

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 20 June 2018  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Former The St Leonards Academy Darwell  
Campus, Darwell Close, St Leonards-on-sea,  
TN38 9JP  
**Proposal:** Outline application for the erection of up to 210  
dwellings (25% affordable) with associated  
open space, play areas, landscaping and  
access.  
**Application No:** HS/OA/15/00168

**Recommendation:** Grant Outline Planning Permission

**Ward:** WEST ST LEONARDS 2018  
**Conservation Area:** No  
**Listed Building:** No

**Applicant:** East Sussex County Council per DMH Stallard  
Gainsborough House Pegler Way Crawley, West  
Sussex. RH11 7FZ

**Public Consultation**

**Site Notice:** No  
**Press Advertisement:** Yes - General Interest  
**Letters of Objection:** 22  
**Petitions of Objection Received:** 1  
**Letters of Support:** 0  
**Petitions of Support Received:** 0  
**Neutral comments received** 0

**Application Status:** Not delegated - Petition received

**Summary**

The application was originally reported to the Planning Committee on the 16 November 2016, the Committee approved the application subject to a s106 Planning Agreement. The terms of the agreement were outlined at committee as follows:

A minimum of 25% affordable housing;

1. A contribution of £3,420 per house, and £513 per flat towards primary school education (£660,060).
2. A contribution of £958 per house and £144 per flat towards nursery provision within the locality of the application site (£184,900).
3. A contribution of £263 per dwelling for library provision within the locality (£55,230): and
4. A contribution of £24 per dwelling towards the improvement of public rights of way within the locality of the application site (£5,040).
5. A financial contribution of £250,000 to fund the highway improvements set out within the Hastings Local Plan – Infrastructure Delivery Plan.
6. The submission of a Travel Plan.

In the event that the agreement was not completed by 1 March 2017 that permission could be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of Planning Committee. A subsequent extension of time was granted and the amended terms of agreement agreed in principle.

East Sussex County Council have subsequently confirmed in letters of 16 January 2017 and 17 October 2017 that the education contributions are no longer required. The reasons provided by East Sussex County Council are that the schools have capacity to accommodate the future educational needs that would arise from this development as set out in the County's Education Commissioning Plan 2017-2021. The report prepared by the Children's Services Department provides forecasts on the need for early years, primary and secondary places in the Hastings/St Leonard's area, taking account of demographic factors and additional provision of places in the town. For example the total primary numbers on roll, standing at 6,866 in 2016/17, are forecast to peak at around 7,035 in 2018/19, the current Primary school capacity in the Borough is 7,200.

As a result the application is being referred back to the Planning Committee for members to consider the application in the absence of the education contributions. Planning committee has already resolved to grant approval for the application, subject to a s106, and as such the only matter to be considered in this report is the change in education contributions.

For information the report below largely restates the key planning considerations as outlined in the report of 16 November 2016.

This application relates to land to the north of Darwell Close, on land that was formally occupied by the Grove School (St. Leonards Academy, Darwell Campus). The buildings on the site have been removed, and the site is now closed to public access.

The site is allocated for residential purposes, within the adopted Development Management Plan (2015), which forms part of Hastings Local Plan. Policy FB1 of this plan identifies that this site is capable of accommodating up to 240 dwellings within the site, with the inclusion of 25% affordable housing. The policy also sets out a number of specific requirements that any future development should incorporate; these are set out in full within the main body of the report.

The main issues to consider are the impact of the development upon the character and appearance of the locality, the impact upon neighbouring properties, the loss of sports pitches, the impact upon biodiversity, the impact upon highway safety and the loss of a community facility (with the site previously having been a secondary school).

Having fully considered all of these matters, and all of the consultation responses and representations made, it is recommended that planning permission be granted subject to a S106 legal agreement, and the imposition of suitable conditions.

## **The Site and its Location**

The application site is 9.55 hectares and is located within the urban confines of St Leonards, being to the south of Crowhurst Road and to the north of Darwell Close. To the north-west of the application site is a local wildlife site which contains an area of ancient woodland, which is subject to designation within the Local Plan.

The site is otherwise surrounded by existing housing, which is characterised by relatively large detached properties to the east and south, and slightly smaller properties to the west.

The site is relatively self-contained by existing housing which fronts on to Darwell Close, Harley Shute Road and Crowhurst Road, and as such there are limited views into and out of the site. In addition, the site is well screened by a number of mature trees that surround the site and which line a current access into the site from Darwell Close. In terms of topography, the site is highest within the central and northern part of the site, and significantly lower to the south and west. There is also a significant fall to the surrounding land to the north of the site, where a pedestrian access point is proposed.

Within the main body of the site, the land is undeveloped, with the previous school buildings having been demolished. There is a significant level of tree planting around the perimeter of the site, and within the southern parcel, which contains a number of mature trees.

Outside of the site, the area is predominantly residential in character, with the roads in a typical suburban layout, with some tree lined avenues, and properties which are set back from the highway with off street parking provision.

## **Policies**

### 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 environments 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 (LPA) 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 that 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 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 pro-actively 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."

#### Planning Practice Guidance NPPG)

Design - Paragraph 025 states that 'decisions on building size and mass and the scale of open spaces around and between them, will influence the character, functioning and efficiency of an area. In general terms, too much building mass compared with open space may feel overly cramped and oppressive, with access and amenity paces being asked to do more than they feasibly can.'

Local Policy:

#### The Hastings Plan - Planning Strategy (2014):

DS1 - New Housing Development

SC1 - Overall Strategy for Managing Change in a Sustainable Way

FA1 - Strategic Policy for Western Area

H1 - Housing Density

H2 - Housing Mix

H3 - Provision of Affordable Housing

EN1 - Built and Historic Environment  
EN3 - Nature Conservation and Improvement of Biodiversity  
EN4 - Ancient Woodland  
EN7 - Conservation and Enhancement of Landscape  
CI1 - Infrastructure and Development Contributions  
CI2 - Sports and Leisure Facilities  
CI3 - Children's Play Provision  
T2 - Local Road Improvements  
T3 - Sustainable Transport  
T4 - Travel Plans

#### Hastings Local Plan - Development Management Plan (2015)

FB1 - The Grove School Allocation Policy  
LP1 - Considering Planning Applications  
LP2 - Overall Approach to Site Allocations  
DM1 - Design Principles  
DM3 - General Amenity  
DM4 - General Access  
HN4 - Development Affecting Heritage Assets with Archaeological Interest  
HN8 - Biodiversity and Open Space

#### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

### **Constraints**

Policy FA1 of the Hastings Local Plan - Planning Strategy (2014) refers to an overall quantum of development that is proposed for the Western Area - which is then proposed to be considered in greater detail within the Development Management Plan which follows.

Whilst the application site is allocated within the Council's adopted Development Management Plan, there are a number of constraints that impact upon the site, both upon it, and also within the locality. To the north of the application site is ancient woodland which is both protected nationally and identified with the Council's local plan through Policies EN3 and EN4. In addition, the land to the north is a local wildlife site which contains a number of tree preservation orders.

To the south east of the site is Combe Valley Country Park which seeks to protect this land for public amenity within the Development Plan through Policy EN3 of the Hastings Local Plan - Planning Strategy (2014).

The application site contains an archaeological notification area (within the north portion of the site). This notification area requires proposals for development within such areas to be accompanied by suitable desktop assessments, as set out within Policy HN4 of the Development Management Plan (2015).

### **Details of the Proposal and Other Background Information**

This is an outline planning application with all matters reserved for the erection of up to 210 dwellings, together with the associated internal highways, landscaping, and infrastructure provision. The application site is 9.55ha and the proposal would seek to consolidate the

housing provision upon the area previously used as playing fields. The applicant has submitted illustrative plans with the application, which demonstrate the level of development that could be accommodated within the site, which would produce this yield.

Whilst these plans show that this yield can be comfortably accommodated, there are a number of conditions proposed that would seek to guide any reserved matters application that would be submitted, to ensure a high quality form of development and, in particular, to ensure that there would be no adverse impact upon biodiversity within the site.

The application is accompanied by a significant level of detail, with indicative elevations shown for the properties; a proposed housing mix is also provided. As this is an outline planning application, these are not for consideration at this point, other than to demonstrate what *could be* achieved within the site. Members will not be bound by these plans, but should be guided by them. The proposals do show a small number of dwellings that would front on to Darwell Close although the majority of the development is contained within the application site - and would not front onto an existing highway.

Access into the site has been shown from two entry points within Darwell Close and for pedestrian access on to Crowhurst Road. The submitted plans also show the highway mitigation that would be required to be provided off-site should permission be granted on this site. This includes mitigation to Harley Shute Road at the junction with Darwell Close.

A significant area is also proposed to be set aside for open space - which is to be retained within the existing woodland area within the south western parcel of the site - which sits at a lower level than the former playing fields. This area would also be used for ecological mitigation.

The applicant is proposing that 25% of the residential units would be provided for affordable housing, in line with existing policy.

### **Previous Site History**

HS/51/00446	Erection of a secondary boys modern school for boys. Approved. 19/05/1951
HS/67/00924	Addition to the building at The Grove School to form extension to Westlands School. Approved. 14/09/1967
HS/CC/11/0876	The refurbishment and extension to the school and its amalgamation with the Grove School to provide a new mixed academy including new sports hall, 32 additional parking spaces, 100 covered cycle spaces and new boundary treatment. Approved. 01/12/2011

There have been a number of other planning applications that relate to minor alterations to the school which are not relevant to the determination of this planning application.

### **Consultation Responses**

Neighbouring occupiers were notified of this application, and 23 letters of representation (including a letter from the Wishing Tree Lane Residents Association) have been received. One of the letters was a point of clarification, 22 were objections, the concerns raised within these letters are summarised below:

- The development will have an adverse impact upon residential amenity;
- The development would result in an unacceptable impact upon the existing highway network;

- Having a sole means of access onto Darwell Close is not appropriate;
- The impact upon wildlife, and in particular birds as a result of the relocation of the MUGA;
- The proposal would impact upon the existing woodland; and
- The proposed play area will bring about noise and disturbance, and litter.

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

- The proposal would not fit in with the local character. The proposal would have an impact upon the feel and values within the areas;
- The development would generate an unacceptable level of noise for the existing residents;
- The proposal would generate a highway safety concern;
- The proposal would have an unacceptable impact upon the existing public services such as school provision; and
- The proposal would have an unacceptable impact upon the amenities that the existing residents currently enjoy.

The Ramblers Local Footpath Secretary comments on the application, and requested that conditions relating to the existing footpaths be included within any permission. It is considered that to impose a condition of this nature would not meet the tests of the NPPG as it would not be necessary to make the development acceptable. Therefore any requests relating to the footpaths will be added as informatives where appropriate.

**Southern Water** was consulted and raised no objections to this proposal subject to the imposition of suitable safeguarding conditions. (Conditions 14, 17, 22)

**The Housing Needs and Enabling Manager** was consulted and raised no objection to this proposal subject to the provision of 25% affordable housing throughout the development.

**The Environment and Natural Resources Manager** was consulted and raised no objections to this proposal subject to the imposition of suitable conditions which are set out at the end of the report. (Conditions 5, 8, 9, 10, 12, 22, 25)

**East Sussex County Council** was consulted on the application and made the following requests for financial contributions:

- Education - Early Years: £0
- Education - Primary - £0
- Education - Secondary £0
- Library - £55,230
- Rights of Way - £5,040 (£24 per dwelling)

**The County Archaeologist** was consulted and raised no objections to this proposal subject to the imposition of suitable safeguarding conditions. These conditions are set out at the end of the report. (Conditions 18, 19)

**The Local Highway Authority** was consulted and do not object to the proposal subject to the imposition of suitable safeguarding conditions. These conditions are discussed in the main body of the report, and where appropriate are set out at the end of the report. (Conditions 7, 13)

**The Environment Agency** was consulted and raised no objections to the proposal subject to the imposition of suitable safeguarding conditions. These conditions are set out at the end of the report. (Conditions 20, 22)

**Natural England** was consulted and raised no objection subject to the imposition of a suitable condition on any planning permission granted. This condition is set out at the end of the report. (23, 25)

**UK Power Networks** was consulted and raised no objections to the proposal.

**Sport England** has objected to the proposal as it would result in the loss of a playing field that has not been demonstrated to be surplus to requirements. Consequently, it is not considered to accord with paragraph 74 of the NPPF nor Sport England's policy 'A Sporting Future for the Playing Fields of England.'

**Representations:** Following the initial Planning Committee decision on 16 November 2016 a number of letters and emails have been submitted that have queried the delay in issuing the planning decision beyond that noted in the original resolution to grant. In particular concern was raised at the lost opportunity for additional education funding, ability to properly assess the delivery of 25% affordable housing on the site and the need to update transport assessment following the opening of the Link Road.

## **Planning Considerations**

### **Principle of Development**

The main issues to be considered in the determination of this planning application are the principle of development, the impact upon residential amenity, ecology and biodiversity, the loss of the community facility, the impact upon the character and appearance of the area and the impact upon the highway network.

The Council have an adopted planning strategy (adopted in 2014) as well as the adopted Development Management Plan. The site is allocated for housing within the Development Management Plan (herein referred to as DMP) which has recently been adopted and as such, the principle of developing this site for residential purposes is accepted. However, there are a number of planning policies which directly relate to this site, or would impact upon any proposed development within it.

The site is located within a sustainable location, close to existing residential properties, and within a short walk of some key local services. As such the principle of development would conform to the National Planning Policy Framework (herein referred to as the NPPF) in this respect. When assessed against the three 'golden threads' of sustainable developments, it is considered that the redevelopment of the site could bring about economic, environmental and social benefits.

Environmentally, the majority of the existing woodland, and tree planting is to be retained; so there would be minimum impact upon the character and appearance of the locality, and upon biodiversity. The design brief (set out below) should be adhered to, and conditions imposed that will ensure that there is no significant harm to the environment locally.

Socially, the development would bring about much needed market and affordable housing provision within a sustainable location. The Borough has a number of local employment sites

that can be accessed from this site and, as such, the necessity to travel to work is reduced.

Economically, the redevelopment of this site would bring about construction jobs, as well as associated benefits for local businesses, such as estate agents, surveyors etc. The development would also bring about additional receipts for the Local Authority, and would accord with their objectives for this site. The proposal would therefore meet the requirements of the NPPF in this respect.

## **Key Policy Requirements**

**Policy FB1** relates to this application site, and requires for the applicant to provide:

- Affordable housing at 25% of the overall housing provision;
- At least 2% of all units to be fully adapted for wheelchair use;
- Include an ecological constraints and opportunities plan, including specific reference to the presence of the adjacent ancient woodland, and local wildlife site, and to incorporate conservation and mitigation measures as recommended by the plan as appropriate;
- Provide an arboriculture plan that demonstrates how existing trees on site will be integrated into the development, or how compensation will be made for their loss;
- Include formal open space and green space within the site;
- Include a flood risk assessment and incorporate measures to address surface water flood risk such as SUDs;
- Investigate the feasibility for district heating and/or combined heat and power systems on site;
- Contribute to the improvement of existing play facilities within the locality;
- Secure the retention or relocation of the Multi Use Games Area (MUGA);
- Include walking and cycling links to improve local connectivity and to preserve the Public Right of Way to the north of the site;
- Be supported by a Transport Assessment and Travel Plan;
- Ensure future access to the existing sewerage infrastructure for maintenance and upsizing purposes as advised by Southern Water.

The site also has a design brief which sets out the following parameters: -

- Boundary landscaping along a number of the boundaries;
- Potential formal open space within the centre of the site;
- Informal green space within the south-eastern parcel of the site;
- The retention of the MUGA within the centre of the site.
- Potential road improvements at the junction of Harley Shute Road and Darwell Close, and Wishing Tree Lane.

The key test is therefore whether the development complies with these requirements, and has no adverse impact upon the character and appearance of the locality or the amenity of the existing occupants around the site (and all other material considerations).

**Policy H1** of the Planning Strategy requires developments to make full and effective use of land by achieving the following densities: -

- a) at least 40 dwellings per hectare in sustainable locations close to a good range of existing or potential services and facilities and where there is, or there is potential for good public transport. This includes Hastings and St Leonards town centres, and the district centres of Sliverhill and Ore.
- b) at least 30 dwellings per hectare in all other locations unless there are special local circumstances that require a different treatment.

**Policy H2** of the Planning Strategy requires residential development to deliver a balanced mix of housing within each site.

**Policy H3** refers to affordable housing, and aligns itself with the requirements of the draft allocation, in requiring the provision of 25% affordable housing provision.

**Policy EN1** refers to the built and historic environment, and Archaeological Notification Areas, which sets out the requirement to fully assess the archaeological heritage within the areas, and to record any findings.

**Policy EN3** refers to the importance of protecting and enhancing the biodiversity of the Borough. This requires for development to seek no net loss of ecology within sites should development be permitted.

**Policy EN4** refers to ancient woodland, and development adjacent to near it. Again, the allocation aligns with this policy insofar as it requires the proposal to demonstrate that the proposal would not adversely impact the woodland.

**Policy EN7** refers to the conservation and enhancement of the town's landscape. It requires development to pay regard to the character of this landscape, and respond positively to it.

**Policy CI1** relates to the provision of community infrastructure, and requires for development to contribute towards the Infrastructure Delivery Plan and to mitigate the impact of any proposal upon the local infrastructure.

**Policy CI2** relates to the provision of sports and leisure facilities, and allows for the loss of existing sports provision where it is of a low quality, surplus to requirements or where it would be relocated elsewhere.

**Policy CI3** concerns the provision of children's play equipment with developments, and requires suitable areas (equipped) to be provided if there is a local need.

**Policy T2** refers to the need for developers to contribute towards the improvements of highways within the Borough if there is a demonstration that the level of development would have an impact upon the existing network.

**Policy T3** is concerned with seeking to achieve a modal shift to more sustainable forms of transport within the Borough.

**Policy T4** is directly related to this, insofar as it requires the provision of travel plans to help achieve the objectives of the aforementioned policy.

### **Loss of Community Facility**

The loss of the existing school has already occurred in this instance. The site has been vacant for a significant period of time (the school closed in 2011). It was then merged with Filsham Valley School to form the St Leonards Academy - which opened in September 2011. Given this significant period of time, the loss of this use is not considered to be a significant material consideration in this instance.

## Design/Layout

The applicants have sought to follow the requirements of both the draft policy, and the design brief within the DMP, and in doing so have submitted a scheme that is considered to be acceptable in broad design terms.

Whilst this is an outline application with matters such as design and layout for future consideration, the applicant has submitted indicative plans which demonstrate how 210 dwellings could be accommodated within the application site.

The proposal would be of a relatively low density, being approximately 22dph, although this is as a result of the necessity to retain the woodland area which lies within the southern parcel of the site. Nevertheless, the indicative layout does show that the properties could be provided with good sized amenity space, and good levels of off street parking provision. Although the density is higher than that of the surrounding area (which is more akin to 15dph) it is noted that the proposed density of 22dph is both within the recommended policy density of Policy H1 (which allows for 30dph in locations such as this) and below the recommended density of Policy FB1 (25dph) which allows for 240 dwellings across the whole site.

It is requested however that only one pedestrian footpath be included on the access roads into the application site, in order to ensure that the level of hardstanding is kept to a minimum at these entrance points. This will enable more soft landscaping provision to be made which will respond positively to the existing character and appearance of the locality. It is therefore recommended that an informative be provided which will advise the applicant that the reserved matters application should be designed in this way.

The design brief seeks to retain the south-western corner of the site for public open space. Much of this land is at a lower level than the remainder of the site, and is well wooded. The applicants are seeking to retain the woodland area and to re-locate the existing multi-use games area (**MUGA**) onto the northern part of this open space (on the existing hard standing). This area would be directly overlooked by the properties that front on to the main access road, into and out of the site.

The applicant has submitted relatively detailed plans (for an outline application) which show that the majority of the houses within the development as two storeys in height, responding to the heights of the developments nearby.

These indicative plans show a variety of properties which could be provided within the application site, including 56no. 2 bedroomed terraced properties, 74no. 3 bedroom terraced/semi-detached properties, 12no. 3 bedroom detached or semi-detached properties 42no. 4 bedroom detached or semi-detached properties, and 6no. 4 or 5 bedroom detached properties. The proposal would also provide an element of flatted development which is likely to form part of the affordable element of the proposal.

It is proposed however, that a three storey flatted development be provided within the northern section of the site. The plans illustratively show this as a linked building of three elements – all of a fairly uniform nature. The building would however be set within a good level of open space including tree planting, with the landscaping provision to the rear retained and open space to the front.

It is shown that the majority of the site would be inward looking, which is considered an appropriate design solution, given the fact that much of the site backs onto the existing rear

gardens. The properties would be a suitable distance (proposed rear gardens with a minimum length of 10m) from existing rear gardens and would, therefore, not appear as cramped, or out of character with the existing pattern and grain of development.

Policy FB1 requires for an area of open space to be provided within the centre of the site that can accommodate a play area. The indicative plans show an area within the core of the site (LEAP area of 800 sqm); however, these plans show properties backing on to the play space with a real lack of natural surveillance. This is not considered acceptable and for this reason, I recommend that an informative (Informative 1) be imposed which sets out that any reserved matters application submitted shows this central open space as having dwellings fronting on to it, firstly to make a feature of it, and secondly, to ensure that it is overlooked and safe.

The policy that allocates this site requires for a minimum of 2% of all properties to be fully wheelchair accessible. It is therefore considered that a condition should be imposed to ensure that this is complied with as part of any reserved matter application.

### **Residential Amenity**

Whilst this is an outline planning application, plans have been submitted that indicatively demonstrate that up to 210 dwellings can be accommodated within the site. It is important to note that these are indicative only, and do not necessarily indicate the final form of any layout within the site.

It is proposed that the land to the south-west of the application site be retained as open space, and woodland and, so the properties within both 'Darwell Close', and 'Newts Way' would be relatively unaffected by the proposal. These properties would continue to back onto this open space and, whilst properties numbered 18,19 and 20 'Newts Way' would have dwellings to their rear, there is the potential for sufficient distance of at least 21metres (back to back) to be provided - as shown illustratively and existing soft landscaping to ensure that no overlooking, overshadowing or the creation of a sense of enclosure would ensue.

The properties along 'Harley Shute Road' and 'Crowhurst Road' have extensive rear gardens of between (approximately) 25 metres and 40 metres and the proposed dwellings would, therefore be set a suitable distance away from these existing dwellings. The design brief seeks to maintain the boundary landscaping along the rear of the properties within 'Harley Shute Road' and it is proposed that this be incorporated within a landscaping condition. This, together with the distance from the rear of the properties proposed (which are shown as having rear gardens of approximately 10-12metres), would ensure that there would be no significant detrimental impact upon the character and appearance of the locality. It is very much a similar situation for properties along 'Crowhurst Road', and for this reason, no objection is raised with regards to residential amenity.

It is considered that these distances, together with the existing boundary treatments (including soft landscaping) would be sufficient to ensure that no existing property would be subject to overlooking from either first floor, or ground floor windows of the proposed dwellings. Likewise the separation distances (of at least 21metres) would ensure that no existing property would be subject to the creation of a sense of enclosure or an overbearing impact from any of the permitted dwellings. Because this is an outline application, these details will be considered in more detail at the reserved matter stage, nevertheless, the distances as shown on the illustrative plan do indicate a yield of this size can be achieved with suitable separation from the existing properties. For this reason, it is considered that the proposal would comply with the requirements of the Local Plan and NPPF in this regard.

Concern has been raised by some neighbours that the proposal would have a detrimental impact upon the value of their property. This is not a material consideration in the determination of a planning application, and accordingly cannot be considered.

Concern was also raised with regards to the potential for significant noise and disturbance generated by the proposal. Whilst the change from undeveloped site, to housing estate will undoubtedly result in increased activity, there is no reason to presume that this would be in any way unneighbourly and so, no objection is raised on this basis.

Likewise, whilst concern is raised with increased traffic movements and the associated impact of headlights, this is not considered to be at a level that would be uncommon within a built up area. In addition, the site has been operational as a school for a number of years where similar issues would have arisen. For these reasons, it is not considered that this would be of a level that would prove significantly detrimental.

The vehicular movements would be at their busiest during the peak hours - which is not dissimilar to the previous school use. It is indicated that there would be approximately 130 two way trips during the morning and 151 during the afternoon peak. The assessment concluded that the school use would have generated 361 two way trips in the morning peak and 53 in the afternoon peak. This demonstrates that there would be a significant reduction in the morning but an overall increase in the evening. It is not considered that the number of vehicle movements would be excessive and, as stated are at a level that one would expect within a built up residential area.

The access points are also shown to be close to the existing points of access, where as set out above, there would have previously been high level of vehicular movements. It is understood that since the closure of the school six years ago, this would have reduced significantly, however the lawful use of the site is for school purposes and the application should be assessed accordingly. One of the accesses is shown as being to the rear of properties along Harley Shute Road, but again, because of the length of their gardens, this is not considered to be to the detriment of the amenity that they currently enjoy.

It is therefore considered that this development can be accommodated without any significant harm to the amenities of the existing residents within the locality, and no objections are raised.

## **Highways**

The County Council have submitted their comments with regards to this application, and raise no objections to the proposal. It is considered that the proposal can be accommodated within the application site without any significant impact upon highway safety, or upon the parking provision within the locality of the site.

It is proposed that two accesses into and out of the site (one vehicular and one pedestrian) be provided along 'Darwell Close', with amendments made to the junction of this and 'Harley Shute Road'. These improvements would consist of the provision of a right hand filter lane, which would enable a safer means of access for those travelling from a north-easterly direction. This work has been fully appraised by the County Council who consider it to be the appropriate response to enhancing this junction. The pedestrian crossing to the south would remain in situ.

Whilst the application is in outline form, the applicants have provided the Local Planning Authority with an indicative level of parking provision. This is considered to demonstrate that an adequate level of parking can be provided on site, to address the needs of the future

residents, without resulting in 'overspill' into the neighbouring highways. Given the relatively self-contained nature of the site, it is felt that it would be unlikely that neighbouring roads would be used in any event but that, nevertheless, the site would 'consume its own smoke' in terms of parking requirements.

A request has been made with regards to highway contributions (£250,000) towards the Council's Infrastructure Delivery Plan (IDP). The matter of how the proposal relates to Regulation 122 of the Community Infrastructure Regulations 2010 is fully considered later in this report. As this would be one of the largest housing allocations within the Development Plan, there would be an acknowledged impact upon the highways within the locality, but also within the town centre – where much of the traffic movement is inward bound in the morning peak, and outward bound at the afternoon peak. The contributions towards highways infrastructure would assist delivering the agreed highway improvements and also assist with a modal shift towards public transport by improving accessibility to bus services and facilities which will make them more attractive. The junctions that would be improved are set out within the IDP, although in this instance the Council has not identified which these contributions would fund - but rather they would seek to pool the funds appropriately (in line with Regulation 123 of the CIL Regulations) With the highway mitigation that is proposed at the junction of Darwell Close and Harley Shute Road, together with the other junction improvements that are sought to be funded, and are identified within the Infrastructure Delivery Schedule within the Council's adopted IDP it is considered that there would be no severe residual impact in terms of congestion brought about by this development nor a detrimental impact upon highway safety.

A Travel Plan has also been requested. It is considered that given the location of this site, which whilst in a sustainable location, is not a walkable distance from Hastings town centre, future residents should be encouraged to use public transport. This Travel Plan should look at the possibility of promoting free bus travel for the residents for the first year, or close liaison with the bus companies to provide up-to-date travel information for these residents. This might be through the provision of real time travel information at existing bus stops, or through the use of 'apps' on resident's mobile phones (amongst other measures).

Concern has been raised by a number of local residents with regards to the impact of the proposal on the existing highway network. Whilst it is acknowledged the development will result in an increase in vehicular movements, highway officers have not objected to the application and there is considered to be sufficient capacity within the highway network to accommodate this development. It should be noted that the NPPF states within paragraph 32 that development should only be refused where the *'residual cumulative impacts of the development are severe.'* In this instance, the impact is not considered to be severe.

Should suitable safeguarding conditions be imposed, and should the contributions set out above be provided, there are no grounds to object to the proposal on highways matters.

## **Ecology**

The application was accompanied by an ecological appraisal that sets out that the site has the potential to support a number of legally protected species. However, due to the scale of the site, it is considered that suitable qualitative mitigation can be provided on site, to address this matter.

The ecological report identifies that the site has a moderate value for bats, as whilst none were discovered to be roosting on site due to the level of tree cover (particularly around the perimeter), it was likely that the site could either accommodate roosts, or be used for foraging. It is proposed that further surveys be carried out prior to any works undertaken on

site and so it is recommended that a condition be imposed that would require these additional surveys to be undertaken to inform any reserved matters application(s).

Two badger setts have been identified on site during the initial ecology survey. A further survey was therefore undertaken, which identified that these were a main sett and a subsidiary sett. Given that these setts appear to be in use, and that there are signs of foraging within the site, it is proposed that no development be permitted around these. These setts are both within the woodland area, where no development is proposed to take place and so, no objection is raised. The mitigation within the report does state that existing foraging routes should also be respected and, where necessary, features such as wildlife corridors and raised fences should be incorporated within the development if necessary. This would form part of any reserved matters application.

The wooded area that surrounds the application is considered to be suitable habitat for dormice, and for this reason, the Planning Authority requested that additional surveys be undertaken to assess the impact of this proposal upon these habitats. This report sets out that there is a total of 21,195sqm of suitable dormouse habitat comprising ancient woodland and scattered scrub - which is located to the north and west of the application site. It is noted however that the proposals seek to retain the majority of this woodland area. However, the proposal would result in the loss of 5,817sqm of suitable habitat and so, suitable mitigation would be required to both qualitatively and quantitatively address this reduction.

The report acknowledges that the majority of the loss would be within areas suitable for dormice; however none were found during the studies undertaken. In order to address this, the applicant is proposing the provision of 0.5835ha of new or enhanced planting to existing habitats to improve the site in terms of its suitability for dormice and to ensure no net loss. It is proposed that in advance of any clearance works, a programme of habitat creation be undertaken within set areas (to be conditioned) which would then aim to create and maintain structurally diverse areas of woodland with trees and shrubs of a variety of species and ages that have an open, well-lit canopy. These species would include field maple, hazel, hawthorn, bramble, honeysuckle, spindle, guelder rose, blackthorn, and hawthorn bramble.

In addition to this planting, the proposal also includes the provision of 50 permanent wooden nest boxes across the whole site. The boxes are proposed to be located within the same position as the current nest tubes, and will provide additional habitat and breeding areas for dormice.

With these measures in place it is considered that the proposal would address the proposed loss of habitat satisfactorily.

In terms of reptiles, the site was considered to be of moderate value, and for parts of the site – in particular the western area – to be suitable for their habitat. The applicant has therefore submitted further information on this matter which assessed the population of the site and suitable mitigation to be provided. This report identified that a maximum of 11 slow worms were found on site and 1 grass snake. The report therefore concludes that the development can be accommodated within the site without significant harm to this reptile population, subject to the provision of a receptor site (within the site) that shall be provided prior to works commencing on site. It is proposed that four log piles be included within this area - which shall be kept free of development in perpetuity.

Again, with these measures in place, it is considered that the proposal would accord with the requirements of local and national policy and is, therefore, acceptable.

Given that this development has the potential to impact upon European Protected Species, it is important to consider the necessary Habitat Regulations prior to making a decision on the application. Where developments affect European Protected Species (EPS) planning permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed. Since the development would affect dormice, badgers and bats, a European Protected Species Mitigation (EPSM) licence would need to be obtained from Natural England

An EPS licence can only be granted if the development proposal is able to meet three tests:

1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))
2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

In terms of the first test, the Local Planning Authority has a statutory duty to provide sufficient homes within its area and to maintain a 5 year supply of land for housing. The local plan gives a requirement to provide 3,400 new dwellings over the plan period (Policy DS1 of the Hastings Local Plan - Planning Strategy 2014). The development would assist in meeting the housing requirement, therefore it is concluded that the proposal meets the first of these tests.

The second test requires there to be no satisfactory alternative; the alternative in this case being to retain what protected species are on site and all habitat for the species. In pursuing this alternative this could prejudice the requirement to provide additional housing in the Borough. The mitigation proposed as part of the report shows how the development of the site will retain or re-provide habitat for protected species. Therefore, it is concluded that there is no overriding public interest or satisfactory alternative.

In relation to the third test, the Ecologist has advised that the submitted information should ensure that any impacts would not be detrimental to the ongoing favourable conservation status of the species at this site. Therefore, should permission be granted, the mitigation proposed within ecological appraisals should be secured through a planning condition.

Natural England do not object to this proposal, although they do refer to their standard advice with regards to the above. It is, therefore, considered that suitable mitigation can be provided on site, and the conditions set out below will help influence the reserved matters submission. For this reason no objection is raised on ecological grounds.

## **Landscaping**

As the application is for an outline planning permission, the applicant has not provided any significant landscaping details as part of the proposal. The submitted plans do, however, demonstrate that a good level of internal soft landscaping can be provided which will assimilate the development into the surrounds appropriately.

It is proposed that a detailed landscaping condition be imposed upon any permission which would require the retention of the existing tree planting along the boundaries, and also for

long grass and wildflowers to be provided in appropriate locations. This would have both visual and biodiversity benefits, that would enhance the development, in accordance with the requirements of the NPPF.

## **Head of Terms**

The applicant submitted Heads of Terms as part of this planning application. This sets out a number of contributions or obligations that the applicant would be willing to provide should planning permission be granted. Subsequent correspondence with ESCC has removed the requirement for education contributions.

In terms of the S106 contributions sought, these are set out at the beginning of the report, but are fully analysed within this section. Any requests for contributions or for an obligation to be met should be assessed against paragraph 122 of the Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it meets the following requirements.

It is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The Council has recently adopted both its Local Plan and its Development Management Plan which sets out the requirements of the Authority in terms of infrastructure provision.

The policy requirement of this application site is for 25% of residential units to be provided as affordable. Given the recent adoption of this policy, and the evidence that it is derived from, there is no reason to seek any deviation from this. There is a clear demand, and need for affordable homes within the Borough, and this site is a key site within this housing strategy. As such, this provision is considered to meet the tests set out above, and should form part of any S106 completed should Members resolve to grant planning permission.

The County Council has confirmed in writing that "the existing early years education facilities, Primary and secondary schools in the Hastings area would be able to accommodate the additional children that would be generated by the proposed development".

The County Council have has requested contributions for library book stock and to improve the existing public rights of way (PROW) within the locality. These contributions are £263 per dwelling (£55,230) for libraries and £24 per dwelling (£5,040) for the enhancement of PROWs. In this instance it is considered that both requests are reasonable, and will be required should consent be granted. It is, therefore, recommended that should permission be granted, these be sought.

The County Council are also seeking financial contributions (£250,000) towards the enhancement of the highways network within the Borough and also to encourage a modal shift towards the use of public transport. This application site is the largest within the recently adopted Local Plan, delivering a high yield of new dwellings. It is therefore considered that the proposal would have an impact upon the highway network, which is sought to be resolved through the IDP. It is considered that this contribution is wholly reasonable, and would be directly related to the development. For this reason, these contributions requested should be provided as part of any legal agreement.

## Other Matters

The application site lies within flood zone 1 and as such is at low level of flood risk. The site therefore immediately satisfies the sequential test for development, however due to the size of the site, an FRA was required. The application has been submitted with a Flood Risk Assessment (FRA) and Drainage Strategy. The FRA sets out that the site is not located within a fluvial flood risk area, because of the flood defences in place. Nevertheless, a condition is suggested that would ensure that the properties would not be at risk from any fluvial flooding – which accords with the findings of the FRA. This includes a requirement for the finished floor details to be no lower than 4.8m above Ordnance Datum (AOD), the provision of landscaped channels, and a minimum of a 8m access/buffer along the Hollington Stream culvert to ensure future access is maintained.

The EA flood map and Strategic Flood Risk Assessment identify the site as having a low or very low surface water flood risk. However, in the south-western corner of the site, the EA surface water map indicates some risk of flooding. This is considered to be likely to be due to the general low lying nature of the land that surrounds the pond. The submitted plans show this area to be left undeveloped, and the FRA demonstrates that the proposed development plans do not increase the flood risk in this area, and will in fact, through a more controlled run-off, improve the current situation.

In terms of drainage, the applicant has indicated that appropriate SUDs can be provided within the site. Full details of this SUDs scheme will be provided as part of any reserved matters application, which will not only have the benefit of ensuring a reduced impact upon the existing drainage infrastructure, but also improving biodiversity within the application site. This is set out within the aforementioned condition.

The site currently drains to an outfall pipe located under the school access road near Darwell Close. This pipe has a diameter of 3000mm but there is also a lined ditch which runs from the pipe outlet to the pond which has additional capacity. The calculations that have been provided with the application indicate that this would provide sufficient capacity for the proposed development, and as such there would be no additional risk of flooding through lack of capacity within the existing network. It is proposed that permeable areas be provided within the site - which in total would increase by some 0.518ha from existing. The site will also include sustainable urban drainage features such as watercourses, as well as the use of attenuation storage under areas of public open space within the site - where practicable. It has been indicated that the permeable paving could accommodate approximately 250m<sup>3</sup> of water and the attenuation tanks some 500m<sup>3</sup> - which would be sufficient to address any potential surface water flooding issues (appendix E of the FRA demonstrates a requirement for 641m<sup>3</sup> of storage in the case of a 1 in 100 year flood). Because of the underlying soil conditions, individual soakaways would not be appropriate for this development. Nevertheless, features can be incorporated within any subsequent reserved matters application that will ensure that run off will be no greater to the pipe, ditch or pond than at present, which will ensure that the aforementioned pipe and ditch/pond will be able to accommodate the development.

It is proposed that the surface water drains of the residential development be offered to Southern Water via a S104 Agreement which would ensure an appropriate management of the drainage/SUDs system on site. It is not anticipated however, that the pond will be adopted by Southern Water but will remain the responsibility of a management company that would manage the communal open areas of the site.

The Environment Agency accepts that the area is at low risk of flooding, and agrees with the findings of the FRA. They do however recommend that a condition be imposed that requires details of the flood mitigation set out within the FRA to be undertaken as part of this development. This condition is set out at the end of the report.

The loss of the playing fields within the application has given rise to an objection from Sport England, who are a statutory consultee on the application. An objection from any statutory consultee is a matter that should be given serious consideration, and should not be dismissed lightly. However, the sports pitches are currently unused, and Policy C12 does allow for the loss of such provision if they are not utilised. Whilst it is understood why this objection has been raised, given the Council have allocated this site for housing development, which would result in the loss of the playing field. In spite of being consulted at all stages of the Development Management Plan's development, no representations were received from Sport England in relation to the proposed allocation of the Grove School site until the consultation period on the Inspector's proposed main modifications. The Inspector, via the programme officer, made clear that he could only consider comments on his proposed main modifications and no other elements of the draft Plan at that time. There were no modifications from the Inspector to change the Grove School site subsequently.

It should also be noted that the County Council are currently undertaking a Section 77 application, as per the Schools Standards and Framework Act 1998 for the disposal of the playing field. The County Council are required by law to obtain Secretary of State consent to dispose of any playing field which was in use any time in the previous 8 years. This matter is ongoing, but will also ensure that the playing fields cannot be lost until this agreement has been made.

On this basis it is considered that the loss of these playing fields (which are not bound to be made publicly available in any event outside of school use) would be acceptable and consistent with the Council's Development Plan. Sport England did have an opportunity to comment upon the emerging Plan but made no representations at that time.

## **Conclusion**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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".

As with any planning application, there are a number of matters that need careful consideration prior to determination. In this instance, the proposal, for the erection of residential properties within this site is in accordance with the recently adopted Development Management Plan, and the applicants has sought to also comply with the details of the design brief that the Council have proposed.

Nonetheless, all other material considerations need to be fully assessed prior to determination, to ensure that the development will be acceptable.

It is considered that the indicative plans show a well-designed development that would respond positively to the character and appearance of the locality. The number of dwellings as shown would not give rise to any over-development of the site, with the layout, as shown, adhering to the pattern and grain of the development within the locality.

The development would also not impact upon the existing residents to a significantly detrimental manner, with the ability to develop the site and to provide appropriate separation between the existing and proposed dwellings, which would ensure no significant overshadowing or a sense of enclosure.

Where appropriate, existing trees will be retained. There are some well-established trees around the perimeter of the site, and also within the south-west corner, which would be retained, which would ensure the character of this edge of settlement site would not be compromised.

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

Whilst we acknowledge that Sport England have objected to the proposal on the basis of the loss of the sports pitch, however, this is an allocated site and is strategically important to meet Hastings' housing need. Because this is such a recent decision, and because there is alternative legislation to address this loss (a S.77 application, as per the Schools Standards and Frameworks Act 1998) it is not considered that this should delay the determination of this planning application.

On balance therefore, it is considered that this is an acceptable proposal, and it is for this reason that it is recommended that Members delegated powers to approve, subject to the imposition of suitable safeguarding conditions, and the receipt of an appropriate legal agreement.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

## **Recommendation**

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

1. A minimum of 25% affordable housing;
2. A contribution of £263 per dwelling for library provision within the locality: and
3. A contribution of £24 per dwelling towards the improvement of public rights of way within the locality of the application site.
4. A financial contribution of £250,000 to fund the highway improvements set out within the Hastings Local Plan – Infrastructure Delivery Plan.
5. The submission of a Travel Plan.
6. Provision of a MUGA, as identified on the approved plans and a management plan for its maintenance.

In the event that the agreement is not completed by 1 September 2018 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time

has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of Planning Committee.

B) Subject to the above

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

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
2. Approval of the details of the layout, scale and external appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. No development shall take place until written details and samples of materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed with the approved materials.
5. No occupation of the development hereby permitted shall take place until details of all fencing, walling (which shall include flint walling at the key entry point) and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details and maintained thereafter.
6. No occupation of the development hereby permitted shall take place until details of the satisfactory storage of refuse for any flatted development on site have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first occupation of the associated flatted development and maintained thereafter.
7. No development shall take place until details of the means of vehicular access to the site, including road widths, kerb radii, visibility splays and details of finishes of materials have been submitted to and approved in writing by the Local Planning Authority.
8. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include :
  - The retention of the existing trees along the western and southern boundary of the site;

- The use of a range of natural flowering and berry bearing species of trees;
- Areas of grassland to be managed as rough grassland – both adjacent to the tree belts and also the road verges where appropriate; and
- Deadwood habitat piles.

Together with the indications of all existing trees and hedgerows on the land, and details of any to be retained, and measures for their protection in the course of the development, and a programme for the approved scheme's implementation and long term management.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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.
10. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas, other than small, privately owned domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development for its permitted use and the landscape management plan shall be carried out in accordance with the approved plan for the period specified.
11. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS5837 (2012) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all of the above has been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.
12. No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.
13. No development shall take place until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb stones/crossing points have

been submitted to and approved by the Local Planning Authority. The development shall be built in accordance with the approved details.

14. (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 no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
  - (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.
15. The open areas within the application site, as shown on plan number AD031 Rev A, shall remain open and available for public access and no fences, gates or other means of enclosure shall be placed or erected to preclude access to these areas at any time without the prior approval of the Local Planning Authority.
  16. The details of the landscaping of the site required to be submitted by Condition 8 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details prior to the occupation of any dwellings or flats hereby approved.
  17. No occupation of the development shall take place until the developer has agreed with Southern Water the measures to be undertaken to divert/protect the public water main supply. These agreed measures shall be submitted to the Local Planning Authority and development shall be carried out in accordance with the approved plans.
  18. 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.
  19. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including the provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Archaeological Investigation approved under Condition 18 to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
  20. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated the 26 January 2015, and Design and Access Statement dated August 2014 and the following mitigation measures therein:

- Finished floor levels are set no lower than 4.8metres above the Ordnance Datum (AOD);
- Landscaped overflow channels (e.g. shown as swales in the submitted details) shall be provided to safely divert any exceedance event flows from the upstream flood storage area around the development and downstream.
- The upstream plateau (at the northern extent of the site) shall be raised in level to a minimum level of 7.0 metres AOD.
- Limiting the surface water run off generated by the 1 in 100 year return event critical storm (plus an allowance for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- A minimum 8 metre wide access/buffer corridor shall be provided along the Hollington Stream (Main River) plus access provision through the site to the adjacent Hollington Stream culvert inlet structure to ensure future access is maintained.

The mitigation measures shall be fully implemented prior to the occupation of the development, and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing with the Local Planning Authority.

21. No development shall take place until a Construction Management Plan has been submitted to and improved in writing by the Local Planning Authority. This shall include a construction routing agreement, hours of working, wheel washing, and secured compounds for materials storage, machinery and contractor parking.
22. Construction of the development shall not take place until details of the Sustainable Drainage Scheme have been submitted to, and approved in writing by the Local Planning Authority in consultation with Natural England. The details shall include information demonstrating that there will be no increase in surface water flow from the site and no adverse impact on the water quality of the stream from surface water pollution, during either construction or post construction periods. Such information needs to include (although no be limited to) details of how potential water pollution from car parking areas (e.g. by slats or hydrocarbons) is to be prevented.
23. Prior to the submission of any reserved matters application, additional ecological reports as identified as necessary within the Preliminary Ecological Appraisal and Preliminary Roost Assessment (dated 23 May 2014) shall be undertaken, and any necessary mitigation set out within these reports shall be provided as part of any future submission. The development shall thereafter be undertaken in accordance with the approved plans.
24. The development shall not be occupied until a minimum of 2% of all of the residential units constructed within the application site are designed in such a way to be fully wheelchair assessable, as required by Policy FB1 of the

## Development Management Plan 2015.

25. The development hereby permitted shall be carried out in accordance with the findings and mitigation as set out within the dormouse mitigation strategy, badger survey and reptile survey submitted by 'the ecology consultancy' in support of this application. No development shall take place until all mitigation that is required prior to works being undertaken on site has been fully implemented to ensure that suitable habitat is provided for translocation or retention/enhancement as identified in the submitted reports.
26. Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed adjacent to the dedicated off street parking, and shall thereafter be retained for that purpose.
27. No development shall take place until details of the proposed cycle parking arrangements have been submitted to and approved by the Local Planning Authority. Such facilities shall be provided in accordance with the approved details prior to the occupation of the building and shall thereafter not be used for any purpose other than the parking of cycles.
28. 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.

### **Reasons:**

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. In the interests of the visual amenity of the area.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual amenity of the area and to secure a well planned development.
7. In the interests of the visual amenity of the area and to ensure there would be no adverse impact upon highway safety.
8. In the interests of the visual amenity of the area and to enhance biodiversity within the site.

9. In the interests of the visual amenity of the area.
10. In the interests of the visual amenity of the area.
11. In the interests of the visual amenity of the area and to ensure the long term health of the trees which contribute to the character and appearance of the locality.
12. In the interests of the visual amenity of the area, to prevent light spill and to protect residential amenity, and to ensure that the development does not adversely impact upon the biodiversity within and around the site.
13. In the interests of the visual amenity of the area.
14. To ensure that the development does not have an adverse impact upon the existing infrastructure, and to ensure that the site has suitable means of drainage and to prevent flooding.
15. To ensure that the areas are kept available for the long term enjoyment of future residents.
16. In the interests of the visual amenity of the area and to ensure that the development has a suitable level of equipped play to support the future population of the site.
17. In order to ensure that there is suitable infrastructure in place.
18. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
20. To ensure that future residents are protected against flood risk.
21. To protect the amenity of the existing residents and to ensure that there is no adverse impact upon the highway network.
22. In the interests of enhancing and protecting biodiversity and archaeology within the application site.
23. In the interests of biodiversity within the application site.
24. In the interests of a balanced and sustainable community.
25. In the interests of ecology and biodiversity in accordance with the National Planning Policy Framework and policy HN8 of the Hastings Local Plan 2014.
26. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

27. To ensure a satisfactory form of development in the interests of vehicular and pedestrian safety.
28. To safeguard the amenity of adjoining and future residents.

### **Notes to the Applicant**

1. Notwithstanding the details submitted, the central area of open space shall be formed with the residential properties that surround it, directly overlooking it (front elevations). The existing indicative plan does not demonstrate sufficient natural surveillance and would not be considered acceptable to the Borough Council as part of any reserved matters application.
2. Notwithstanding the details submitted, the access into the site highlighted as 'Old School Drive' should only be provided with one pathway (on its northern side) with the southern side provided with a soft verge, and where appropriate additional soft landscaping provision.
3. At both proposed points of access, tactile paving should be provided on either side to aid with pedestrian permeability.
4. The applicant/developer should enter into a legal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water at [www.southernwater.co.uk](http://www.southernwater.co.uk)
5. A formal application for the connection of the water supply is required in order to service this development. Please contact Southern Water at the above-mentioned address.
6. In order to protect the surfaces of the footpaths (Hastings 19 and 21), a suitable barrier should separate the development from the footpath during construction. All public rights of way shall be maintained during construction unless the correct permissions have been received in advance of their closure.
7. Any damage that occurs to public rights of way during construction shall be made good at the cost of the developer.
8. No materials should be stored on any public right of way during construction.
9. Please note that the FRA states that the flooding risk is low in this area due to the presence of flood risk defences, but that a residual risk will remain (e.g. overtopping and/or breach of the tidal/fluvial defences).  
  
The applicant/developer should therefore consider the requirement for an emerging response within the site for future residents to adhere to.
10. The applicant is reminded that there should not be any loss of the playing fields until the applicant, or developer has secured a Section 77 agreement which would allow for the loss of the Playing Field as per the requirements of the School Standards and Framework Act 1998.

11. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
12. 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.

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**Officer to Contact**

Mr P Arthurs, Telephone 01424 783275

**Background Papers**

Application No: HS/OA/15/00168 including all letters and documents