

Agenda Item No: 8

Report to: Cabinet

Date of Meeting: 7 July 2014

Report Title: Hastings Local Plan – Submission of the Development Management Plan

Report By: Monica Adams-Acton
Head of Regeneration and Planning Policy

Purpose of Report

To inform Cabinet of the outcome of the recent consultation under Regulation 19 of the Town & Country Planning (Local Planning) (England) Regulations 2012, and to gain approval for submission of the Revised Proposed Submission Version of the Development Management Plan to the Secretary of State.

Recommendation

1. That Cabinet acknowledge the key issues arising from consultation on the Revised Proposed Submission Version (RPSV) of the Development Management Plan (DMP).
 2. That Cabinet recommends to Council the submission of the RPSV of the DMP and the related revised Policies Map, along with the other associated submission documents to the Secretary of State under Regulation 20 and which include a sustainability appraisal, an updated statement of consultation, copies of duly made representations and other supporting evidence base documents.
 3. That delegated authority is given to the Director of Regeneration or his nominee in consultation with the Lead Member for Regeneration to make minor amendments to the RPSV of the DMP.
 4. That, in accordance with advice from the Planning Inspectorate, the representations from the previous Regulation 19 consultation (Jan-April 2013) will be submitted to the Inspector.
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Reasons for Recommendation

To enable the Development Management Plan to be submitted to the Secretary of State in accordance with Regulation 22 of the Town & Country Planning (Local Planning) (England) Regulations 2012.

Introduction

1. This report provides a summary of the key issues arising from the final, formal stage of the consultation on the Revised Proposed Submission Version of the Development Management Plan, which took place between 10th March and 22nd April 2014.
2. This was a statutory period of consultation under Regulation 19 of the Town & Country Planning (Local Development) (England) Regulations 2012. Representations for this stage of consultation were invited in relation to 2 key questions, in accordance with the requirements of the Planning Inspectorate:
 - Does the Development Management Plan comply with the legal requirements in the Planning and Compulsory Purchase Act 2004; and
 - Is the Development Management Plan "Sound"? i.e:
 - has it been positively prepared?
 - is it Justified?
 - is it Effective?
 - is it consistent with national policy?
3. Prior to this formal stage of consultation, members of the public and other key stakeholders have had several other opportunities to get involved and shape the Plan in its development. This includes earlier stages of consultation on draft versions of the Plan.
4. We have previously responded to the comments made during these earlier stages of consultation, and outlined how the Plan would change as a result. This time however, we are required to submit all the representations received to the appointed Planning Inspector for consideration at Examination in Public. In accordance with advice from the Planning Inspectorate, the representations from the previous Regulation 19 consultation (Jan-April 2013) will continue to be submitted to the Inspector. 379 representations were made during the Jan-April 2013 formal consultation period. 62 representations have subsequently been withdrawn following changes made in the Revised Proposed Submission Version. A summary of those representations made is contained within the Council's Statement of Consultation Report (2014) or viewed in full either online or via paper copies on request.
5. If changes to the Plan are required as a result of these formal representations, then the Inspector will recommend these in his or her Final Report.
6. A schedule of amendments that set out minor alterations that should be made to the Plan prior to adoption as a result of this final consultation has been produced and this is available for inspection. Those minor focused modifications are attached at Appendix A. These show minor changes to the text to satisfy points of clarification from Rother District Council and Royal Mail.

Background

7. The Development Management Plan was published for a formal round of consultation between 10 March and 22nd April 2014. As this was the final stage of preparing the plan, residents, community groups and all other stakeholders were invited to submit representations on the "Legal Compliance" and "Soundness" of the Plan only, in accordance with the regulations.

8. 3,886 representations were received as part of the consultation. All were made in respect of the Development Management Plan, none in relation to the Sustainability Appraisal Report. These came from 1254 respondents.
9. Representations can be viewed online and paper copies are available from our office to view on request. Each respondent has been contacted either by email or letter with an acknowledgement of their submission and confirmation of what has been recorded on our system.

General and Development Management Guidance

10. In terms of the policies covering General and Development Guidance, Policy HN6 – Former Convent of Holy Child Jesus, Magdalen Road and associated supporting text, attracted 38 objections and two representations of support.
11. The main points raised are: that the Policy does not accord with national guidance on enabling development. That more of the site should be designated as Private Open Space. That no development at all should be allowed. That development will have a detrimental impact on Conservation Area. That the emphasis should be on revenue-raising uses of the site that do not involve creating new accommodation units. That HN6 does not treat the Convent as a single entity, it does the opposite.
12. This Policy is not a site allocation policy but rather it would allow for developments that are linked to and dependent on the restoration of this complex of historic buildings. The wording of the policy has had regard to English Heritage guidance on enabling development, but is tailored to this particular circumstance.

Development Sites and Designations

13. In terms of individual development site and designations, the following sites attracted most representations and/or gave rise to the most substantive issues.

Policy LRA2 – Harrow Lane Playing Fields

14. There were 11 objections to this proposed housing site allocation. The main concerns were that development will be detrimental to a local wildlife site and open space, will not benefit the green infrastructure network, or add any ecological or recreation value. The proposals will result in overdevelopment, and that the site should be retained and protected for playing field use.

Policy GH1 - Robsack A, Church Wood Drive

15. There were 30 objections to this proposed housing site allocation and the supporting policy text. The main points arising were that this site should be deleted as a housing site essentially due to the impact on ecology, loss of woodland and other habitats, and loss of amenity. The inclusion of the site for development contravenes ancient woodland, green space and biodiversity policies.

Policy FB12 – Land south of Upper Wilting Farm

16. There were 12 objections to this proposed policy and supporting text allocating land for the development of wind turbines. This includes a representation from Natural England as to whether the site has been assessed for impact on the birds associated with the adjoining Site of Special Scientific Interest and its impact on the Combe Valley Countryside Park. An objection from Rother District Council made during the 2013 DM

Plan submission consultation has been withdrawn, and the policy is now supported subject to minor modifications to supporting text.

Policy CLB1 – 1-3 Chapel Park Road

17. There were 9 objections to this proposed housing site involving demolition and redevelopment adjacent to Kings Road Conservation Area.

Policy CLB2 – Taxi Office/B.R Social Club, St Johns Road

18. There were 32 objections to this proposed mixed use allocation and the supporting policy text for development with commercial use on the ground floor and residential above. The site is within the Kings Road Conservation Area and the main points raised related to the potential negative impact on the Conservation Area in terms of height and scale and the appropriateness of more housing development in an already overcrowded area.

Policy HTC2 – Cornwallis Street Car Park

19. There were 4 objections to this proposed housing allocation, with the central criticism being that the policy fails to identify play space requirements.

Policies CVO1 – Victoria Avenue, CVO3 – Rear of Old London Road & CVO4 – Church Street

20. Three sites proposed for housing development - Victoria Avenue (CVO1), rear of Old London Road (CVO3) and Church Street (CVO4) - have attracted the most opposition, with some 1,150 individuals (3474 representations) opposing development. Opposition to housing development is largely on the basis that the entire area, that is the wooded area adjacent to all three of the proposed residential development sites (which is now afforded Local Green Space designation under proposed Policy HN10), provides a locally valued amenity area and an important area for wildlife. The 3 proposed development sites, together with the local green space area is known locally as Speckled Wood.
21. The 2004 Local Plan allocated a large portion of Speckled Wood, with the exception of a central corridor of green space along the watercourse, for housing development. In the case of the Victoria Avenue site (CVO1), developer interest in the site has resulted in a number of planning consents. Although there have been enquiries and consultation submissions on the central/southern sections of the site, there are no current planning consents. Following background work - the Strategic Housing Land Availability Assessment and consideration of the deliverability of the original 2004 allocation - the 2014 Submission DM Plan has now limited the area for residential development to 3 smaller sites on the periphery of the woodland: the Victoria Avenue site (CVO1) and two small sites (CVO3 & CVO4), with the largest part of the wood reserved as local green space under proposed Policy HN10.
22. In February 2014, the Planning Committee resolved to grant outline planning permission for 34 houses and flats, subject to a legal agreement. This permission is in accordance with both the adopted 2004 Local Plan and the proposed submission DM Plan.

Policies Map

23. There were 71 objections to the Policies Map. The majority of these objections are centred on two designations. The first of which relates to the Local Green Space

designation afforded Speckled Wood in the Upper Ore Valley. Nearly 50 people have opposed the designation. Those making representations state that the woodland area should be recognised not just as Local Green Space but as a Local Nature Reserve and that it should be reconsidered as a Site of Special Scientific Interest. By contrast, during the 2013 Submission consultation, the landowner whose land is partly covered by the HN10 designation has objected to the green space designation, instead calling for a much reduced protected local green space area and proposing a more extensive residential development allocation. This objection, as with all 2013 representations that haven't been withdrawn, will be submitted to the Inspector.

24. The second is that all of the Convent grounds (Convent of the Holy Child Jesus) should be designated as Private Open Space.
25. In view of substantial need for new housing in the Borough, coupled with the physical and environmental constraints to meeting housing need and new development in general, it is considered that the Plan remains sound in respect of the those sites proposed for housing development.
26. Following close analysis of all the representations received, no change to the Plan is therefore proposed. It is considered that this version of the Plan is sound and in need of no further significant modification. Any further significant modification, at this point, would require a further round of consultation. The appointed inspector will consider all duly made representations and make recommendations to ensure the Plan is sound and can be adopted.

Timetable to adoption

27. We have entered into a Service Level Agreement with the Planning Inspectorate which sets out the roles and responsibilities of both parties in undertaking the Examination in Public. Timetables are based on the Planning Inspectorate's guidance on the time taken from Submission to Adoption.
28. Following approval at Cabinet, we will submit the Development Management Plan to the Secretary of State on 31 July, with a view to the Hearing Sessions commencing in November. Further progress to adoption is dependent on the need for main modifications. Following the main hearings the Inspector publish his/her Report into the "Soundness and Legal Compliance" of the Development Management Plan during Q4 20 14/15 if no modifications are required with adoption in Q1 2015/16. However if main modifications are required adoption will be anticipated towards the end of 2015.

Implications

29. The DMP contains policies and text which have a bearing on Council policies in relation to: equalities and community cohesiveness; crime and fear of crime; environmental issues; economy; anti-poverty issues and local people's views. In all cases, the DMP is considered to be consistent with those corporate policies.

Conclusions

30. It is recommended that the Council agree to the submission to the Secretary of State of the RPSV of the DMP, and the related revised Policies Map, along with the other associated submission documents which include an updated statement of consultation, sustainability appraisal, other supporting documents and copies of duly made representations. In addition it is also recommended that delegated authority is given to

the Director of Regeneration or his nominee in consultation with the Lead Member for Regeneration to make minor amendments to the RPSV of the DMP.

Wards Affected :

Ashdown, Baird, Braybrooke, Castle, Central St. Leonards, Conquest, Gensing, Hollington, Maze Hill, Old Hastings, Ore, Silverhill, St. Helens, Tressell, West St. Leonards, Wishing Tree

Area(s) Affected :

Central Hastings, East Hastings, North St. Leonards, South St. Leonards

Policy Implications

Please identify if this report contains any implications for the following:

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|---------------------------------------|-----|
| Equalities and Community Cohesiveness | YES |
| Crime and Fear of Crime (Section 17) | YES |
| Risk Management | NO |
| Environmental Issues | YES |
| Economic/Financial Implications | YES |
| Human Rights Act | NO |
| Organisational Consequences | NO |
| Local People's Views | YES |

Background Information

Appendix A: Revised Proposed Submission Development Management Plan – Minor Focused Modifications

Sustainability Appraisal
Statement of Consultation
Schedule of proposed amendments to the Development Management Plan

Officer to Contact

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Appendix A

Revised Proposed Submission Development Management Plan – Minor Focused Modifications

| Page | Policy/Paragraph | Change | Reasons for Change |
|------------|---|--|--|
| | | Section 3: Focus Area 1: Little Ridge & Ashdown | |
| 70,71, 227 | Sites LRA7 (Land at the junction of The Ridge West and Queensway) and LRA8 (Land in Whitworth Road, The Ridge West) and Figure 102 – Design Brief | <p>New text added to the end of Para 6.39:</p> <p>6.39 Site LRA8 – Land in Whitworth Road, The Ridge West is capable of being brought forward as an extension of the West Ridge employment area. Developed in this form, access may be possible by means of an extension of Whitworth Road (subject to some widening) or, alternatively, John MacAdam Way to the south was constructed in a form which would allow it to be extended into the site to provide access. To promote the usability of both of the sites, LRA7 and LRA8, access between them will also be required. Development proposals will need to show consideration of the transport impact along The Ridge. Further advise on transport matters is available from East Sussex County Council. [Inserted text] The Council will work with ESCC to deliver improvements to the local highway network (in particular the connection between The Ridge junction and the Bexhill – Hastings Link Road) in accordance with the Hastings Planning Strategy policy T2 on this site, if necessary.</p> | Change arising from Rother Council’s concerns that HBC needs to continue (emphasis on continuity) to work with ESCC to deliver improvements to the local highway network and in ensuring appropriate connections are made between Queensway and the A21. |
| | | Focus Area 3: Filsham Valley & Bulverhythe | |
| 116 | FB12 – Land South of Upper Wilting Farm, Para 6.124 | <p>New text added to the end of the para 6.124:</p> <p>6.124 The Council commissioned further investigative work on the feasibility of this site for wind turbines, in ecological, landscape, heritage and viability terms. The conclusion of this work is that the construction of wind turbines in this location is feasible</p> | Change arising from Rother Council’s concerns that supporting text requires being supplemented by new text to explain that the acceptability of any scheme will depend upon demonstrating its |

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| | | <p>subject to further survey, conservation and mitigation work at the time of a planning application. It should also be noted that there is a small flood risk in the south of the site and any application should reflect this fact. [Inserted text] Any new scheme on the site must also demonstrate it satisfies the range of environmental factors reflected in the policy criteria.</p> | <p>sensitivity to the range of environmental factors reflected in the policy criteria.</p> |
| | | <p>Section 3: Focus Area 11: Hillcrest & Ore Valley</p> | |
| 197, 199, | <p>HOV11 - Ivyhouse Lane, Northern Extension, HOV12 - Land East of Burgess Road, Ivyhouse Para 6.278 Site HOV11 (Ivyhouse Lane, northern extension) & Figure 117 – Design Brief</p> | <p>Paragraphs revised by adding new text to read as follows:</p> <p>6.277 The eastern boundary of the identified site is defined by the Borough’s administrative boundary rather than existing physical divisions on the ground and so, to be acceptable, a scheme should be designed such that it creates a new logical boundary. [Inserted text] While access at the southern end of the site would minimise industrialising the character of Ivyhouse Lane, the possibility of access directly off Burgess Road (or the planned extension of it) may also be possible and should be referred, subject to Highways views. The Highway Authority may [Inserted text] also require the creation of an emergency access point onto Ivyhouse Lane further to the north of the site.</p> <p>6.278 The site contains a well defined straight tree lined and sunken historic lane, which divides the site into two distinct areas. It is envisaged that the majority of development will take place in the southern part of the area [Inserted text] the extent of built development is the southern part of the site, as shown indicatively on the design brief, either side of the historic lane, subject to new woodland planting and the retention and protection of existing trees.</p> | <p>Change arising from Rother Council’s concerns that in the light of the policy area from the previous plan remaining unchanged, it is important that more detailed guidance should be given to ensure the siting and access arrangements help to minimize the industrial character of the site and minimize any adverse impact on the AONB. This will also help to clarify on their concerns that both the supporting text and the design brief pre-judge the approach which is yet to be revealed from the ongoing joint work. Rother Council have however recognised that the related ‘design brief’ does largely reflect the outcome of the joint work between the two councils.</p> |

| Section Three: Focus Area 8: Hastings Town Centre | | | |
|--|------------|--|---|
| 175 | Para 6.231 | <p>New text added to the end of Para 6.231:</p> <p>The capacity potential of this site indicates that a Transport Assessment and Travel Plan will be required, further advice is available from East Sussex County Council. [Inserted text] Any redevelopment proposal on the Royal Mail site will have to take account of the relocation of its existing operation to a viable site. Any future development on adjacent sites should ensure Royal Mail operations are not negatively affected.</p> | <p>Changes arising from Royal Mail's concerns about any potential disruption to their current operation through any redevelopment proposals. They have sought that plan should provide for the relocation/ re-provision of the existing Delivery Office on Braybrooke Road and Vehicle Parks on Priory Street and Station Approach to an viable location prior to redevelopment in order to ensure continuity of service.</p> |