

Report to: PLANNING COMMITTEE

Date: 08 February 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: Queensway North, Queensway, St Leonards-on-sea

Proposal: Construction of new factory premises comprising manufacturing space, showroom, offices, welfare facilities and ancillary service yard and car park areas

Application No: HS/FA/15/00817

Recommendation: Grant Full Planning Permission

Ward: ASHDOWN

File No: CAZ0000X

Applicant: Sea Change Sussex Innovation Centre
Highfield Drive St Leonards on Sea, East Sussex. TN38 9UH

Interest: Part owner - ESCC also own part of site

Existing Use: Undeveloped

Policies

Conservation Area: No

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 4

Petitions Received: 0

Letters of Support: 1

Application Status: Not delegated - More than 2 letters of objection received

Site and Surrounding Area

The application site relates to part of Queensway North, which is an allocated employment site (Policy LRA6) located adjacent to Queensway in the north-west of the Borough. The site actually extends beyond the allocation shown in the Hastings Local Plan: Development Management Plan (DMP) as the application boundary extends closer to the carriageway on its south-east boundary. The site measures 0.85ha.

The site is greenfield as it is not previously developed. Originally a mixture of overgrown shrub, trees and open patches, following a licence issued by Natural England, in respect of dormice habitat removal, the site has been cleared. The wider site allocation has a very similar woodland or natural character.

The site is bounded to the north-east by a section of preserved ancient woodland and, although the application site is separated from it, the wider site allocation bounds the Marline Valley Site of Special Scientific Interest (SSSI) and Local Nature Reserve (LNR) to the north-west.

To the south-east, on the opposite side of Queensway, is Castleham Industrial Estate. Further to south-west is the Enviro 21 Innovation Park, an employment development built out on the similarly allocated Queensway South. To the north of the site is High Beach Chalet Park and the Sussex Edwardian hotel.

Constraints

- Badger foraging area
- Regional High Pressure Pipeline 2km Buffer
- SSSI Impact Risk Zone
- Area of Opportunity - emerging ESCC Waste and Minerals Sites Plan

Proposed development

The application is for the erection of a new factory unit. The unit is a bespoke design for Michael Tyler, a furniture manufacturer, who is currently located just outside of the Borough, to the north along The Ridge. The furniture manufacturer is relocating as their current site and the surrounding area are being redeveloped for housing.

The factory unit will include manufactory space (Use Class B1) and ancillary offices, showroom and welfare facilities. The proposal includes a delivery yard and parking for 40 vehicles.

The application was amended towards the end of 2016 in order to address discussions that have taken place with Natural England and East Sussex County Council with regard to the drainage, the impact on the SSSI and biodiversity matters and the level of parking provision.

This application follows an extant permission from 2012 which relates to the whole employment allocation (ref HS/FA/12/00802). Although this permission did not grant permission for use of the site for employment purposes, it granted permission for the estate road that would serve the individual employment plots and the drainage infrastructure that would serve them. Therefore the use of the site for employment use was inferred and the layout of the plots was established.

Procedural Note: The description of the application has been amended by removing reference to the floorspace of the unit. The size of the unit has been reduced by the amendments submitted in December but the description was not altered at the time. The change in description is not considered to be material nor has the application been

misrepresented as the amended scheme was consulted on and the change is a minor floorspace reduction.

The application is supported by the following documents:

- Drawings
- Planning statement
- Design, access and sustainability statement (updated November 2016)
- Site waste management plan
- Updated tree survey
- Resident consultation report
- Ground conditions risk assessment
- Flood risk assessment
- Transport note
- Various correspondence from applicant

Relevant Planning History

HS/FA/12/00802 Construction of an estate road and associated infrastructure and works (including drainage & utilities) to facilitate future development of site as a business park.

Granted subject to conditions and s106 legal agreement 08 March 2013

HS/FA/12/00676 Construction of a new junction including a short length of access road to facilitate the future development of the North Queensway land

Granted subject to conditions 08 October 2012

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy DS2 - Employment Growth
Policy FA1 - Strategic Policy for Western Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy SC2 - Design and access statements
Policy SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy SC7 - Flood Risk
Policy EN2 - Green Infrastructure Network
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN4 - Ancient Woodland
Policy EN5 - Local Nature Reserves (LNR)
Policy EN7 - Conservation and Enhancement of Landscape
Policy T3 - Sustainable Transport

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 DM6 - Pollution and Hazards
Policy HN7 - Green Infrastructure in New Developments

Policy HN8 - Biodiversity and Green Space
Policy HN9 - Areas of Landscape Value
Policy LP2 - Overall Approach to Site Allocations
Policy LRA6 - Queensway North, Queensway

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 1 - Building a strong, competitive economy

Section 7 - Requiring good design

Section 11 - Conserving and enhancing the natural environment

Consultations comments

Building Control: No objection - The Building Control Manager has raised no objection and otherwise advises the applicant to engage with Building Control.

Natural England: No objection subject to conditions - Initially raised concerns about the drainage proposals for the site in relation to the local hydrological regime (which impacts on the SSSI) and the impact of development on the geological sandstone layers. They also raised concerns about reference to an additional footpath into the SSSI area but this is merely a suggestion following public consultation about the wider development proposals and does not form part of this scheme.

Following these comments there were many exchanges of correspondence, a cross-disciplinary meeting with the ESCC Flood Risk Management Team and, finally, amendments to the scheme and additional information in relation to the concerns raised. Natural England now raise no objection subject to conditions. They also advise of standing advice in relation to ancient woodlands and protected species.

Local Highway Authority: No objection subject to conditions - The Local Highway Authority initially raised concerns about the level of proposed parking which falls significantly short of the parking standard for this development type and size. The applicant has slightly increased the available parking to 40 spaces but, whilst this still falls short of the 83-94 spaces preferred, the LHA accepts that the level of parking proposed is sufficient for the intended occupier. They therefore recommend that any planning permission is conditioned

for use by the furniture company only so that should the future occupier change, the parking can be reviewed. Otherwise the proposed access and traffic implications of the development are acceptable and they recommend various conditions.

Environment Agency: No objection.

Senior Environmental Health Officer (Environmental Protection): No objection subject to conditions - The SEHO has raised no objection in respect of land contamination or pollution but recommends a number of conditions to mitigate against adverse impacts.

Senior Environmental Health Officer (Food Health & Safety): No objection - The SEHO recommends some informative notes.

Lead Local Flood Authority: No objection subject to conditions - Initially raised concerns regarding the quality of the information submitted and the use of storage tanks in place of other SUDS measures. Following amendments to the scheme and additional information in relation to these matters the LLFA now raise no objection subject to conditions.

Southern Water: No objection subject to conditions - Southern Water has raised no objection subject to conditions and informatives relating to drainage. They also provide informative notes for the applicant and suggest consultations with the Environment Agency.

Environment & Natural Resources Manager: No objection subject to conditions.

Borough Arboriculturalist: No objection subject to conditions.

ESCC Planning Policy and Development Management: No objection - ESCC has raised no objection in terms of the sites identification in the emerging Waste and Minerals Sites Plan as an Area of Opportunity.

Representations

8 representations received from 6 different commenters.

6 letters of objection have been received raising the following concerns:

- Impact on the countryside
- Quality of the submitted site plan
- Matters related to land contamination
- Tree loss
- Impacts from surface water / drainage
- Light pollution
- Air pollution
- Construction management
- Impact on amenities
- Security
- Reinstatement of footpath into Marline Woods
- Lack of formal consultation with Sussex Wildlife Trust
- Impacts on ecology

- Impacts on local hydrological regime
- Impact of development on the geological sandstone layers
- Insufficient ecology information
- Lack of biodiversity improvements
- Insufficient buffer with ancient woodland

2 letters with general comments have been received raising the following:

- Site now identifiable from information submitted
- Ensuring development is responsive to "eco empathy of the surroundings"
- Reinstatement of footpath into Marline Woods

Determining Issues

Although part of an allocation for employment development, this site is subject to many constraints and sensitive considerations. Therefore, the main considerations are the principle of the development, the design and impacts on local character, impact on neighbouring amenities, impact on biodiversity and trees, drainage, parking and highway safety matters and impacts on landscape.

Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

Furthermore part of the site is included as an employment development allocation (policy LRA6) offering support in principle to this proposed B1 factory use. Reference to employment development in this location is also covered in policies DS2 and FA1.

Impact on Character and appearance of area

Presently greenfield, the development of any part of this site will significantly change its character. Given the wider area's allocation as industrial land, a change in character is inevitable but that's not to say the site's new character is harmful. In this instance the site is located adjacent to Queensway, opposite the Castleham Industrial Estate and north of the Enviro 21 business park. The development of this site will have obvious connections to these established employment areas and would not look out of place in that context. There is tourist and residential accommodation to the north but, this site is physically separate to those developments (by approximately 30m including boundary trees) and it is proposed, as part of the wider site approval, that the boundaries with these neighbouring developed areas remain screened. The proposed development will, therefore, remain separate from these other uses and will form an extended part of the industrial character of this section of Queensway.

Although an industrial use is proposed, the applicant has otherwise taken time to consider the detailed design of the scheme, taking into account the location at the edge of the Borough, close to natural woodlands and close to the wider countryside landscape which transitions into the High Weald Area of Outstanding Natural Beauty (AONB). These considerations include:

- a 'barn' like scale and form to reflect the rural nature of the location where agricultural type uses and design would be more common;

- using the topography of the site to inform the interesting roof profile which allows both views down and across the valley from Queensway and provides a distinctive silhouette which takes references from the folding and rolling natural landscape; and
- using materials to create an overall appearance that reflects the agricultural roots of the design whilst providing linkages to the industrial use of the premises and nearby industrial character, including:
 - timber cladding;
 - timber battens and louvres;
 - aluminium cladding; and
 - Sinusoidal panelling (a corrugated effect panelling that provides contrast due to the way it reflects light).

The submitted drawings indicate that there will be a 'tree belt' along the highway verge of Queensway adjacent to, but not included within, the site. Such a tree belt does not currently exist, especially following the previous site clearance. The previous infrastructure consent (HS/FA/12/00802) suggests that there could be additional planting along this verge which may obscure the proposed development, but no planting scheme has been approved yet. This proposal has therefore been assessed on the basis that the proposed unit will be visible from Queensway.

Although visible, the proposal is considered acceptable. As explained above, the development of this site for employment purposes is consistent with developments at Castleham Industrial Estate and the Enviro 21 business park and the interesting design will ensure that the development is an attractive feature when viewed along Queensway. Some additional planting within the application site, along its south-east boundary, can be secured by condition to help soften the development but the proposed development is not considered to harm the character and appearance of the area when viewed from Queensway because of the design and local context.

This approach to design is well thought-out and will result in a high quality unit befitting of the aspirations for the Queensway Employment Corridor. The proposed development is considered to comply with policies SC1 and DM1 in terms of its design and impact on local character.

Layout

The general layout of development plots within the wider employment allocation has been dictated by the infrastructure consent, HS/FA/12/00802. This proposal is consistent with that consent and relates to what has previously been shown as development 'plot 2'.

The applicant has adequately shown that an appropriate layout can work within this area. The building is centrally located within the site, sufficiently separated from all boundaries, which ensures that the proposal does not appear overdeveloped. The layout otherwise allows for an appropriate access, parking and on-site manoeuvring of heavy goods vehicles.

There are also plenty of opportunities for additional landscaping but these matters are linked to drainage and biodiversity which are discussed in more detail below.

The layout of the development is considered to comply with policy DM1.

Impact on Neighbouring Residential Amenities

The proposed development is for a furniture manufacturer, which typically falls within Use Class B1. By definition the proposed unit will have no impact on neighbouring residential uses. However, should there be any concerns regarding processes carried out at the premises, it is noted that the nearest properties are tourist chalets (so not private residential

properties) and the closest is a minimum distance of 31m from the site but at least 70m from the factory building. Given these distances and the boundary tree screening around the chalet park, it is not considered that there will be any harm to private amenities.

Impact on Landscape

The site is not within a protected landscape, however, it has previously been noted that Queensway North allocation is in a sensitive location on the side of a valley which has views into, and therefore from, the High Weald AONB. That said, the importance of the AONB and the impact of this development should not be overstated. The site is allocated for development, within the Borough and over half a mile from the closest part of the AONB.

The environmental statement submitted with the 2012 application included a landscape analysis with details of views of the site. The statement indicates that views of the site from the AONB will be distant and the development will read as part of the boundary of the built up area. Also, as you get closer to the site from the west, it becomes more obscure due to the topography of the valley and tree screening.

Given this relationship and the design of the building, which has taken reference from East Sussex rural architecture, the proposal is not considered to harm the intrinsic qualities of the AONB. The proposal does not conflict with policies EN7 or HN9.

Ecology and trees

As a result of the 2012 planning permission the site has been cleared under licence from Natural England. The site has since been maintained in this fashion. The site itself is therefore unaffected by the development in this sense, but the wider impacts of the development, in particular the impacts on the SSSI and Ancient Woodland, are very pertinent. Natural England have been heavily involved in this respect and, upon submission of the application, they flagged up the potential impact on the nearby SSSI and how the application was lacking, particularly in terms of drainage proposals for the site in relation to the local hydrological regime (which impacts on the SSSI) and the impact of development on the geological sandstone layers.

The impact of the drainage of the site cannot be underestimated. The SSSI is part of a woodland valley and one of its important features includes bryophytes, which are particularly susceptible to changes in groundwater flows and water quality. Although the application site does not adjoin the SSSI - it is separated from the SSSI by a minimum 80m to the west and 150m to the north-west - given the topography of the area and the way the proposed development will feed into the site-wide Queensway North drainage infrastructure (approved under planning permission HS/FA/12/00802) appropriate SuDS drainage is necessary to avoid harm to this ecologically sensitive location.

The applicant has spent a significant amount of time considering these concerns and attempted to address them with amendments that were provided in December 2016. These amendments include the provision of additional swale features, more permeable paving, a reduction in hard surfacing (by removal of a secondary service yard) and a reduction in the building footprint. Natural England have considered these changes and no longer object to the application subject to conditions securing the necessary drainage and biodiversity improvements. The applicant has also satisfied Natural England that the development will not breach sandstone layers.

Some of these SuDS features double up as biodiversity enhancements but the applicant additionally proposes species appropriate soft landscaping and the provision of bat boxes. It is also worth noting that the clearance of the site was undertaken as part of 2012 wider allocation permission and that permission also includes additional habitat creation and site

boundary enhancements to mitigate some of the identified loss. The application has to be considered in that context and this overall approach to biodiversity and species protection has been considered by the Environment and Natural Resources Manager who raises no objection subject to conditions securing mitigation and enhancements.

Lastly, the ancient woodland is in two different areas relative to the site. The first is west and north-west of the site (not immediately adjoining the site). A 15m buffer has been secured between development in the area and this part of the ancient woodland as part of the previously approved scheme. The other part of the ancient woodland is relatively small, located north-east of the site. As with the previously approved application (HS/FA/12/00802) a 5m buffer to the woodland was agreed. The buffer is consistent with the advice of the submitted tree report and the environmental statement submitted as part of the previous 2012 consent which defined the extent of this plot. Standing advice from Natural England and the Forestry Commission states that buffers of at least 15m should be considered but this is not a blanket rule and having taken into account the Forestry Commission's assessment guidance the following applies to this site:

- The ancient woodland is comparatively small.
- None of the woodland will be lost as part of this proposal.
- The woodland is connected to other planting along the boundary with Queensway to the north and this will remain as part of this consent.
- The buffer is sufficient to allow for root protection and, as confirmed by the Borough Arboriculturalist, root protection can be secured by condition.
- The site has been subject to ecological assessment and was cleared as part of the 2012 planning permission. This proposal has been considered by the Environment & Natural Resources Manager who has recommended conditions to secure mitigation and enhancements, which can include planting that will link with the ancient woodland. This planting can be appropriate native species.
- The proposed development is for a B1 use and as such is not considered to be polluting in a way that may cause harm.
- The topography of the site is such that the ancient woodland is higher than the proposed development and, therefore due to gravitational forces, will not be impacted by adverse changes in ground water quality.
- Access to the woodland can be restricted as part of this proposal.

Taking this assessment into account it is not considered that there will be any harm to the ancient woodland and the relatively small buffer is considered acceptable in this instance to mitigate against any potential harm. It should be noted that the 5m buffer referenced throughout the application is not adequately identified on the submitted layout plan where the proposed hard surfacing is shown close to the boundary with the woodland at some points on the north-east boundary. That said, it is only hard surfacing indicated along the boundary with the ancient woodland - the nearest part of the building is a minimum of 13m away - and the recommended landscaping and turning area conditions will be sufficient to ensure that this relationship can be reconsidered in order for an adequate landscaped buffer to be established with the woodland.

The proposed development is not considered to conflict with policies EN2, EN3, EN4, EN5, HN7, HN8 and HN9.

Drainage

The matters of drainage are closely related to the issues of ecology above as many of the impacts on ecology are considered to relate to how surface water is managed and how it will impact on the quality of ground water. ESCC as Lead Local Flood Authority were also heavily invested in the discussions with the applicant and Natural England about drainage and

following the amendments submitted in December they now raise no objection subject to conditions. The LLFA note that the applicant has introduced more SuDS measures and has provided more drainage calculations as part of the 2012 infrastructure consent that help show that the site's drainage will work and mitigate any harm to the nearby SSSI as well as ensuring that there is no increase in surface water flooding.

Southern Water have raised no objection to the proposed foul water proposals subject to conditions.

Given the topography of the wider area, the direction of surface water is unlikely to impact on the nearby chalet park.

The proposed development is considered to comply with policy SC7.

Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. External lighting is proposed but a condition regarding details is recommended to residential amenities and protected species are not harmfully affected. The development will not give rise to ground or surface water pollutions and conditions are attached which require details of surface and foul water drainage. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Highway Safety/Parking

The main access into the allocated area (junction at Queensway) was approved in 2012. This access is still acceptable to the Local Highway Authority (LHA) who have also confirmed that the proposed access into the proposal site is acceptable and will adequately serve the industrial use proposed. This assessment considers the use of the junctions by HGVs.

The application has been accompanied by a Transport Statement which explains that the proposed use will generate 22 additional morning peak movements and 18 evening peak movements. They note that this is smaller than the movements shown in the assessment that accompanied the 2012 infrastructure consent and that such traffic movements are unlikely to impact on the local highway network.

The LHA initially raised concerns about the level of proposed parking which falls significantly short of the parking standard for this development type and size. The applicant has slightly increased the available parking to 40 spaces but, this still falls short of the 83-94 spaces suggested by the 'SPD - Parking provision in new developments'. Conflicts between adequate parking for the general use class and the specific user can be tricky to resolve but in this instance, the applicant's transport statement explains the reasons for the shortfall, which is essentially due to the low staffing levels of the intended business (Michael Tyler). The LHA accepts that the level of parking proposed is sufficient for the intended occupier but request that any consent is conditioned for use by Michael Tyler only. This will ensure that should any new user wish to take over the site a planning permission will be required and the requirement for additional parking can be reviewed.

The proposed development is considered to be acceptable in terms of policy DM4 and policy T3.

Sustainable Construction

Although no specific details have been submitted with the application, the applicant's Design, Access and Sustainability Statement explains how improvements above that required as a minimum by Building Regulations can be incorporated into the development. These measures include:

- better than minimum improvements to the buildings thermal performance with appropriate roofing, floor slabs, external walls and windows;
- good air tightness rating;
- low energy lighting;
- heat recovery air pumps;
- low energy fans;
- variable fan speed ventilation systems;
- provision of a waste wood boiler;
- consideration to photovoltaic panels;
- high insulation; and
- good orientation to maximise natural light and solar heat gains.

The applicant has sufficiently explained how a good, sustainable development can be achieved and a condition is recommended to secure these improvements. Subject to this condition the proposed development is not considered to conflict with policies SC3 or SC4.

Evidence of Community Involvement

The applicant carried out public consultation on the proposed development in 2015. The event was well attended by residents in the High Beech area. Queries and comments were made with regard to various subjects such as the industrial use, tree removal, surface water, wildlife and the building design and the submitted consultation report explains how these have been considered.

The above assessment explains why the development is acceptable and this is, in part, a result of the way the developer has considered comments from local residents.

Some of the comments raised relate to the wider area, and do not relate to this proposal specifically. One of those matters is the provision of a formal footpath into the woods. The applicant is considering this but, as commented by Natural England and the Sussex Wildlife Trust, such a footpath may not be appropriate due to impacts on the SSSI. For clarity no footpath proposals are included within this application.

Other

The site's location within a badger foraging area is covered by the conditions related to ecology mitigation and enhancements.

Although within the buffer of the regional high pressure gas pipeline, the proposed development is not of significant scale or within close enough proximity to impact on the pipeline.

The location of the site within the SSSI Impact Risk Zone and the potential impact on the SSSI has been considered by Natural England and there is no objection to the development subject to conditions.

Although identified as an Area of Opportunity in ESCC emerging Waste and Minerals Sites Plan, ESCC have confirmed that they have no objection to the proposed development.

To ensure consistency with the wider site infrastructure consent (HS/FA/12/00802), and the archaeological potential that permission revealed, similar conditions regarding archaeological investigation are recommended.

Conclusion

The proposed development is considered acceptable. It will help realise an objective of the local plan to provide additional employment space and has achieved this in a way that is considerate of the surrounding ecological sensitivities. 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.

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:

A365_PL_001A, 002A, 003A, 004A, 010A, 011A and 012A

3. This permission shall enure for the benefit of furniture manufacturer Michael Tyler only and not for the benefit of the land, and, notwithstanding the changes of use permitted within Part 3 of Schedule 2 Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the development hereby permitted shall be used for purposes within Class B1(c) of the Town and Country (Use Classes) Order (or any order revoking, re-enacting or modifying that Order) 1987 only, and for no other purpose. Upon Michael Tyler ceasing to occupy and/or use the building as approved, the use hereby permitted shall cease and no occupation or use of the premises shall occur until such time that an additional planning permission has been granted.
4. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

5. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
6. During any forms of earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site for use through the earthworks phase, to the approval of the Planning Authority, to prevent contamination and damage to the adjacent roads.
7. Before the development hereby approved is commenced, details of the turning spaces within the development, taking into account the requirement for a 5m (or otherwise appropriate) buffer zone with the adjacent ancient woodland, shall be submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved turning spaces for vehicles has been provided and the turning spaces shall thereafter be retained for that use and shall not be used for any other purpose.
8.
 - (i) 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.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and the development shall not be brought into use until those works have been completed.
 - (iii) The development shall not be brought into use until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage has been provided in accordance with the approved details and is now available to adequately service the development. Evidence in support of this shall include photographs.
9. The details required for condition 8 above shall be based on the surface water drainage strategy outlined in Peter Brett Associates drawing no. 26499/2001/500/005C. Surface water runoff from the approved development should be limited to 14.1 l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability occurrence. The details shall include evidence of this in the form of hydraulic calculations and these calculations should take into account the connectivity of the different surface water drainage features.
10. The details required by condition 8 above shall include details of how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
11. The details required by condition 8 above shall include a maintenance and management plan for the entire drainage system. The plan shall be consistent with the biodiversity and drainage strategy approved under reference HS/CD/16/00662 (in connection with planning permission

HS/FA/12/00802) and clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided.

12. 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 strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

13. Before its installation, details of all external lighting, including 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; and
 - 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.

All external lighting shall be installed in accordance with the approved details and in accordance with the approved strategy before the building is brought into use. The lighting shall thereafter be maintained in accordance with the strategy.

14. No development shall take place until an ecological design strategy (EDS) addressing:
 - a) Retention and protection of existing habitats during construction.
 - b) Habitat removal and reinstatement.
 - c) Provision for wildlife corridors, linear features and habitat connectivity.

- d) Woodland, tree, hedgerow, shrub, wetland and wildflower planting and establishment.
- e) Proposed new landforms associated with habitat creation, e.g. water bodies and watercourses.
- f) Soil handling, movement and management.
- g) Creation, restoration and enhancement of semi-natural habitats.

has been submitted to and approved in writing by the Local Planning Authority.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare and long-term maintenance.
- i) Details for monitoring (including monitoring of the impacts on the SSSI and who is responsible for the monitoring) and remedial measures.
- j) Details for disposal of any wastes arising from works.

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

- 15. No development shall commence until a construction management plan for the control of noise, dust, vibrations and light pollution during construction has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plan.
- 16. With the exception of internal works the building works required to carry out the development and construction related deliveries to and from the site must only be carried out within the following times:-
 - 08.00 - 18.00 Monday to Friday
 - 09.00 - 13.00 on Saturdays
 - No working on Sundays or Public Holidays.
- 17. Once brought into use deliveries and waste collection from the premises shall not take place outside the hours of:
 - 08:00 and 20:00 Mondays to Fridays
 - 08:00 to 13:00 on Saturdays
 - No deliveries or waste collection on Sundays or Public Holidays

18. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land (and adjacent to 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.
19. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
20. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include 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 (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
21. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
22. Before development is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 and in accordance with the energy efficiency hierarchy in policy SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
23. Before the development hereby approved is brought into use provision shall be made for the ability to connect to fibre-based broadband.
24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

25. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 23 and that provision for analysis, publication and dissemination of results and archive deposition has been secured.
26. In the event that there is a breach into the greensand layer below the site, emergency procedures as approved under reference HS/CD/16/00189 (in accordance with planning permission HS/FA/12/00802) shall be followed in the case of such an emergency.

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. In order to maintain control over future use of the premises in the interests of highway safety. The approved development provides for less on-site parking than would typically be required for the approved use. This parking is acceptable for the intended occupier of the premises and their proposed use but should the occupier or use change the level of on-site parking would need to be reconsidered in accordance with policy DM4 of the Hastings Local Plan: Development Management Plan and Supplementary Planning Document - Parking Provision in New Developments.
4. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
5. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
6. In the interests of highway safety and for the benefit and convenience of the public at large.
7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway and to protect the adjacent ancient woodland.
8. To prevent increased risk of flooding and to ensure the drainage proposals adequately protect features of nature conservation importance.
9. To prevent increased risk of flooding and to ensure the drainage proposals adequately protect features of nature conservation importance.
10. To prevent increased risk of flooding and to ensure the drainage proposals adequately protect features of nature conservation importance.
11. To prevent increased risk of flooding and to ensure the drainage proposals adequately protect features of nature conservation importance.

12. To protect features of recognised nature conservation importance.
13. To protect features of recognised nature conservation importance and to protect neighbouring residential amenities.
14. To protect features of recognised nature conservation importance.
15. In the interests of the amenity of the neighbouring residential occupiers.
16. To safeguard the amenity of adjoining residents.
17. In the interests of the amenity of the neighbouring residential occupiers.
18. In the interests of the health of the trees, to protect the visual amenity, to provide for adequate SuDS features and to mitigate/enhance recognised features of nature conservation importance.
19. In the interests of the health of the trees, to protect the visual amenity, to provide for adequate SuDS features and to mitigate/enhance recognised features of nature conservation importance.
20. To ensure a satisfactory form of development in the interests of the visual amenity.
21. To ensure a satisfactory form of development in the interests of the visual amenity.
22. To ensure the development complies with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.
23. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
24. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
25. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
26. To protect features of recognised nature conservation importance including the Marline Valley SSSI.

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 paragraphs 186 and 187 of the National Planning Policy Framework.

3. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
4. Southern Water advise:
 - that waste water grease traps should be provided on the kitchen drain waste pipe or drain installed and maintained by the owner or operator of the premises;
 - hard surfacing should be drained by means of oil trap gullies or petrol/oil interceptors; and
 - that 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 works commenced on site. The applicant is advised to discuss the matter further with Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
5. The applicant may wish to consider the Workplace (Health, Safety and Welfare) Regulations 1992 in relation to the minimum requirements for toilet provision.
6. If the applicant requires further information in relation to food, health and safety matters please contact Food Health & Safety on 01424 451078.
7. The applicant is reminded that conditions relating to biodiversity and drainage above should be consistent with the biodiversity and drainage strategy approved under HS/CD/16/00662 (as required by the s106 legal agreement relating to planning permission HS/FA/12/00802).

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/15/00817 including all letters and documents