

Report to: PLANNING COMMITTEE
Date of Meeting: 23 May 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: Former Factory Site, Fellows Road, Hastings, TN34 3TY
Proposal: Proposed comprehensive redevelopment of the site to provide 101 residential dwellings and associated access / car parking, hard and soft landscaping, together with the provision of Open Space.
Application No: HS/FA/17/01040

Recommendation: Grant Full Planning Permission

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

Applicant: GEMSELECT LTD per Kember Loudon Williams
Ridgers Barn Bunny Lane Eridge, Tunbridge Wells. TN3 9HA

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - General Interest
Letters of Objection: 7
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 1

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

1. Site and Surrounding Area

The application site is the former Stills Factory which is within the Ore Valley regeneration area. The site has been allocated for housing under Policy HOV1 (possible net capacity 75 dwellings).

The site is derelict and enclosed by paling fencing and has an area of 2.41 hectares. Within the site is an area of hardstanding and remaining sections of factory wall, of area approximately 0.98

hectares which was subject to a recently approved application for engineering works – application reference (HS/FA/17/1012). Please refer to the History section of this report.

There is vegetation / trees to the north, west, south west and south. Access is from the round-about on Fellows Road, which is to north. There are residential properties to the north and north east and north west / west. There are also residential properties to the south west. To the south east there are a number of industrial units. In terms of topography, the land slopes downwards to the south, and more steeply to the east.

There is an allocated site to the south (H0V2). This is allocated for residential development (possible net capacity 50 dwellings). There are not live applications at present on this site.

Constraints

Flooding Surface Water 1 in 1000

Flooding Surface Water 1 in 100

Local Plan Development Management Plan Policy DM6

Flood surface water 1 in 30

Local Plan Planning Strategy Policy FA2

Low Pressure Pipeline SGN

Historical Landfill site 250 buffer

Local Development Management Plan Policy HOV1

Local Development Management Plan Policy HOV2

Local Development Management Plan Policy LP2

Local Plan Planning Strategy Policy FA5

2. Proposed development

Full application for 101 residential dwellings with private residential gardens, some with gardens to front and sides. 143 car parking spaces to front and sides of dwellings. Alterations to existing vehicle and pedestrian access to north from a roundabout to Fellows Road and footpath access to south linking to Firtree Road. Public open space located centrally which will include children's play equipment to south of vehicle access. Internal road layout includes pedestrian footpaths, traffic calming measures and turning area for larger vehicles to the north east of the site. A treed area to the north west corner of the site (between plot 71 and 88) is fenced off as it is too steep either for use as a communal area or as a private garden.

Proposed Dwelling mix:-

- 9 x 2 bed flats
- 51 x 2 bed houses
- 32 x 3 bed houses (including 13 townhouses)
- 9 x 4 bed houses

All dwellings would face into the site apart from plots 99, 100 and 101 which front onto Fellows Road.

Application, as initially received was for 103 residential dwellings. During the processing of the application amended plans were received which sought to amend concerns raised regarding the layout of the site. The dwelling numbers were reduced to 101 with reduction of on-site parking from 161 spaces to 143 (60 allocated/in curtilage and 83 unallocated). In addition the amended plans altered the layout whereby the location of public space was repositioned to the centre of the site with the block of flats moved to the east. Additional landscaping was provided and internal road layout slightly altered the footpath access to the north to be one larger footpath to allow for additional landscaping and widen road for larger vehicles.

The units would be clad in varying colours of cladding (Dark green/olive, cream and dark grey with the flats having combination) with red brickwork, tile and slate roofing, UPVC windows, doors and rainwater pipes and gutters.

On submission of the application, the application was supported by the following documents:

- Planning Statement
- Design and Access Statements 1 -4
- SUDS 1-4
- Geo Environmental Data and Historical Maps
- Preliminary Ground Contamination Risk Assessment Report
- Combined Geotechnical and Ground Contamination Risk Assessments
- Arboriculture Report
- Ecology Scoping Survey
- Framework Travel Plan
- Heritage Statement
- Transport Assessment
- Tracking drawings
- Stage 1 safety audit and designer's response

Relevant Planning History

HS/FA/17/1012- Proposal for the removal of wall and foundation slab to former factory to prepare site for redevelopment purposes, associated works, and temporary storage of materials. Granted - 12.03.2018

HS/OA/06/00823 - (Outline for 101 dwellings). The Development of a Millennium Community as part of the Government's Millennium Communities Programme including 650 residential dwellings, commercial and retail, higher education facilities and local supporting services and infrastructure, all as described further in the description of development attached. Approved 14.03.2008 (unimplemented)

HS/OA/02/00793: Demolition of industrial buildings, erection of general market housing, affordable housing, 'live/work' units, associated play areas, parking and access from fellows road. Withdrawn 07/01/2004

HS/01/00538: Erection of 16 Industrial units. Application withdrawn before determination. (appeal) 02/04/2002

National and Local Policies

Hastings Local Plan - Planning Strategy (2014) policies

DS1- New Housing Development

FA5 - Strategic policy for Eastern Area

HN8 - Biodiversity and Green Space

EN3 - Nature Conservation and Improvement of Biodiversity
EN8 - Open Spaces- Enhancement, Provision and Protection
H1 - Housing Density
H2 - Housing Mix
H3 - Provision of Affordable Housing
SC1 - Overall Strategy for Managing Change in a Sustainable Way
SC2 - Design and Access Statements
SC7 - Flood Risk
CI1 - Infrastructure and Development Contributions
CI3 - Children's Play Provision
T3 - Sustainable Transport

Hastings Local Plan - Development Management (2015)

LP1 - Considering Planning Applications
LP2 - Overall Approach to Site Allocations
DM1 - Design Principles
DM3 - General Amenity
DM4 - General Access
DM5 - Ground Conditions
DM6 - Pollution and Hazards
HN8 - Biodiversity and Green Space
HOV1- Former Stills Factory, Ore Valley
HOV2- Ore Valley

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013
Hastings Local Plan SPD. Parking Provision in New Developments October 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.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites. Where policies are considered out-of-date planning permission should be granted unless the adverse impact significantly and demonstrably outweighs the benefits when assessed against the NPPF as a whole, or if specific policies in the NPPF indicate development should be restricted (paragraph 14).

Paragraph 58 of the National Planning Policy Framework States, "Planning policies and decisions should aim to ensure that developments:

- 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;
- establish a strong sense of place, using streetscapes and buildings to create attractive

- and comfortable places to live, work and visit;
- respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation;
- create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- are visually attractive as a result of good architecture and appropriate landscaping."

Paragraph 32 states that developments that generate significant amounts of movement should be supported by a Transport statement/Assessment and decisions should take account of whether safe and suitable access to the site can be achieved for all people.

Paragraph 64 of the National Planning Policy Framework States, "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Paragraph 187 of the NPPF states that, "Local planning authorities should look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area."

Paragraph 197 of the NPPF states that "in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development."

Paragraph 50 states:

"To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time."

Paragraph 56 states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 94 states "Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations." And paragraph 100 further reinforces the importance of: "using opportunities offered by new development to reduce the causes and impacts of flooding" with paragraph 103 stating that local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding"

Paragraph 120 states "To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed

development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

National Planning Practice Guidance (NPPG)

Importance of good design - Paragraph: 001 Reference ID: 26-001-20140306

How can good design guide planning and development proposals? Paragraph: 004 Reference ID: 26-004-20140306

A well designed place supports mixed uses and tenures- Paragraph: 017 Reference ID: 26-017-20140306 and Paragraph: 002 Reference ID: 26-002-20140306

Planning should promote cohesive and vibrant neighbourhoods- Paragraph: 014 Reference ID: 26-014-20140306

Flood Risk

Planning and flood risk - Paragraph: 001 Reference ID: 7-001-20140306

Land affected by contamination.

Why should local planning authorities be concerned about land contamination?- Paragraph: 001 Reference ID: 33-001-20140306

Technical Housing Standards

What are the new optional technical housing standards? Where can I find out more?- 001 Reference ID: 56-001-20150327 and Paragraph: 004 Reference ID: 56-004-20150327

Planning should promote local character (including landscape setting)
Development should seek to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns of development, local man-made and natural heritage and culture, while not preventing or discouraging appropriate innovation.
Paragraph: 007 Reference ID: 26-007-20140306

How should buildings and the spaces between them be considered?

Consider layout

There should be a clear definition between public and private space. A buffer zone, such as a front garden, can successfully be used between public outdoor space and private internal space to support privacy and security.

Paragraph: 024 Reference ID: 26-024-20140306

Consider form

Buildings can be formed in many ways, for example tall towers, individual stand-alone units, long and low blocks, terraces. They can all be successful, or unsuccessful, depending on where they are placed, how they relate to their surroundings, their use and their architectural and design quality.

Paragraph: 025 Reference ID: 26-025-20140306

Housing design issues

Well-designed housing should be functional, attractive and sustainable. It should also be adaptable to the changing needs of its occupants.

In well-designed places, affordable housing is not distinguishable from private housing by its design, nor is it banished to the least attractive part of the site.

Consideration should be given to the servicing of dwellings such as the storage of bins and bikes, access to meter boxes, space for drying clothes or places for deliveries. Such items should be carefully considered and well designed to ensure they are discrete and can be easily used in a safe way.

Unightly bins can damage the visual amenity of an area. Carefully planned bin storage is, therefore, particularly important. Local authorities should ensure that each dwelling is carefully planned to ensure there is enough discretely designed and accessible storage space for all the different types of bin used in the local authority area (for example landfill, recycling, food waste).

In terms of parking, there are many different approaches that can support successful outcomes, such as on-street parking, in-curtilage parking and basement parking. Natural surveillance of parked cars is an important consideration. Car parking and service area should be considered in context to ensure the most successful outcome can be delivered in each case.

Paragraph: 040 Reference ID: 26-040-20140306

3. Consultations comments

County Archaeologist- No objection, not considered that any significant below ground archaeological remains are likely to be affected by these proposals. For this reason, no further recommendations to make in this instance.

Southern Water- Partial objection with conditions.

The results of an initial desk top study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge flows no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system. You will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed flows will be no greater than the existing contributing flows.

Should the Local Planning Authority be minded to approve the application, Southern Water would like the following condition to be attached to any permission:

"Development shall not commence until a drainage strategy detailing the proposed means of foul and surface water disposal and a implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable."

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to

ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Please note that discharge of surface water run off to public sewers will not be permitted in the presence of alternative methods for surface water disposal. The proposed drainage layout does not comply with adoptable standards and Southern Water requirements.

We request that should this application receive planning approval, the following condition is attached to the consent:

"Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Please note: decommissioned main within the site.

Furthermore, due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found 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.

The applicant is advised to discuss the matter further with Southern Water.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Housing Officer- No objection subject to a 25% affordable housing contribution with tenure breakdown to be agreed.

East Sussex, Sustainable Urban Drainage Systems (SUDS)- No objection subject to conditions.

The Drainage Strategy report states that surface water runoff from the proposed development will be limited to 51.5 l/s for all rainfall events prior to discharging into existing public surface water sewers in Firtree Road. While we appreciate that the application site is most likely to have been served by that drainage system in the past and Southern Water has been approached about the potential discharge, it would have been preferable that the proposed discharge rate had been agreed to by Southern Water as part of this application. This would have confirmed the surface water storage requirements and the space required for managing surface water. Should a full/reserved matters application be submitted for this site/proposal we would request that evidence is submitted that demonstrates that Southern Water agree to the proposed surface water discharge rate.

The Environment Agency's updated Flood Map for Surface Water shows an overland surface water flow route from Fellows Road flowing through the application site to areas south of the application site. This overland flow route should be retained in its current form or diverted safely to ensure no increase in flood risk on or offsite. Evidence of the retention or safe diversion of the overland flow route should be submitted with any reserved matters application.

The Drainage Strategy report indicates that permeable pavement will also be used to manage surface water runoff, but the drawing only shows pipes and geo-cellular storage tanks. The permeable pavement should be incorporated into the drainage proposals. However, the geotechnical report indicates that infiltration will not be feasible; therefore we would expect the permeable pavement to be used for attenuation purposes only with no infiltration. The geotechnical report shows that groundwater was recorded at depth between 0.3m and 3.9m below ground level. Therefore high groundwater is most likely to affect the hydraulic capacity and structural integrity of the proposed geo-cellular storage tanks if measures to manage its impact are not taken.

If the Local Planning Authority is minded to grant planning permission, the LLFA requests the following comments act as a basis for conditions, or matters to be addressed through any reserved matters application, to ensure surface water runoff from the development is managed safely:

1. Surface water runoff from the proposed development should be limited to the existing runoff close to greenfield runoff rates or a rate agreed to by Southern Water for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
2. Evidence that Southern Water agrees to the proposed surface water discharge rate should be submitted with any reserved matters application.
3. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
4. The detailed design of the permeable pavements and geo-cellular storage tanks should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the SuDS features 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 drainage system should be provided. Evidence of how impacts of high groundwater on the structural integrity of the tanks will be managed should also be provided.
5. A maintenance and management plan for the entire drainage system should be submitted to the planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.
6. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.

7. 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.

Natural England- No comment.

Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Ecology Officer - No Objection subject to condition.

The ecology information submitted is sufficient to ensure wildlife is protected prior to and during development. The following condition is suggested;

All ecological measures and/or works shall be carried out in accordance with the details contained in "SITE OF FORMER SATURN INDUSTRIES, FELLOWS ROAD, HASTINGS, EAST SUSSEX, WILDLIFE PROTECTION AND MONITORING DURING AND AFTER CONSTRUCTION, BY MARTIN NEWCOMBE, 25th October 2017" as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

ESCC Infrastructure- No objection subject to contributions to be agreed via S106.

Having regard to; a) the policies within the adopted Hastings Local Plan: The Hastings Planning Strategy, February 2014; b) the County Council's adopted Supplementary Planning Guidance, "A New Approach to Development Contributions" (the SPG); and, c) the Community Infrastructure Levy Regulations 2010 - as amended (the CIL Regs) and the National Planning Policy Framework (the NPPF), advice is as follows:

SERVICE CONTRIBUTIONS (ESTIMATED)

Education	
Early Years	nil
Primary School	nil
Secondary School	nil
Library	£26,563
Rights of Way	£2,424
Total	£28,987

Highways - No Objection subject to conditions

Safety Audit and Designer response has provided by the applicant.

The content of this suggests that the problems flagged up can be overcome with layout adjustments and minor amendments, but nothing significant to warrant a highway objection on safety grounds.

There is a tree close to the access onto the roundabout which will need cutting back if not removed, depending on whether it is in the highway, else the applicant will need to ensure

that consent is obtained from the landowner. It would appear that the vegetative growth is around the trunk and overhanging, and needs to be removed to install a dropped crossing point for pedestrians.

The internal layout issues are within the proposed estate where design speeds are expected to be 20 mph. If adopted as highway, the internal road layout would be secured through a s38 agreement, and subjected to a further Road Safety Audit process. The issues flagged up by the auditor are landscaping issues that can be controlled through a planning condition.

The works relating to highway matters are in my view overcome for planning purposes and I am now able to support this application subject to the following conditions:

1) No part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Details are to include the extent of land on roundabout arm/access road to be dedicated as highway, pedestrian facilities (footway and dropped crossing point) surface water drainage and lighting proposals.

Reason: In the interests of road safety

2) No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reason: In the interests of road safety.

3) The 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.

Reason: In the interests of road safety.

4) No part of the development shall be occupied until visibility splays of 2.4 metres by 25 metres have been provided at the proposed site vehicular access onto Fellows Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.

Reason: In the interests of road safety.

5) No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

Reason: To provide car-parking space for the development.

6) No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

Reason: To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

7) No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

Reason: To secure satisfactory standards of access for the proposed development.

8) No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter

be retained at all times for this use and shall not be obstructed.

Reason: In the interests of road safety

9) No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:

- 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.

Reason: In the interests of highway safety and the amenities of the area.

10) No development shall take place 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. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.

Reason: In the interests of highway safety and the amenities of the area.

11) No part of the development shall be occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.

Reason: To encourage and promote sustainable transport.

12) No part of the development shall be occupied until such time as details and construction specification showing the proposed improvement works to the emergency access road have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that suitable improvements are made and to safeguard users.

Please note: the Construction Traffic Management Plan will need to include provision of a Temporary Traffic Regulation Order (TTRO) to safeguard the roundabout from parked vehicles. Furthermore, securing a contribution of £5,000 for a permanent TRO for double yellow lines so that the roundabout is kept clear of parked vehicles is required. This can be secured by an appropriate legal agreement between the applicant and highway authority.

The works associated with the access road is likely to require a s278 agreement with a dedication of highway aspect to ensure that the transition between private road and highway can be maintained to safeguard users of the public highway.

Environmental Health - No Objection subject to conditions covering:-

- " noise from operation of the site
- " submission of a construction environmental management plan
- " submission of investigation and remediation scheme details with regards to

contaminated land
" submission of a scheme of external lighting

Arboricultural Officer - No Objection following revised layout of plots 70 and 71.

Leisure Development Manager- no objection subject to contribution.

Open space will need to be included within the site. The additional requirement for equipped play provision can be met with an offsite contribution.

We previously put a figure to this - the value of which will need to be equivalent to a locally equipped area for play (LEAP). We calculate this to be £110,600. The costs are based on the typical construction cost of a LEAP and includes the cost of management and maintenance for 20 years.

Environment Agency - Awaiting comments

4. Representations

8 no of representations received from 8 different properties, including 1 from Wealden District Council

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

- Concerns that Parker Road would become a 'rat run' as only one vehicular access is proposed
- Overdevelopment of the site, housing density too high
- Overlooking of properties on Parker Road
- Increase in on street parking pressure on surrounding roads
- Unsuitable affordable housing units
- Application not correctly referencing links to walking and cycling routes
- Lack of children's play facilities on site
- Disturbance to residential amenities of properties on surrounding roads owing to increased lorry movements
- Land to west of site is not included in application but shown as open space on HOV1 design brief in Hastings DMP 2015
- Unsustainable location
- Parking layout not suitable and parking spaces not meeting required dimensions

Wealden District Council object on the following grounds (full objection available online):-

"In addition to lack of consideration of conservation objectives it is also submitted that the planning application does not take into account the current situation with regards to pollutants and site integrity. The overall lack of consideration of site integrity and conservation objectives, including the lack of consideration of cumulative impacts in this regard, results in an incomplete evidence base to inform the proposal.

It is noted that the Hastings Planning Strategy was adopted in 2014 and the Development Management Plan in 2015 (albeit containing detailed policies set by the 2014 Strategy). In light of this, the development plan in Hastings pre-dates the most recent monitoring work on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC. That monitoring is new evidence that amounts to a weighty material consideration when undertaking screening of development for Likely Significant Effect on Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC.

At this stage, it is unproven that in combination impacts on the Ashdown Forest SAC, Lewes Downs SAC and Pevensey Levels SAC will not arise from the development proposal. It is not possible to grant planning permission and WDC formally objects to this planning application."

1 General comment was made inquiring to play areas for children and where they will be accommodated.

5. Determining Issues

A number of planning policy considerations will determine whether the proposed development is acceptable, these are assessed below and include:

- Suitability of location (Principle)
- Impact on character and appearance
- Layout
- Impact on residential amenities
- Future residential amenities
- Housing mix
- Housing supply
- Impact on Trees
- Contamination, pollution and hazards
- Affordable housing and contributions
- Highway safety/parking
- Flooding and drainage
- Compliance with HOV1 site allocation policy

a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (DMP) (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 allocated for residential development within the Hastings Development Management Plan (DMP) 2015 policy HOV1. It bounds the policy HOV2 allocated site to the south and would link to it via a footpath

The site is within a sustainable, urban location with reasonable access to public transport (less than 170m walk to nearest bus stop on Parker Road and Ore Station less than 1km by car and less than 750m by foot using the southern entrance to the site from Firtree Road, using existing highways), shops (One stop mini market is also less 750m away by foot and 1km by car from the site. Other services and facilities are also located within a reasonable distance from the site and as such the development is considered acceptable in principle subject to other local plan policies.

b) Impact on character and appearance of area

The site was previously used as a factory site so has a history of being developed and built up. The overall design of the site is residential in a similar form to the surrounding residential area. Plots 99, 100 and 101 would face onto fellow road to the north east part of the site and be a row of three terraced houses. These are considered to be in character with the established residential street scene. The main part of the site would have less of an impact on the character of the area to the north owing to the slope of the site to the south. The properties would have well sized private and shared amenity space with landscaping and a cohesive design to create a sense of place. The development would not demonstrate a housing density significantly above the surrounding area or building heights significantly

higher than the existing dwellings. The development would also include retention of mature trees to north south and east boundaries and a good amount of internal landscaping to soften the overall built form of the development and respect the surrounding area.

The view, south, into the site from Fellows Road is considered to create an attractive entrance to the site with landscaping either side the open space to the centre of the site and the front elevation of plot 21 (four bed house) behind. The agent redesigned the front of plot 21 to add additional detail and interest given its location and visibility from the main entrance. It is considered this has achieved an attractive frontage.

Individual house and building design is quite repetitive in style not offering a great deal of variation, with forward facing and side facing gable roof, window and door design and detailing. Unit 21, could have taken the opportunity to be a bolder and more significant design noting it faces the entrance to the site and is a key focal point in the scheme. The design is however considered cohesive in form and includes landscaping to front and sides and some properties including front gardens. Amended plans have been submitted to which represent an improvement to the facades of each unit. On balance the design is considered to be acceptable.

The surrounding properties include a variety of external materials and the proposed materials for the dwellings are considered to be residential in appearance. Although existing properties are not characterised strongly by cladding, the site is large enough to create its own character and sense of place. Furthermore, the cladding is not a dominant feature with brickwork, tile and slate also being proposed which is considered to reflect the character of the surrounding properties. Full details of materials will be required via condition before any work above ground level can commence.

It is noted that policy HOV1 states a suggested possible net capacity of 75 dwellings, which equates to a density of 31 dph and the current application proposes a higher number of 101 dwellings, which equates to 42 dph. Whilst this is higher than the policy states a number of points are relevant here. The first is that, as set out in this report, the scheme is not considered to give rise to harm in terms of character of the area, residential amenity, highway safety or any other aspect. Secondly, the scheme includes a flatted block which in itself will always create higher densities than a scheme of houses only. Finally, it is noted that the draft changes to the National Planning Policy Framework (NPPF) are very likely to change the methodology of calculating the amount of housing that each authority should provide over their plan period. Currently, the Council are required to permit approximately 200 dwellings a year in order to meet the local plan target of 3,400 houses between 2011 to 2028. As of July this year, this annual housing target will almost double, thereby creating additional emphasis on obtaining higher densities for sites where possible.

As such the development is considered to protect and enhance the local residential character of the area, whilst appreciating the neighbourhoods scale, height, massing and materials and is considered to be appropriate to its location making use of the topography of the site. Thus the development is considered to meet the aims of DMP 2015 policy DM1 a), b), c) and e), paragraph 56 and 59 of the NPPF and paragraphs 001 Ref ID:26-001-20140306, 004 Ref ID: 26-004-20140306 and 040 Ref ID 26-040-20140306 of the NPPG.

c) Layout

The layout of the site is considered to define public and private space effectively using landscaping, front gardens and a staggered pattern of development meeting the requirements of para 025 Reference ID: 26-025-20140306 which states :-

"Buildings can be formed in many ways, for example tall towers, individual stand alone units, long and low blocks, terraces. They can all be successful, or unsuccessful, depending on where they are placed, how they relate to their surroundings, their use and their architectural and design quality."

The variety of materials, design features and sizes of properties with various landscaping is considered to create an attractive streetscape and make an efficient use of the land within the site. Furthermore, the layout is considered to relate well to the established pattern of development in the area and provide natural surveillance of the street and open space to be provided. The footpath layout would encourage walking and links to surrounding roads and footpaths. A pedestrian footpath link to the HOV2 site to the south is proposed although this site is yet to be developed or have an application submitted for residential development of the site. The pedestrian link to Firtree Road to the south is welcome and creates a legible pedestrian link through the site. The staggered design of the layout creates interest and whilst not all of the properties are staggered, enough interest is created by the sections which are set back and forward to avoid an overly uniform or hard street scene.

In light of the above, in terms of layout the development is considered to meet the aims of DMP policy DM1, especially section d), Paragraphs 58 and 64 of the NPPF and Paragraph 007 of the NPPG (reference ID: 26-007-20140306) - which seeks to promote character in townscape and landscape by responding to and reinforcing locally distinctive patterns.

d) Impact on Neighbouring Residential Amenities

The rear gardens of properties on Parker Road, Cobb Close, Fellows Road and Firtree Road, would back onto the development site. The majority of neighbouring rear gardens would face the rear gardens of the proposed dwellings giving back to back separation distances of over 20m. This limits significant opportunity for loss of privacy through overlooking, overshadowing and loss of daylight as the proposed dwellings are not significant in height or mass.

Some existing properties are either side on to new dwellings or their rear gardens bound or face the side of new dwellings. Number 44 Fellows Road would be set side on to plot 99. But given the steep drop in ground level down to plot 99 from number 44 it is not considered that the three storey town house of number 99 would have an overbearing or overshadowing impact on the residential amenities of number 44. Furthermore, 99's west, side facing window in the first floor would be at ground level owing to the slope, so it is not considered loss of privacy though overlooking could occur to 44 Fellows Road.

The rear garden of number 30 Fellows Road would bound the side elevation of plot 1. In this instance no first floor window is proposed in the northern side facing elevation of number 1 and given the new property would be two storeys and set more than 12m from the rear wall of number 30 Fellows Road, it is not considered it would receive a detrimental impact in terms of overshadowing or visual intrusion. Furthermore, number 30 Fellows Road has a south facing garden so is not likely to see a significant loss of sunlight lost from the development.

Nos 9 & 10 Firtree Road would have rear gardens facing the side elevation of plot 46, albeit with an intervening parcel of land separating them. As the separation distance from their rear elevations would be approximately 35m, and no side windows in plot 46 are proposed, it is not considered 9 & 10's amenity would be detrimentally impacted in terms of loss of privacy, over shadowing and loss of daylight.

The development is not considered to have a significantly detrimental impact on neighbouring residential amenities in compliance with DMP policy DM3 a).

e) Future Residential Amenities

The proposed layout is considered to offer a good living environment for future residents. Landscaping, footpaths and open space with play equipment are proposed and the vehicle and pedestrian access to the north links to a cycle route.

The internal floor space measurements meet the minimum requirements set out in the Government guidance "Technical housing standards - nationally described space standard" (March 2015), and the habitable rooms would receive adequate levels of natural light and ventilation. The proposed house and flats would therefore be considered to provide an adequate standard of living accommodation in accordance with Policy DM3 of the Development Management Plan 2015.

The proposal includes private rear gardens in excess of 10m and shared amenity space for the flats in accordance with the requirements of Policy DM3 of the Development Management Plan 2015, securing an acceptable living environment for future residents.

Dedicated refuse storage have been indicated to the front of the townhouses but are not clear on the majority of the properties. A condition will be imposed to ensure details of the proposed bin storage are submitted to the Council prior to any works above ground level commencing carried out.

f) Ecology

The application is supported by an ecology report which outlines how wildlife will be protected during and after the development. The Council's Ecologist has not objected on ecology grounds subject to the imposition of a condition to ensure this ecology report is followed during construction. The condition is considered reasonable and necessary and will be included as part of the recommendation. As such the development is considered to comply with Hastings PS 2014 policy HN8 and is acceptable in terms of impact on biodiversity and ecology.

g) Trees and landscaping

Following amendments the Council Tree Officer has no objection to the application. Concerns were initially raised to the potential impacts on the mature trees to the north west corner of the site which are now in the process of being covered by TPOs. However, following discussions with the agent the layout was amended and the Tree Officer objection was withdrawn.

A sufficient level of landscaping is proposed on the site especially to the front of dwellings. Conditions will be added to ensure details of proposed hard and soft landscaping are submitted prior to commencement of development. This should ensure the landscaping is carried out satisfactorily on the site. As such the development is considered to be acceptable in terms of protection of existing trees and planting of additional trees in line with DMP (2015) policy HN8.

h) Contamination, pollution and hazards

The site is located within a 250m buffer zone of a historic landfill site and is a former factory site which may mean the site includes contaminated land. As such the Council's Environmental Health Team has recommended pre-commencement conditions covering land investigation, risk assessment and a remediation scheme. The conditions are considered to be reasonable, relevant and necessary and will be imposed. As such the development would comply with Hastings DMP policy DM5 b) with regards to contaminated land.

With regards to noise from the construction of the development, Environmental Health have recommended conditions, including pre-commencement conditions regarding noise restriction, delivery times and a construction environmental management plan. These conditions, if complied with, are considered to protect neighbouring residential amenity during construction and will be imposed on the application to ensure the development complies with the aims of DMP policy DM6 c).

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.

No details of external lighting have been provided and the Environmental Health Team has also recommended a pre-commencement lighting scheme condition be imposed. This would enable the Council to assess the impact on the area and residential amenities with regards to light pollution from the development. Thus the condition will be included to allow the development to comply with Hastings DMP policy DM6 a).

The development is not considered to 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).

i) Highway Safety/Parking

The development offers an oversupply of on and off street parking provision which exceeds the requirements of the ESCC parking demand calculator. However, the Highways Officer at ESCC has not objected to the application, following amendments to highways layout, subject to multiple conditions which will be added if they are deemed necessary and reasonable. It is noted that whilst the location of cycle storage is provided, details of the storage and their elevations have not been provided, so will also need to be ensured via condition.

j) Housing Supply

Policy DS1 of the Hastings Planning Strategy Local Plan (2014) identifies a housing target of 3,400 houses to be provided in the plan period, 2011 to 2028. The site is allocated in the Hastings DMP (2014) under HOV1 and is specified for residential development. It is considered that the level of housing proposed would assist in the Council further meeting its 5 year housing land supply. As such the proposed number of units is considered to be in line with Hastings PS (2015) in providing additional units through an allocated site subject to other planning policies.

k) 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.

l) Screening of Application under Habitats Regulations 2017 - Impact of Development on Ashdown Forest Special Area Conservation (SAC)

Wealden District Council have raised objections in respect of this planning application in that the additional vehicle movements created by the proposed development would harm the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. Specifically concern is raised that additional vehicle movements could give rise to use of acid deposition and eutrophication by nitrogen deposition that would directly affect the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. The objection also refers to Pevensey Levels and Lewes Downs. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensey Levels or Lewes Downs SACs and therefore it is necessary to determine if the proposal, in combination with other relevant development, would have a likely significant effect on the conservation objective or special integrity of the SACs. As such an Appropriate Assessment has been undertaken which notes the following:

The Pevensey Levels SAC is located 12.5km from the site and is designated for its population of Ramshorn Snail (*Anisus vorticulus*). Provided the water is unpolluted and has a fairly diverse flora (without much emergent vegetation e.g. reeds) this species doesn't have very precise habitat structure or botanical requirements.

While eutrophication (excessive vegetation growth from nutrient enrichment) is a risk, the ditches of the Pevensey Levels (like most freshwater bodies) are understood to be 'phosphate-limited', meaning that phosphate is the most important nutrient to control. Phosphate does not derive from atmosphere but does come in large volumes from agricultural runoff and treated sewage effluent. Provided phosphate levels can be controlled then nitrogen inputs (even through the water column) are unlikely to have a material effect on plant growth/habitat structure in the ditches. This is why, in most freshwater SACs, the attention is focussed on controlling phosphate inputs rather than nitrogen inputs.

In any case, since there are no applicable critical loads or NO_x critical levels for the interest features of this SAC there are no appropriate reference levels/damage thresholds for any impact assessment. It is also noted that the Site Improvement Plan produced by Natural England does not mention air quality as a concern.

Lewes Downs SAC and Ashdown Forest SAC are both located 38km from the site. The site is so far removed from the these SACs that it is not considered a proportionate approach to prevent development that would give rise to additional traffic. There is no clear evidence to show that increased traffic movement in this borough would result in an increase in traffic movement on roads nearby these SACs, including the A26 and A22, above an expected variance to the Annual Average Daily Traffic Movement (AADT). The Ashdown Forest Visitor Survey 2016 produced by Footprint Ecology shows that both in 2008 and 2016 there no visitors to Ashdown Forest were recorded as coming from Hastings. Whilst it is reasonable to assume that data may change slightly on different survey days, the variance arising could not reasonably be assumed to be above the expected variance levels of the AADT.

In addition to the submitted transport statement, the agent has submitted a TRIPS assessment. This demonstrates that when in its former use as a business park (the site is still lawfully in this use) the daily trips would have been approximately 1058 per day. The estimated proposed use would see daily trips of approximately 393. This is a significant reduction in vehicular movements. Although the site is currently vacant, it is considered that the proposed residential use will result in fewer trips than the previous use of the site and lower impact on the SACs.

It should also be noted that since making the objection, Wealden in a public letter have stated they will no longer be objecting to individual applications in neighbouring boroughs purely on the grounds that developments would result in an increase in vehicle movements.

Natural England (NE) was consulted [following receipt of representation of objection from Wealden District Council] regarding whether the proposed development would have a significant adverse effect on Special Areas of Conservation (SACs) and their response was that they have no comment to make on this application.

Hastings Borough Council Ecology Officer has commented in respect of this issue that, 'There is no clear evidence to show that increased traffic movement in the borough as a result of this development would result in an increase in traffic movements on roads nearby the designated sites and therefore present an adverse impact on the special features of the designated sites.'

For the reasons noted it is considered that the proposed development, in combination with other relevant development, would not harm the special integrity of the Ashdown Forest, Pevensey Levels and Lewes Downs Special Areas of Conservation and their conservation objectives. Finally, without prejudice to the above assessment and conclusion, it is noted that Wealden District Council precautionary approach is not proportionate in that they have raised a blanket objection to developments giving rise to additional traffic movements without considering how mitigation could allow development to come forward.'

m) Affordable Housing and other contributions

The agent has agreed to 25% on-site affordable housing unit provision which equates to approximately 25 properties with the tenure mix to be agreed with the Council post committee, subject to a S106 agreement or condition. The provision of 25% meets the requirements of Hastings PS policy H3a).

PS Policies CI1 and CI3 require major developments of this scale to provide infrastructure contributions and children play provision. ESCC are the lead authority regarding infrastructure provisions and have requested £26,563 towards libraries and £2,424 towards the Public Rights of Way network (specifically the western half of Public Footpath Hastings 251). The agent has agreed to these contributions which will be ensured via S106 agreement post the development control committee should the application be recommended for approval.

The Leisure Development Manager has initially advised that a contribution of approximately £110,600 is sought towards improving and upgrading nearby off-site existing play space. This amount has provisionally been agreed in principal by the applicant however members are advised that this figure may be subject to negotiation if the resolution to grant is agreed. This will also be secured via a S106 agreement to be agreed post committee recommendation. Thus the development would meet the aims of Hastings PS policy CI3 and DMP policy HOV1 e).

n) Sustainable Construction

Hastings Planning Strategy (2014) policies SC3 and SC4 which promote sustainable and green design. The proposed development will include a sustainable urban drainage system, multi-functional green space, protect biodiversity and provide recycling facilities in compliance with policy SC3. Furthermore, the development will be required to meet building regulations should it be constructed to meet the low carbon levels within the Code for Sustainable Home

o) Flooding and drainage

The site is within Flood Zone 1, so is considered to be at low risk from flooding from fluvial or coastal sources. However, the site is at risk from surface water flooding. ESCC SUDS team have not objected to the development subject to conditions being imposed for details of how surface water run off can be managed on site as to not cause flooding. Southern water have also requested a condition to ensure details of the adequate foul and surface water sewerage disposal have been submitted to the Council prior to commencement of development. These conditions will be added, therefore the development is not considered to be at significant risk or create risk of flooding in compliance with Hastings PS policy SC7.

Compliance with Site Allocation policy HOV1 - Former Stills Factory, Ore Valley

Given the above discussion, the development is considered to meet the aims of Hastings DMP policy HOV1 and other relevant policies, the table below summarises why this conclusion has been reached:

Policy HOV1 criteria:-

a) include affordable housing on site at 25% of the overall housing provision;

25% agreed by agent for on site provision, tenure mix to be agreed subject to S106 agreement

b) include at least 2% of the total number of new homes as fully adapted dwellings for wheelchair users;

2 houses would need to be adapted for wheelchair users. This can be ensured by a condition to be imposed on the application.

c) include an Ecological Constraints and Opportunities Plan (ECOP), and incorporate appropriate conservation and mitigation measures as recommended by the ECOP. The ECOP must make specific reference to the presence of the nearby Local Wildlife Site;

The application does not include a document specifically referred to as a ECOP. But the ecology report, landscaping information and other supporting documents identify constraints and propose conservation and mitigation measures. No objection has been received from the Council's ecologist subject to appropriate condition.

d) maintain and enhance existing boundary landscaping on all sides;

Landscaping has been retained and more would be introduced to most boundaries. Where no additional landscaping is shown, rear gardens would be in place which offers a future opportunity for planting for the future occupiers.

e) include open space within the site, some of which must include equipped children's play provision (shared with HOV2);

Open space has been provided on site. A contribution has been agreed for upgrades to existing nearby play facilities as requested by the Leisure Development Manager. This is considered a suitable alternative to on site play equipment.

f) include walking and cycling links to improve local connectivity specifically between this site and HOV2 and to Fir Tree Road to the south;

Footpaths to the HOV2 site and Firtree Road are proposed which are considered to improve vehicle and pedestrian links.

g) include a Flood Risk Assessment and flood resilient design as appropriate to the outcome of that report; Sufficient Flood Risk reports have been submitted and appropriate conditions are to be added to cover surface water drainage and sewage disposal in line with comments from ESCC SUDS and Southern Water.

h) be supported by a Transport Statement. Proposals must indicate how the conclusions and recommendations of the Statement have been incorporated within the development;

Sufficient transport statements, associated plans and documents have been included and incorporated into the development in line with ESCC Highways comments. Appropriate conditions have also been added.

i) investigate the impact of land contamination and incorporate appropriate mitigation measures;

An initial contamination assessment has been submitted and conditions recommended by the Council's Environmental Health Team to incorporate appropriate mitigation measures.

j) provide a connection to the sewerage system at the nearest point of adequate capacity and/or make improvements to the infrastructure if necessary, as advised by Southern Water.

Southern water have advised conditions to ensure adequate system connection and additional capacity to be provided for the development.

As can be seen from this summary the proposal currently demonstrates compliance with this policy or the matters can be addressed by condition. This compliance offers support for the development of the site and significant weight is attached to this.

6. Local Finance Considerations

Hastings Borough Council and East Sussex County Council would receive payments towards play equipment, library facilities and public rights of way maintenance should the application be recommended for approval subject to S106 agreement and the S106 approved and agreed after the planning committee. These contributions are material to the recommendation of the application.

The development would also be subject to the New Homes Bonus scheme. Under the scheme the Government matches the council tax raised from new homes for the first six years. The Council then works with the community to decide how to spend the extra funding. Although a clear incentive to promoting development, this payment is not considered material to the application.

7. Evidence of Community Involvement

A Panning Forum was held on the evening of 16th October 2017 at Hastings Borough Council, Muriel Matters House for an early version of the development. This allowed Councillors, local interest groups and the public to ask questions and provide feedback via questionnaires following a presentation of the scheme. Responses showed a split of support and concerns regarding the development.

8. Conclusion

Considering the above discussion the proposed development is considered to be sustainable development in accordance with the NPPF and in compliance with Hastings DMP (2015) policy HOV1 and other relevant policies of the Hastings LP (2014). It will provide for much needed residential accommodation and secure benefits such as affordable housing, public open space and contributions towards public rights of way, libraries and local play space.

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.

9. Recommendation

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

- a financial contribution towards libraries (£26,563) and local public right of way improvements (£2424);
- 25% units to be affordable housing (25 units);
- a financial contribution towards improving and upgrading local play facilities (approximate £110,600);

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. In the event that the Agreement is not completed by 21st September 2018 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, C11 and C13) 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 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. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the residential units 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.
3. (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 then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

and

- (iii) 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.
4. Surface water runoff from the proposed development should be limited to the existing runoff close to greenfield runoff rates or a rate agreed to by Southern Water for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings required by condition 3. The hydraulic calculations should take into account the connectivity of the different surface water drainage features. Evidence that Southern Water agrees to the proposed surface water discharge rate should be submitted prior to the occupation of the units hereby approved. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
5. The detailed design of the permeable pavements and geo-cellular storage tanks should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the SuDS features 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 drainage system should be provided. Evidence of how impacts of high groundwater on the structural integrity of the tanks will be managed should also be provided.
6. A maintenance and management plan for the entire drainage system should be submitted to the local planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will

remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

7. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development.
8. Prior to occupation of the development, written evidence (including photographs) should be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
9. All ecological measures and/or works shall be carried out in accordance with the details contained in "SITE OF FORMER SATURN INDUSTRIES, FELLOWS ROAD, HASTINGS, EAST SUSSEX, WILDLIFE PROTECTION AND MONITORING DURING AND AFTER CONSTRUCTION, BY MARTIN NEWCOMBE, 25th October 2017" as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
10. No part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Details are to include the extent of land on roundabout arm/access road to be dedicated as highway, pedestrian facilities (footway and dropped crossing point) surface water drainage and lighting proposals.
11. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.
12. The 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.
13. No part of the development shall be occupied until visibility splays of 2.4 metres by 25 metres have been provided at the proposed site vehicular access onto Fellows Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
14. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
15. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for

the parking of cycles.

16. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
17. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the approved plans. This space shall thereafter be retained at all times for this use and shall not be obstructed.
18. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
 - 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.
19. No development shall take place 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. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
20. No part of the development shall be occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority.
21. No part of the development shall be occupied until such time as details and construction specification showing the proposed improvement works to the emergency access road have been submitted to and approved in writing by the Local Planning Authority.

22. 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.

23. Details of external lighting during construction shall be submitted to and approved in writing prior to commencement of development. Details of other external lighting, post construction, shall be submitted to and approved in writing prior to the occupation of the units hereby approved.

24. The noise rating level emitted by all plant (including any fans, tools or other mechanical services) on the site shall not exceed 52 dBA between 0700 and 2300 hours and 40 dB between 2300 and 0700 hours. The noise levels shall be determined in a free field location adjacent to any nearby residential premises. The measurement and assessment shall be made according to BS 4142: 2014.

Any forklift trucks used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever a forklift truck is used on the site.

25. 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 or equipment 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 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 British Standard BS4142: 2014(condition 25), at any adjoining or nearby noise sensitive premises.

26. No deliveries during construction of the development shall be taken at or dispatched from the site outside the hours of 23:00 - 06:30.

27. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:

- a. An indicative programme for carrying out of the works
- b. The arrangements for public consultation and liaison during the construction works
- c. 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)
- d. Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- e. the parking of vehicles of site operatives and visitors
- f. loading and unloading of plant and materials

- g. storage of plant and materials used in constructing the development
- h. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- i. wheel washing facilities
- j. measures to control the emission of dust and dirt during construction
- k. a scheme for recycling/disposing of waste resulting from demolition and construction works

28. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates within the site. Prior to commencement of works on site, the contents of the scheme should be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
 - adjoining land
 - groundwaters and surface waters
 - ecological systems
 - archaeological sites and ancient monuments
- (iii) an appraisal of remedial options, and proposal of the preferred option(s)

This must be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11"

- 28. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
- 29. Prior to commencement of development on site 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 prepared, and submitted for approval in writing to 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.
- 30. The approved remediation scheme (Condition 29) 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 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 submitted in writing of the Local Planning Authority prior to commencement of development.

31. Two of the new houses approved as part of this development shall be fully adapted dwellings for wheelchair users.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the visual amenity of the area.
3. To prevent increased risk of flooding.
4. To prevent surface water flooding
5. To prevent flooding
6. To ensure that the scheme is properly maintained and does not give rise to flooding
7. To prevent flooding
8. To prevent flooding
9. To prevent harm to protected species
10. In the interests of road safety
11. To prevent flooding
12. In the interests of highway safety
13. In the interests of road safety
14. To provide car parking space for the development
15. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
16. To secure satisfactory standards of access for the proposed development.
17. In the interests of road safety
18. In the interests of highway safety and the amenities of the area.
19. In the interests of highway safety and the amenities of the area.

20. To encourage and promote sustainable transport.
21. To ensure that suitable improvements are made and to safeguard users.
22. To safeguard the amenity of adjoining residents.
23. To protect neighbouring residential amenity
24. To safeguard the amenity of adjoining residents.
25. To safeguard the amenity of adjoining residents.
26. To safeguard the amenity of adjoining residents during construction of the development.
27. To safeguard the amenity of adjoining residents during construction of the development.
29. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
30. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
31. To provide 2% of new homes on the site as suitably adapted for wheelchair users in compliance with section b) of policy HOV1 of Hastings Development Management Plan 2015.

Notes to the Applicant

1. The applicant is advised that drainage associated with wastewater or sewage must be separate to, and not connected with, surface water drainage unless otherwise approved. Drainage misconnections can pollute rivers and beaches in Hastings. You must ensure that drainage from your properties does not cause pollution. Enforcement action could be taken to resolve this under the Building Act 1984. Drainage misconnections for new development which allow or cause pollution would also be contrary to Building Regulations. You are advised therefore to check your property is connected correctly and any plans for additional drainage connect to the correct foul or surface water system. You can get further advice on identifying your drainage and repairing misconnections at <http://www.connectright.org.uk/>.
2. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

3. The applicant is advised that the Construction Traffic Management Plan will need to include provision of a Temporary Traffic Regulation Order (TTRO) to safeguard the roundabout from parked vehicles. Furthermore, securing a contribution of £5,000 for a permanent TRO for double yellow lines so that the roundabout is kept clear of parked vehicles is required. This can be secured by an appropriate legal agreement between the applicant and highway authority.

The works associated with the access road is likely to require a s278 agreement with a dedication of highway aspect to ensure that the transition between private road and highway can be maintained to safeguard users of the public highway

4. 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.
5. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
6. 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.
7. 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.
8. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr R Temple, Telephone 01424 783254

Background Papers

Application No: HS/FA/17/01040 including all letters and documents