or Potential Interest (Archaeological Notification Areas)

Policy SA1 - Hastings Town Centre Shopping Area (Shopping Area Hastings Town Centre)

Revised Draft Local Plan (Regulation 18)

Policy DP1 - Design - Key Principles

Policy SP1 - Directing Growth

Policy SP4 - Business Development - Retail and Leisure Uses

Policy FA1 - Hastings Central

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development.

For decision-taking this means:

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

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

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

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

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

development needs. In particular, they should support proposals to:

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

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

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

- add to the overall quality of the area for the lifetime of that development
- are visually attractive in terms of
 - layout
 - architecture
 - landscaping
- are sympathetic to local character/history whilst not preventing change or innovation
- maintain a strong sense of place having regard to
 - building types
 - materials
 - arrangement of streets

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

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

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

3. Consultation comments

Planning Policy - **No objection**

Sussex Police - **No objections**

Licensing - **No objections to change of use**

Environmental Health Pollution - **No objection, subject to recommendations in assessment**

4. Representations

In respect of this application, Site Notices were displayed at the front and rear of the site and an advert placed in the local paper. In response to this 1 letter of support and 14 letters of

objection have been received. A petition containing 20 signatures has also been received objecting to the development.

Support:

- good to see re-use of the premises
- new footfall and profile for Town Centre
- asset to town like Source Park
- need to encourage tourism etc.

Objections:

- diminishing retail
- reducing footfall of visitors
- increase of visitors
- not in keeping with the area
- opening hours not suitable
- retail use should be supported
- proposed use more in keeping with other areas of the town
- not an enhancement
- loss of a profitable retail space
- subsequent loss of the whole building to other uses
- bowling alley shown on plan (not included in proposal)
- piecemeal development
- impact on local residents
- increase in traffic
- lack of parking

Petition:

- noise
- disruption from entrances and exits

5. Determining issues

a) Principle

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

b) Impact on character and appearance of the conservation area

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

No external alterations are proposed as part of this development and as such, the proposal meets the aims of Policy DM1 as quoted above.

With regards to the change of use, it is noted that concerns have been raised by local residents in relation to the use not being suitable in this location, being more suited to the Old Town and sea front. While these concerns are acknowledged, the aims of Policy E3 must be taken into account. This Policy seeks to ensure that the vitality and viability of the Town and district centres is maintained and, where appropriate, enhanced. Measures to achieve this include the diversification of uses within the centre and the provision of a wide

range of retail, leisure, social, education, arts, cultural, office, residential and commercial uses along with promoting the reuse of vacant buildings. In this instance, the site has been vacant following the closure of the Debenhams and is large, spread across multiple floors. As a result of the scale of the premises, it may prove difficult to future secure the use as retail only, resulting in the site remaining vacant. This may ultimately result in the subdivision of the premises creating a piecemeal development. It should also be acknowledged that the changes to the Town and Country Planning Use Class Order in 2021 and the subsequent creation of Class E, also allows for the diversification of the site, in some instances without the requirement of planning permission.

The change of use sought by this application relates solely to a portion of the first floor of the premises. The resultant Sui Generis use would allow for the installation of arcade games etc as described above. It is considered that the proposal would generate new and revived interest in the building, drawing visitors to the site and in so doing rejuvenate a vacant building in the heart of the Town. In light of this, it is considered that the proposal meets the aims of Policy E3 of the Hastings Planning Strategy.

Heritage

Policy HN1 of the Hastings Development Management Plan states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset, permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).

As advised above, no alterations are proposed to the exterior of the premises as part of this application. As a result of this, there would not be a detrimental impact on the character or significance of the Town Centre Conservation Area. The proposal therefore complies with Policy HN1 of the Hastings Development Management Plan and Policy EN1 of the Hastings Planning Strategy.

c) Proposed use and loss of existing use

The site is within the Town Centre Shopping area as defined by Policy SA1 of the Hastings Development Management Plan. This policy requires that at ground floor level, proposals for planning use-class A1, A2, A3, A4 and other uses appropriate to the character of the shopping area will be permitted provided that the proposal would not result in non-A1 uses exceeding 5% of the total floorspace of Priory Meadow and not more than 45% of the total number of ground floor units in the remaining shopping area, (as defined on the Policies Map), and the proposal would not result in such a concentration of non Class A1 uses as to lead to a significant interruption in the shopping frontage, thus harming the vitality and viability of the town centre shopping area as a whole. This policy however is not relevant here as it seeks to control ground floor uses and the application site is located at first floor. It is also worth noting that changes to the Town and Country Planning (Use Classes) Order 1987 combined retail uses (such as the application site) with offices and cafes. These types of uses can therefore operate within the retail store without the consent of the Local Planning Authority.

This area of the first floor has been clearly defined by the red line site boundary and as a result, any works and/or alterations to the rest of the building cannot be considered as part of this application. The proposal would allow for the change of use of this section of the first floor from Class E to Sui Generis. This is to allow for the installation of amusements, including video games, pinball games, virtual reality games and dance games. The arcade proposed differs from others in the Town, such as 'Playland' on Pelham Place in that there

would not be a mix of family and adult games in the same location. Those proposed in this instance are purely family orientated with no betting or 18+ games included. The machines are also to be operated by way of a customer card, with no financial transactions at the machines themselves.

As mentioned above, concerns have been raised by local residents in respect of the proposed use and resultant arcade machines not being in-keeping with the Town Centre setting, being more suited to the Old Town and seafront. While these concerns are acknowledged, the morphing and changing of Town Centres to allow for vibrant and viable futures is something that is encouraged not only by local policy but by the National Planning Policy Framework. Paragraph 86(a) of the NPPF states that 'Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation'. This paragraph goes on to state that policies should promote town centre long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses.

Due to the nature of the application and the position within the Town, Planning Policy have been consulted on the proposal and no objections have been received.

Taking the above into account, it is considered that the proposed change of use is acceptable and meets the aims of polices within the Hastings Local Plan along with the National Planning Policy Framework.

d) Impact on neighbouring residential amenity

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

No external alterations are proposed as part of this development and as such, there would not be an impact in terms of loss of light, overshadowing or loss of privacy. As such, the proposal meets the requirements of Policy DM3 in this respect.

Noise

As identified above, multiple concerns have been raised in respect of noise from the site and the potential impact on the neighbouring residents. The concerns include the proposed arcade machines but also refer to noise from the entrance/exit from the building and the bowling alley, amongst others. While the concerns in relation to the entrance and bowling alley are acknowledged they cannot be formally considered as they fall outside of the application site boundary. Moreover, indoor sport, recreation and fitness now fall within Class E and therefore do not require planning permission. Nevertheless, in response to the concerns raised, sound insulation testing has been carried out and a report submitted. This report provides recommendations on how to build walls and floors in terms of sound insulation, with particular attention given to protecting the adjacent residential dwellings. This report has been reviewed by the Environmental Health Team who agree with the findings of the report. No further reports or assessments have been requested by the Environmental Health Team however, a condition (4) is to be imposed to ensure the sound insulation works are carried out in accordance with the recommendations in the report.

In light of the suggested condition requiring the recommendations of the Acoustic report to be met and that Environmental Health raise no objection, it is considered that the proposed

change of use to Sui Generis is acceptable, subject to the imposition of conditions, and would not have a detrimental impact on neighbouring residents in terms of noise. The proposal therefore meets the aims of Policy DM3 of the Hastings Development Management Plan, along with Paragraph 130(f) of the National Planning Policy Framework.

e) Highways

As indicated above, concerns have been raised by local residents in respect of an increase of vehicles and disruption to parking as a result of the proposal. These concerns are acknowledged, however, there are multiple public car parks within a 5 minute walk from the site and the site is within a Town Centre location with good public transport connections. As a result of this, it is considered that the existing infrastructure around the site can accommodate potential extra vehicles used by visitors to the site. It should also be acknowledged that the prior use of the site, as part of a large retail unit, would also have had large amount of visitors. It is not considered that the change of use would be dramatically different in terms of numbers, or result in potential disruption to the existing highway network.

f) Designing out crime

Paragraph 92 (b) of the National Planning Policy Framework states that 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion - for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas'. This is supported by Paragraph 130 (f) which seeks to ensure 'a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

The Sussex Police - Designing out Crime department were consulted on the proposed change of use and have advised that the site is located in the parameters of the late-night economy of Hastings and as such the area experiences large amounts of footfall, noise, litter and acts of anti-social behaviour (ASB) and crime and disorder (C&D). Sussex Police have advised that there is a Hastings Saturation Policy in place, and the proposed premises falls within Saturation Area 1, Town Centre of the night-time economy. The aim of this policy is to achieve a sustainable tourist, entertainment and cultural industry in Hastings, whilst securing the safety and amenity of the residential communities, promoting the licensing objectives set out in the Licensing Act 2003.

Sussex Police have raised concerns in relation to the potential disruption to neighbouring residents from footfall and noise from the venue. Sussex Police have therefore requested that consideration be given to neighbouring amenity from a noise perspective and to ensure that appropriate and adequate sound proofing measures are incorporated where found necessary within the proposal. In response to this, the aforementioned sound insulation testing has been carried out. Further consultations in respect of this document were carried out with Sussex Police whom have advised they are supportive of the measures recommend by the report in order to reduce any impact upon the resident's amenity from a noise perspective.

Sussex Police have also advised that, despite the level of crime and anti-social behaviour in Hastings being above average when compared with the rest of Sussex, there are no major concerns with the proposals, however, additional measures to mitigate against any identified local crime trends and site specific requirements should always be considered. In respect of this, an Informative is to be placed on the decision advising the developer to contact the Designing Out Crime officer for further guidance.

g) Air quality and emissions

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

Lighting

No external lighting is proposed as part of this application and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

6. Conclusion

Taking the above into account, it is considered that the proposed change of use is acceptable in that it aids in bringing a vacant Town Centre premises back into use, while ensuring no detrimental impact on neighbouring residential amenity. The proposal therefore complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

7. Recommendation

Grant 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:

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

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

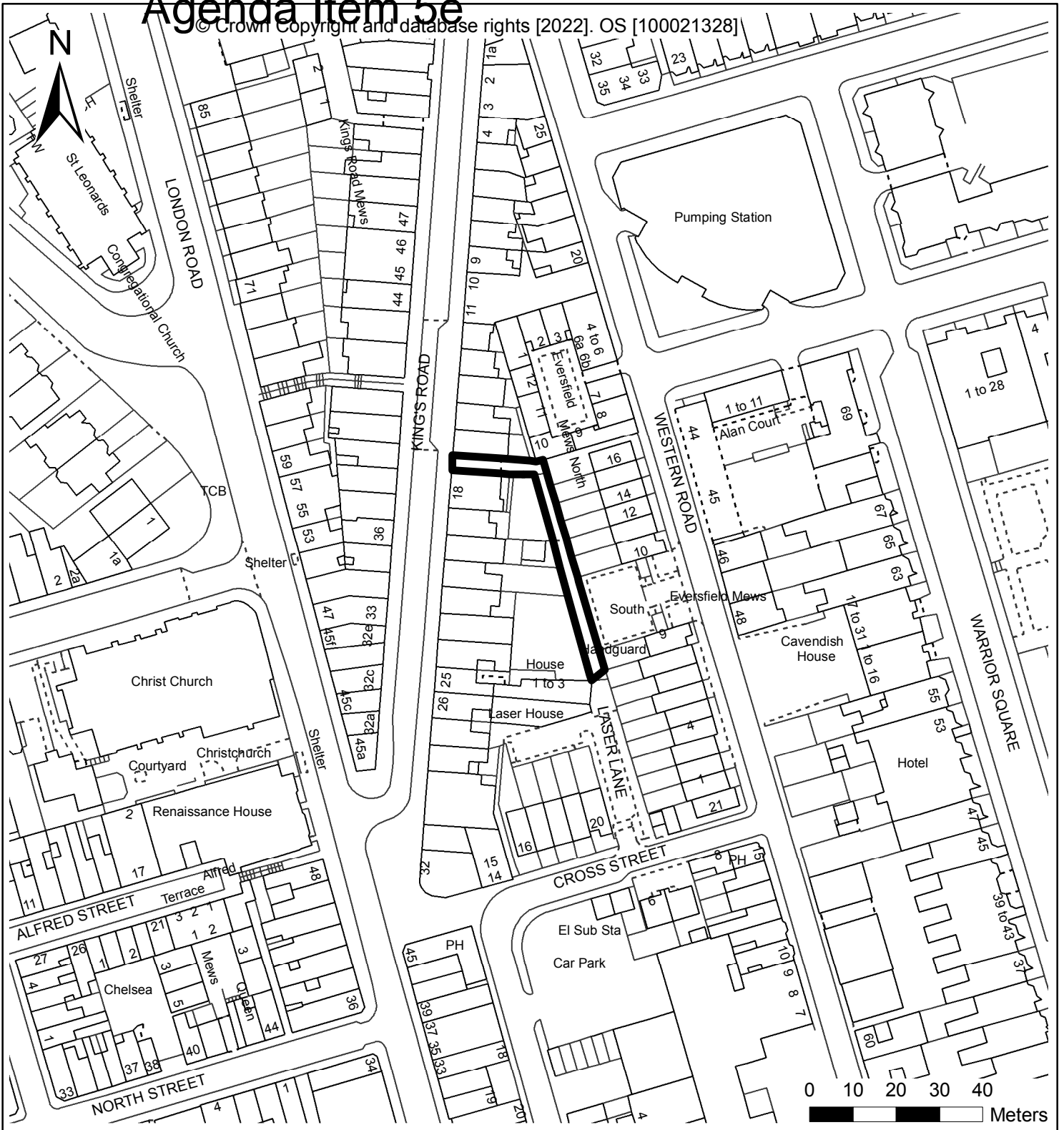
Background Papers

Application No: HS/FA/21/01060 including all letters and documents

This page is intentionally left blank

Agenda Item 5e

© Crown Copyright and database rights [2022]. OS [100021328]



Entrance to Laser Lane at Kings Road and adjoining Handguard House Laser Lane St Leonards-on-sea

Installation of a secure metal arch shaped double entrance gate to prevent antisocial behaviour (amended description).



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

Date: Apr 2022

Scale: 1:1,250

Application No. HS/FA/21/00298

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

Report to: PLANNING COMMITTEE
Date of Meeting: 01 June 2022
Report from: Assistant Director of Housing and Built Environment

Application address: Entrance to Laser Lane at Kings Road and adjoining Handguard House, Laser Lane, St Leonards-on-sea

Proposal: Installation of two secure metal gates to prevent antisocial behaviour (amended description).

Application No: HS/FA/21/00298

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - Kings Road
Listed Building: No

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

Public Consultation

Site notice: Yes
Press advertisement: Yes - Affects a Public Right of Way Amended PI
Neighbour Letters: No
People objecting: 1
Petitions of objection received: 0
People in support: 0
Petitions of support received: 0
Neutral comments received: 0

Application status: Not delegated -
Council application on Council owned land

1. Site and surrounding area

The application site relates to Laser Lane which runs between the rear of nos.18-25 Kings Road and Handguard House, and is located to the rear of nos. 10-16 Western Road and Eversfield Mews South.

Hastings and St Leonards-on Sea have a network of paths and passageways that are considered a character feature of the Town that have historic, evidential and social importance that contributes to the sense of place. Laser Lane is a footpath (97) and a Public Right of Way.

The site forms part of the Kings Road Conservation Area, St Leonards on Sea. The site is within Kings Road which is a commercial street of high architectural quality and is interspersed with residential buildings dating back to the 19th Century.

Constraints

Flooding Groundwater

Public Right of Way (footpath 97)

Kings Road Conservation Area

2. Proposed development

The application proposes the installation of two secure metal gates to prevent antisocial behaviour. The first gate will be a secure lockable 2.5m high metal arch shaped double entrance gate installed at junction of Laser Lane and Kings Road, and the second gate is proposed to be a secure lockable 2m high metal gate located at the other end of Laser Lane and accessed via Cross Street. The proposed gates are required so as to deter anti-social behaviour and improve security. Neighbouring properties will not have access to Laser Lane once the proposed gates have been installed.

Amended drawings were received on 15 February 2022 following concerns raised by officers regarding the design of the original scheme. Further amended drawings were received on 6 April 2022 showing the installation of a second metal gate that would be accessed via Cross Street.

Following this the description of development was amended and the application re-advertised.

The application is supported by the following document:-

- HER Statement

Relevant planning history

None

National and Local Policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA4 - Strategy for Central St Leonards

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

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
Policy CQ1 - Cultural Quarter
Policy SA2 - Other Shopping Areas

Revised Draft Local Plan (Regulation 18)

Policy SP6 - Enhancing the Historic Environment
Policy DP1 - Design - Key Principles
Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP7 - Access, Servicing and Parking

National Planning Policy Guidance (NPPG)

Design: process and tools

National Design Guide 2019

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

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

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

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

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

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

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

materials of new development – see Identity.

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

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

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

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

Paragraph 52 Well-designed new development is influenced by:

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

This includes considering:-

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

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

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

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Paragraph 195 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states: "In determining applications, local planning authorities should take account of:

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

Paragraph 199 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

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

Paragraph 201 states: Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- * the nature of the heritage asset prevents all reasonable uses of the site; and
- * no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- * conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- * the harm or loss is outweighed by the benefit of bringing the site back into use.

Paragraph 202 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 203 states: The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 206 states: "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

3. Consultation comments

Conservation Officer - **Objected** to the original scheme which has been superseded by amended drawings received in April 2022. The Conservation Officer was not consulted on the amended scheme.

ESCC Public Rights of Way Officer – **No objection** - in light of Hastings Borough Council's Cabinet meeting of 1 March 2021 where a Public Space Protection Order (PSPO) was granted gating Laser Lane and thereby closing it to use by the public. However, it should be conditioned that should the relevant PSPO be rescinded at any point planning permission should also be rescinded (**Condition 4**).

ESCC Highways – **No objection** - The proposed development is not a highway matter. However, if planning permission is given an informative should be imposed advising the applicant that should the construction requirements of the gates require works to be done on highway land then the applicant should contact East Sussex Highway Team as a licence is required (**Informative 3**).

4. Representations

2 x site notices in respect of the application were posted three times on Kings Road and on Cross Street and a press notice was published twice. 1 letter of objection was received in response to the original site notice (original scheme) raising the following concerns: -

- The design and materials are incongruous with the terrace and within a Conservation Area.
- The proposed materials look industrial, and cheap and as such are bulky and have mass thereby making them incongruous.
- The gates should reflect the Victorian nature of the street.
- The gates should mimic and reflect the structural features (arches) that predominate.
- Double or triple arched gates would be better and less bulky.

No comments received to the amended scheme.

5. Determining issues

The main issues are the principle of development, effect on the character and appearance of the street scene and the Kings Road Conservation Area, and the impact of development on the Public Right of Way (PROW).

a) Principle

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

The principle of installing secure metal gates in this location so as to deter antisocial behaviour and improve security is acceptable subject to all other considerations being acceptable.

b) Character and appearance and impact on the Kings Road Conservation Area

Policy HN1 of the Development Management Plan 2015 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas) states that:

'Applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset:

- *The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets.*
- *Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness.*

Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).'

The National Planning Policy Framework (NPPF) seeks to protect designated heritage assets and the impacts proposed developments have on them. The NPPF states that the significance of the heritage asset can be harmed through development within its setting and great weight should be given to the asset's conservation, and also advises that when less than substantial harm is made to the heritage asset, this harm should be weighed up against the public benefits of the proposal.

The application site lies within the Kings Road Conservation Area along a commercial street of high architectural quality properties that are predominantly Victorian in character. Whilst commercial in character, this part of Kings Road is interspersed with residential buildings dating back to the 19th Century. The application site is fully visible within the public realm as one of the gates is proposed to front Kings Road. The gate that is proposed to be installed at junction of Laser Lane and Kings Road is to be a 2.5m (highest point) high metal, arched shaped secure double entrance gate that is lockable so as to deter anti-social behaviour and improve security. The second gate is proposed to be a 2m high metal gate accessed via Cross Street and is also proposed to be lockable so as to deter anti-social behaviour and improve security. The proposed gates are sympathetically designed to reflect the established character of properties on this part of Kings Road and surrounding area. The predominant architectural feature on this part of the Kings Road is the use of arches on Victorian properties on Kings Road. Given this, it is considered that the proposed arch shaped gates,

located at the Kings Road end of Laser Lane, successfully adopt an architectural feature that characterises this part of Kings Road. In addition, the use of iron as opposed to wood (superseded original material) makes the proposed gates less bulky and results in a development that integrates well with the established street scene and the Kings Road Conservation Area. Overall, it is considered that a development as proposed takes influence in design terms from the established character and appearance of this part of the Kings Road Conservation Area. Any harm to the Kings Road Conservation Area is considered to be less than substantial and is mitigated by public benefits that will come with the new development which are the deterrent of antisocial behaviour which will in turn result in a positive improvement to the public realm of this part of Kings Road. As such, a scheme as proposed complies with the NPPF policies and Local Plan Policies DM1, DM3, DM4 and HN1 of the Development Management Plan 2015, as well as Policy EN1 of the Hastings Planning Strategy 2014.

c) Public Right Of Way (PROW)

Hastings and St Leonards-on Sea have a network of paths and passageways that are considered a character feature of the town that have historic, evidential and social importance that contributes to the sense of place. Laser Lane is a footpath (97) and is also a PROW. Laser Lane is one of 35 footpaths that are within the 'Safer Streets Project' area in St Leonards on Sea where the Government funds such schemes so as to improve security, extended guardianship, and provide crime prevention advice and prevention.

In recent years this footpath (97)/PROW has been the focus of considerable crime and antisocial behaviour. The behaviour reports include drug dealing, noise and shouting (from drug dealers and potential clients), street drinking, arson, public defecation, prostitution, fly-tipping, graffiti, dog fouling, litter accumulations and public place violent crime. Residents and local businesses asked the Council and Police several times to take steps to deal with the crime and antisocial behaviour associated with this footpath. Following this, and in accordance with powers given to Local Councils by The Antisocial Behaviour, Crime and Policing Act 2014 to gate PROWs using the Public Space Protection Order (PSPO) process, on 1 March 2021 Hastings Borough Council's Cabinet approved a PSPO gating Laser Lane and thereby closing it to use by the public. Given this, it is considered that there is no in principle objection to the proposed gates as there is a PSPO in place to allow closure of the PROW to the public. ESCC PROW team were consulted and they raise no objection to the development, however they advise that should the Order be rescinded at any point by the Borough Council, any planning permission for the installation of gates at entrance to Laser Lane should also be rescinded. Condition 4 requires the gates to be removed in the event that the PSPO is rescinded thereby addressing the points raised in the PROW consultation response.

6. Conclusion

The principle of the installation of metal entrance gates as proposed is acceptable in principle given that there is a PSPO in place gating Laser Lane.

It is considered that the proposed gates have been sympathetically designed and that their design takes influence in design terms from the established character and appearance of this part of the Kings Road Conservation Area. Any harm to the Kings Road Conservation Area is considered to be less than substantial and is mitigated by public benefits that will come with the new development which are the deterrent of antisocial behaviour which will in turn result in a positive improvement to the public realm of this part of Kings Road.

Given the above, it is considered that these proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

7. Recommendation

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.
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.
-

Officer to Contact

T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/FA/21/00298 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	01 June 2022
Report from:	Planning Services Manager
Title of report:	PLANNING APPEALS & DELEGATED DECISIONS
Purpose of report:	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 05/04/2022 to 18/05/2022
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
2 Roebuck Street, Hastings, TN34 3BB HS/FA/21/00642	Replacement of existing flat roofs on an existing building with pitched roofs at 1st floor and 2nd floor levels due to on going issues with leakages: 1 main pitched roof at 2nd floor level. 2 smaller pitched roofs on North West elevation at 1st floor level - works to include 2 x velux windows	Not-Determined	DELEGATED	Planning
9-15 Sedlescombe Road North, St Leonards-on-sea HS/PA/21/00779	Notification for Prior Approval for the construction of one additional floor to form 5x dwellings (C3) on terrace building with a mixed use of Sui Generis (bingo hall, hot food takeaway and public house) and Class E and Class C3 (residential) at upper floor level	Refuse Prior Approval	DELEGATED	Planning

Land rear of 23, Martineau Lane, Hastings, TN35 5DS HS/FA/21/00712	Erection of two to three storey detached dwelling (revision to HS/FA/17/00468) (part retrospective)	Refuse Planning Permission	PLANNING COMMITTEE	Planning
---	---	----------------------------	--------------------	----------

The following appeals have been allowed:

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

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Grass area between 275 and 293 Battle Road, St Leonards-on-sea (opposite 174 Lower Glen Road, between bus stop and postbox) HS/TL/21/00521	Proposed 5G 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.	Refuse Prior Approval	DELEGATED	Planning

The following appeals have been withdrawn:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
Land at and South of Holmhurst St Mary, (Rear of 1 Kingsdale Close), The Ridge, St Leonards-on-sea HS/TP/21/00303	Holly trees - Fell	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
Deemed Discharge	1
General PD Approval	1
Granted Permission	59
Part Grant	2
Prior Approval Approved	1
Refused	7
Withdrawn by Applicant	7
Total	78

Report written by

Sam Townshend – Tel: (01424) 783264

Email: planning@hastings.gov.uk

This page is intentionally left blank