

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

Application Address: Land to the Rear of 419 to 447 Bexhill Road, St Leonards-on-sea, TN38 8AR
Proposal: Outline application,(seeking approval of Access), for the reconfiguration of the car park and erection of 16 residential units and means of access.
Application No: HS/OA/17/01071

Recommendation: Grant Outline Planning Permission

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

Applicant: Hastings Borough Council per Kember Loudon Williams Ltd Ridgers Barn Bunny Lane Eridge, Nr. Tunbridge Wells, Kent. TN3 9HA

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - General Interest
Letters of Objection: 11
Petitions of Objection Received: 1
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated - Petition received
Council is Applicant

1. Site and Surrounding Area

The site is situated to the south side of the A259 (Bexhill Road), between Hastings and St Leonards-on-Sea (West St Leonards Ward) and has an area of 0.735 hectares.

The site is made up of two distinct areas – one directly adjacent to Bexhill Road which currently consists of a car-parking / hardstanding area. The other area, which is the main body of the site is undeveloped and contains low level vegetation, is situated between the rear gardens of the Bexhill Road properties to the north and the railway embankment to the south.

The site is bound to the south by fencing separating it from the train line, beyond which is Bulverhythe Coastal Path (part of the National Cycle Network Route 2) and then the beach / seafront.

To the east of the site is an industrial area. There are residential properties to the north west (Amsterdam Way) and a pumping station to the south west which is adjacent to but not within the site.

The current access to the car parking area is from Bexhill Road, between 445 and 435 Bexhill Road.

The site is relatively level. The land rises beyond the southern boundary to the railway embankment.

A plan has been submitted with the application that shows the easements for southern water access (Drawing No. 1611/P/002). Submerged pipe work is also indicated on this plan. The easements and pipework run along the south of the main body of the site and to the east side of the northern and also the south west.

The application states that there are currently 38 car parking spaces on the site however Highways note it is unclear how these spaces were calculated as the spaces are not individually marked. Parking is addressed fully in the main body of this report.

Constraints (from Strategy Map)

There is an archaeological notification area to the south EN1, HN4

Combe Valley Countryside Park is immediately to the south EN3, HN8, HN9

National Cycle Route 2 (Bulverhythe Coastal Path) to the south

Local Wildlife Site also to the South EN3, EN6, HN8

Seafront Spatial Area

Constraints (Mapping)

Flooding surface water 1 in 100

Flooding surface water 1 in 1000

Local Plan Development Management Plan Policy HN4

Flooding Groundwater

High Pressure Pipeline 2km Buffer SGN

Pevensey Cuckmere Water levels Board

Network Rail Land Ownership

Network Rail Land Ownership 10m buffer

Land Owned Leased Licenced or held by Tenancy at Will by HBC

Historic Landfill Site 250m Buffer
Flood Zone 3 Environment Agency
Archaeological Notification Areas
Flood Zone 2 Environment Agency
Climate Change 1000yrs 20%
Local Plan Planning Strategy Policy FA1
Local Plan Planning Strategy Policy FA6
Climate change Outline Tidal 200 years
Local Plan Planning Strategy Policy EN1

2. Proposed development

This is an outline application for the reconfiguration of the car park, 16 residential units and which seeks approval for means of access. Access would be directly off the Bexhill Road, between residential properties nos. 435 and 445.

The indicative mix of dwellings and tenure is as follows:

Market Housing (9 units)

2 x 2 bed units

3 x 3 bed units

4 x 4 bed units

Social Rented Housing (7 units)

4 x 1 bed flats

2 x 2 bed houses

1 x 3 bed house

The dwellings would be located to the main body of the site (south east section). The north west section would be reinstated as car parking, and access to the dwellings would also be gained through this section.

The layout would consist of a row of houses on each side of the street separated by the road, running east-west, with the access road roughly perpendicular (north –south).

All buildings would be 2-storey with pitched roofs. The external finishing materials have not been specified.

On the south side there would be 4 no pairs of semi-detached (8 units). On the north, there would be 2 pairs of semi-detached (one to each end) and two pairs of maisonettes, therefore a total of 16 units.

The main garden ground would be to the south of the southern dwellings, and the north of the northern dwellings.

As noted previously, there are easements / pipeworks along the south side of the main body of the site. The southern row of buildings be would built forward of the pipes. One submerged pipe would run across the rear gardens of the dwellings, and one would run outside of, to the south of the gardens, between the rear boundaries of the gardens and the embankment. This area would be kept free for the easements. Access to this area would be to the west of unit 16.

A public open space has been designed as a landscaped area between the housing street and the parking area.

Amended Plans

During the processing of the application amended plans were received. Initially, the maisonette units (3-6) were separated by a 'hammerhead' shaped parking area which essentially would have cut into the proposed garden areas and this would have compromised both the usability and the amenity of future users.

Amended plans were received (dated 7th February). The parking has been pushed towards and be perpendicular to the northern boundary, and would no longer cut into the garden areas, thus allowing a more uniformed shaped (rectangular) garden with more useable space. Suitable boundary treatments are advised in order to ensure an appropriate level of amenity is secured. It is noted that this application is for outline permission and the further details would be addressed at the later stage.

In addition, an additional 5 parking spaces were provided. Parking is addressed below.

Parking

Further information was requested for East Sussex County Council (ESCC) to complete the highway impact assessment, namely the acceptability of vehicular access into the site (specifically a Road Safety Audit (RSA1) which investigates the safety of the proposed development on the surrounding highways). Justification was also provided for the provision of unallocated parking within the residential development and was accepted by ESCC as the Highways Authority.

The illustrative site layout reviewed as part of the original consultation response assumed that the unallocated parking spaces would be accommodated within the adjacent public car park, but no evidence was provided to confirm that it has sufficient capacity to accommodate this.

Subsequent correspondence with the applicant's agent confirmed the requirement for all 33 spaces to be accommodated within the curtilages of the residential development. This is shown on drawing number 1611/P/003/A.

For the housing development, there are 28 public spaces proposed, with an additional 5 visitor spaces being proposed during the processing of the application. These are proposed midway to the front of units 15 and 16, 12 and 13, 9 and 10, 7 and 8 and 1 and 2.

Affordable housing

The proposed illustrative layout provides 7 dwellings as follows: 1 no. 3 bedroom house, 2 no. 2 bedroom flats and 4 no. 1 bedroom flats.

The application is supported by the following documents:

Contamination Report

Flood risk assessment parts 1-3

Design and Access Statement

Ecological Appraisal Report

Heritage Report

Planning Statement

Transport Statement

Air Quality Statement

Road Safety Audit

Drainage Strategy and Sustainable Drainage Management and Maintenance Plan

Relevant Planning History

- HS/FA/88/00236 Temporary use of land for siting of prefabricated storage and accommodation buildings. Granted 01/06/1988
- HS/OA/82/00022 Erection of a warehouse, trailer park, car park and access road. Refused 05/05/1982
- HS/FA/82/00641 Erection of control room for valves on sewers and long sea outfall for discharge of sewage. Granted 15/12/1982
- HS/OA/75/0038 Redevelopment by the erection of 119 dwellings. Refused 17/09/1975
- HS/64/00415 Erection of ready mixed concrete plant, office and messroom. Refused 09/06/1964
- HS/OA/60/00467 Use of land for light industrial purposes. Refused 26/07/1960
- HS/OA/59/01103 Erection of Machine joinery Workshops and Timber Stores. Withdrawn 31/12/1959

National and Local Policies

Hastings Local Plan – Planning Strategy (2014) Policies

DS1 - New Housing Development
FA1 - Strategic Policy for Western Area
FA6 - Strategic Policy for The Seafront
SC1 - Overall Strategy for Managing Change in a Sustainable Way
SC3 - Promoting Sustainable and Green Design
SC4 - Working Towards Zero Carbon Development
SC7 - Flood Risk
EN1 - Built and Historic Environment
EN3 - Nature Conservation and Improvement of Biodiversity
H1 - Housing Density
H2 - Housing Mix
H3 - Provision of Affordable Housing
T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan (2015) Policies

LP1 - Considering planning applications
DM1- Design Principles
DM3 - General Amenity
DM4 - General Access
DM5 - Ground Conditions
DM6 - Pollution and Hazards
HN8 - Biodiversity and Green Space

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013
Technical housing standards – nationally described space standard, March 2015,
Department for Communities and Local Government.

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.

3. Consultations comments

County Archaeologist : No objection- *'Although this application is situated within an Archaeological Notification Area, based on the information supplied, I do not believe that any*

significant below ground archaeological remains are likely to be affected by these proposals. For this reason I have no further recommendations to make in this instance. '

Refuse Storage – Leisure and Amenities – No response

Environment Agency - No objection subject to condition no. 12 for development to be carried out in line with submitted flood risk assessment.

Estates Section – N/A, Hastings Borough Council is the applicant so is unable to comment.

Air Quality Management Areas – No response.

Water Management Alliance – Pevensey and Cuckmere Water Level Management Board- No objection

The Lead Local Flood Authority (LLFA) have removed their objection. *"We are happy to support the LLFA's comments and the condition they suggest in their letter dated 28/03/2018. While it is our preference that a viable drainage strategy is evidenced at the outline planning stage, it is the Local Planning Authority who are ultimately responsible for ensuring that a site is able to drain (by approving a viable drainage strategy), and that a strategy is implemented as approved."* Covered by conditions 13, 14, 15, 16 and 17.

Planning Development & Enabling Officer - Supports this scheme on the basis that it *'exceeds the policy requirement for greenfield sites with 43.75% affordable housing, all of which will be for affordable rent. With growing levels of homelessness and over 1,500 households on the council's housing register, this development will help to meet local housing need.'*

Environment and Natural Resources Manager – No objection subject to following condition no. 23:

"All ecological measures and/or works shall be carried out in accordance with the details contained in the ecological assessment report by the Ash Partnership dated December 2017 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination."

Network Rail- No objection subject to informatives (Notes to the applicant- No. 6) to be added to any approval granted.

Environmental Health Pollution - No objection subject to condition nos. 18,19, 20, 21 and 22, in relation to Land Contamination and Noise, Dust and Construction Management.

East Sussex County Council (ESCC) Sustainable Urban Drainage Systems (SUDS) – No objection following additional information and on the understanding that the application is outline for access only, subject to conditions (nos. 13, 14, 15, 16 and 17) was given. The reserved matters application should be supported by a robust surface water drainage strategy.

ESCC Highways- Following submission of Road Safety Audit (RSA1), **no objection** subject to conditions (nos. 6,7,8,9 and 10) in relation to access, construction of roads, footways and parking, turning, cycle parking and the provision of a Construction Management Travel Plan.

Natural England- no comments to make on this application.

ESCC Strategic Economic Infrastructure- no objection subject to contribution of £4208 towards local library facilities.

4. Representations

12 representations have been received, including one petition objecting to the development.

One representation is from Wealden District Council. Seven are from residents in the locality and the petition is from both local residents and members of the public not local to the area.

The following material issues have been raised within the letters:

- Impact on public parking to the existing car park and on street parking
- Net loss of existing parking spaces
- Loss of privacy
- Over shadowing / loss of light
- Increase in intensity of traffic
- No demand for additional houses in area
- Impact on wildlife (loss of protected species) and vegetation
- The site floods, no justification had been made for building on Flood Zone 3 land
- High risk of surface water flooding
- Impact on local services
- Loss of Green spaces
- The development would not relate to the character of the area, an incongruous and overbearing form of development
- Noise during construction
- Noise as a result of the development
- Impact on local services
- The proposed access is a safety hazard
- Impact on local businesses due to loss of parking during construction
- The site is not allocated for development and no legitimate planning reason has been put forward as to why development is acceptable

Wealden District Council has objected on the grounds of detrimental impact on the Ashdown SAC owing to increase in pollution from additional vehicle movements generated by the development.

The petition includes the following objections:-

- Risk of surface water flooding, tidal flooding and flooding from sewage overflow
- Loss of biodiversity on site
- Layout of housing would be out of character with surrounding area
- Noise and disturbance to existing houses
- Overlooking leading to loss of privacy and loss of light to existing dwellings
- Loss of parking to the existing car park which is often full throughout the day

5. Determining Issues

The main issues in determining this application are:

- The principle of the proposed development
- Layout and Design
- Character and Appearance
- The impact on neighbouring residential amenities
- Future residential amenities
- Highway safety /parking /access
- Provision of affordable housing and contributions
- Impacts on ecology
- Flooding

It is also necessary to determine if the proposal has a likely significant effect on the conservation objective or special integrity of the SACs Ashdown Forest, Pevensey Levels and Lewes Downs.

a) Principle

This application is outline and requests approval for access only. Therefore matters of scale, appearance, layout and landscaping are reserved and not relevant to the determination of the application.

Policy LP1 of the Hastings Local Plan - Development Management (DMP) (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (PS) (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development.

Whilst not allocated in the Local Plan for housing, the site is within a sustainable location with reasonable/good access to public transport (nearest bus stop less than 25m from the site entrance), shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies. The site is within the settlement boundary. The character of the locality is primarily residential with nearby commercial uses, and as such the principle of development is acceptable subject to other Local Plan policies.

b) Layout and Design

At this stage the layout and design are indicative. However, the layout and design are appropriate and represent a good use of the site, demonstrating it can accommodate this level of development at reserved matters stage. It is noted the layout, to an extent, is dictated by the Southern Water easements.

The design of the dwellings, although indicative, would not be at odds with the immediate locality. The scale also relates to the immediate locality (2-storey).

The orientation of the dwellings would be North South and the street would run East West which relates to existing prevailing character of Bexhill Road.

The dwellings would be appropriately spaced and not overly cramped with good sized gardens. There is also suitable open/public amenity space proposed which could be accommodated at reserved matters stage. Therefore, it is considered the development at reserved matters stage could meet the aims of DMP 2015 policy DM1 a), b), c) and e) and relevant NPPF and NPPG paragraphs.

c) Impact on Character and appearance of area

Plans are indicative and the following provides general comment only.

The proposed residential development would not be at odds with the established character of the area. The dwellings would be behind the dwellings on Bexhill Road and separated by rear gardens. Although the site is not overly prominent, it would be visible by the public along the coastal path to the south. The scale of the dwellings would be similar to the dwellings in the immediate locality and as such it is not considered they would be overly prominent or out of character. Thus it is considered a development could be brought forward at reserved matters stage which would meet the aims of policy DM1 of the DMP 2015.

d) Impact on Neighbouring Residential Amenities

Plans are indicative and the following provides general comment only.

A number of the letters of representation raised the noise impact as a result of the dwellings. Due to the site's location within the settlement boundary, and as with any such residential development there is little to suggest there would be any significant adverse impact on the residential amenities of existing dwellings in the locality. Environmental Health and Building Control Regulations would also address any noise issues arising from residential properties. Furthermore, conditions will be imposed controlling building times and requiring a construction management plan to be submitted prior to commencement of works on site.

Representations have also raised issues of potential loss of privacy and loss of light to neighbouring dwellings. Due to the indicative position of the dwellings and the distance to the adjacent properties to the north on Bexhill Road (over 35m from potential rear building lines of proposed dwellings to the rear building lines of existing dwellings); it is not considered there would be a significant detrimental impact by way of overshadowing, loss of privacy, or loss of light. Thus at a later reserved matters stage it is considered the development could be accommodated without a significant detrimental impact on residential amenities in compliance with DMP policy DM3 a).

e) Future Residential Amenities

DMP Policy DM3 indicates minimum floor spaces but these have been superseded by DCLG guidance, 'Technical housing standards – nationally described space standard'.

The indicative plans show all the dwellings appear to accord with the nationally described standards.

- The maisonette would be 1 bedroom 2 persons, and would be 58 sqm
- The 2 bed unit would equate to a 2 bed 4 person unit and would be 70 sq m as required
- The 3 bed units would equate to a 3 bed, 5 person unit and would be 93 sq m as required
- The 4 bed unit would equate to a 6 person unit and would be 106 sq m as required.

It is noted that as this stage these measurements are indicative, however at this outline stage there are no issues of concern regarding internal living space.

The proposal includes indicative private rear gardens in excess of 10m and shared green space to the centre of the site. These are considered to be in accordance with the requirements of Policy DM3 of the Development Management Plan 2015 to secure an acceptable living environment for future residents.

f) Ecology

DMP policy HN8 states that development should result in no net loss of biodiversity or designated green space as defined on the Policies Map.

The application is supported by an ecological assessment 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 (No. 21) 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) Air Quality, Emissions and land contamination

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. A pre-commencement construction environmental management plan which includes external lighting is proposed and residential amenities will be protected by this.

The site is located within a 250m buffer zone of a historic landfill site which could mean it includes contaminated land. As such the Council's Environmental Health Team has recommended pre-commencement conditions (Nos. 18, 19, 20 & 21) 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.

The development is not considered to give rise to ground or surface water pollution as a pre-commencement condition is attached which requires details of surface and foul water drainage and the above conditions regarding contaminated land. The development is therefore in accordance with Policy DM6 of the Hastings DMP (2015).

h) Access, Highway Safety and Parking

Parking

The ESCC parking demand calculator indicates a requirement of 28 allocated and five unallocated parking spaces for the development. The illustrative site layout reviewed as part of the original consultation response assumed that the unallocated parking spaces would be accommodated within the adjacent public car park, but no evidence was provided to confirm that it has sufficient capacity to accommodate this.

Subsequent correspondence with the applicant's agent confirmed the requirement for all 33 spaces to be accommodated within the curtilages of the residential development. Illustrative site layout was revised, accordingly to indicate the provision of five visitor spaces within the development, hence the level of residential car parking provision is now considered acceptable. ESCC have stated the road layout will need to be amended at reserved matters stage to allow improved vehicle turning space for plots 7 and 10 and space for a 12m refuse vehicle to be accommodated. Conditions numbers 7 and 8 require this.

The public car park area would be formalised, and this would provide 31 spaces, ESCC Highways have raised no objection to this subject to detailed layout being submitted at reserved matters stage.

The submission of further information has demonstrated that it would be possible to accommodate the required level of car parking within the development which is considered satisfactory in highways terms. Thus in terms of parking the development would be in compliance with Hastings DMP (2015) policy DM4.

Access

The submission of further information has demonstrated that it is possible to achieve a safe means of access, subject to the avoidance of conflict with the improved bus stops on Bexhill Road. A Road Safety Audit Response Report would also be required at reserved matters stage to detail how the recommendations of the submitted audit. Condition no. 6 requires this. As such there are not any objections on highway grounds based on this being an outline application with all matters reserved except for 'Access'.

Conditions 6 also requires feasibility designs and vehicle swept paths at reserved matters stage to confirm that external access and internal site parking/servicing arrangements are acceptable. Therefore, in terms of access, the development would be in compliance with Hastings DMP (2015) policy DM4.

i) 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 this planning application 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 this notes the following:

The Pevensey Levels SAC is located 6.5km 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 located 32.4km and 35km from the site respectively. The site is so far removed from 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.

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's 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.'

Environmental Specialists AECOM have assessed development coming forward in the Borough up to 2033 and concluded there would be no harm to conservation objectives of the above noted SACs.

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.'

j) Affordable Housing and other contributions

Hastings Planning Strategy (PS) (2014) policy H3: Provision of Affordable Housing, sets out the criteria for the provision of affordable housing on Greenfield Land. On Greenfield sites such as this, a 40% provision of affordable housing is required. This equates to 6.4 units. In this instance, the scheme proposes 7 affordable units, which is above the policy requirement. The Council's Planning Development & Enabling Officer has supported the application on these grounds and therefore the proposal meets with Policy H3. The level of affordable housing is to be secured through a section 106 agreement to be agreed post Planning Committee decision, if the application is granted approval.

ESCC have requested £4208 towards library services which will also be secured via section 106 agreement. No other infrastructure and contributions have been requested. Should the contribution be paid via the S106 agreement it is considered that the development will meet the requirements of Planning Strategy (2014) policy C11.

k) Sustainable Construction

No information is provided to show how the proposed development would comply with PS (2014) policies SC3 and SC4 which promote sustainable and green design and reduce the carbon footprint. However, this application is outline, for access, only and such matters would be dealt with in a reserved matters application. Condition 24 requires such details to be submitted at reserved matters stage. 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 Homes.

l) Flooding

The site is located within flood zone 2 and 3 and is at medium to high risk to flooding from fluvial and coastal sources. A sufficient Flood Risk Assessment has been submitted. A response of no objection has been received from the Environment Agency subject to condition (no. 12) which will be included.

The site is also at risk of surface water flooding and the ESCC SUDS team and the Pevensey and Cuckmere Water Level Management Board have not objected to the application subject to conditions (nos. 13, 14, 15, 16 and 17) 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 (no. 11) to ensure details of the adequate foul and surface water sewerage disposal have been submitted to the Council prior to commencement of

development.

m) 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. An assessment is not considered to be required in this instance.

6. Local Finance Consideration

East Sussex County Council would receive a payment towards library facilities should the application be recommended for approval subject to the S106 agreement. These contributions are material to the recommendation of the application.

The development would 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 public consultation exercise was undertaken by the agents in October 2017 for a scheme materially the same as the current proposal. Surrounding neighbouring dwellings were sent leaflets detailing the scheme. Six responses were received and included mixed feedback.

8. Conclusion

Considering the above discussion the proposed development is considered to be sustainable development in accordance with the NPPF and in compliance with relevant policies of the Hastings Development Management Plan (2015) and Hastings Planning Strategy (2014). It will provide for much needed residential accommodation and secure a benefit of affordable housing and at this outline stage has demonstrated safe access onto the public highway. Furthermore, through indicative plans it has been demonstrated that the layout for 16 dwellings can be accommodated at reserved matters stage in compliance with relevant policies and guidance.

The proposal complies with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

9. Recommendation

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

- a financial contribution towards libraries (£4208)
- seven affordable housing units;

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 17th October 2018 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3 and CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above:

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and external appearance of the building(s) and the soft and hard landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected and the soft and hard landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
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. 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.
5. The development hereby permitted shall be carried out in, in terms of access only, in accordance with the following approved plans:

1611/P/001, 1611/P/002, 1611/P/003/A, 1161/P/101, 1611/P/102,
1611/P/103

6. No development shall commence until the vehicular access serving the development has been constructed in accordance with details submitted and approved in relation to condition 1 (reserved matters) above. This will include the submission of a Road Safety Audit Response Report and feasibility design to demonstrate how the recommendations of the Stage 1 Road Safety Audit Report dated Feb 2018 have been addressed.
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 and approved by the Local Planning Authority in relation to condition 1 (reserved matters) above. The parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
8. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details submitted and approved in relation to condition 1 (reserved matters) above. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.
9. Prior to demolition or construction works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the size of vehicles, wheel cleaning facilities, contractor parking and compound for plant/machinery and materials clear of the public highway. (Given the restrictions of the access hours of delivery/collection should avoid peak traffic flow times).
10. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which have been submitted to and approved in relation to condition 1 (reserved matters) above. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
11.
 - (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.
 - (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.

12. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment, Issue C (12 April 2018) and the following mitigation measures detailed within the FRA section 7, critically:
1. All sleeping accommodation will be at first floor level
 2. Remaining living accommodation at a raised level of 300mm (minimum) above the design flood level
 3. Ground floor slab no less than 4.1 MAOD
 4. General flood resilience such as full port non-return valves and electrical circuitry installed at a minimum of 900mm above the ground floor slab.
 5. The new proposals for the dwelling will comprise concrete suspended ground floors with appropriate voids/vents for any transmission of flood water passing through, to be detailed in the architectural drawings.
 6. Sign up to the Environment Agency Flood warning service

As in point 8:

1. The Southern Water Easement Strip access is maintained and any excess water designed to be directed away from existing and proposed dwellings.

The mitigation measures shall be fully implemented prior to occupation 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, by the local planning authority.

Serious consideration should be given to drainage and SUDS Techniques given known local issues with drainage after bad weather.

13. 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 (to be submitted as part of condition 11). The hydraulic calculations should take into account the connectivity of the different surface water drainage features.

The detailed drainage design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely.

The design of the surface water management structures 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 any tanks will be managed should also be provided.

14. Evidence that Southern Water agrees to the proposed surface water discharge rate should be submitted and approved in relation to condition 1 (reserved matters) above.
15. 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 within the maintenance and management plan.
16. Prior to commencement of development on site, the applicant should submit to the Local Planning Authority for approval, measures to manage flood risk, both on and off the site, during the construction phase.
17. Prior to occupation of the development, evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs submitted as part of condition 11.
18. Site Characterisation - 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. The contents of the scheme are subject to the approval in writing of 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 written report is subject to the approval in writing of the Local Planning Authority. 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"

19. Submission of Remediation Scheme - 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 is subject to the approval in writing of 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.

20. Implementation of Approved Remediation Scheme - The approved remediation scheme must be carried out in accordance with its terms prior to commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

21. Reporting of unexpected contamination - In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 20.

Long-term monitoring and maintenance - A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of years, and the provision of reports on the same, must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority.

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

Before the development hereby permitted commences the applicant must either:

a) Investigate the site for landfill gas to the satisfaction of the Local Planning Authority (LPA), to ascertain whether gas protection measures are required. Where measures are required, the details shall be submitted to, and approved by, the LPA.

or

b) The applicant shall install gas protection measures as a precautionary measure without first investigating the site. The details of these measures shall be submitted to, and approved by, the LPA.

In either circumstance all required measures shall be installed before the development is first occupied and a building surveyors certification that the work has been done will need to be supplied to the LPA.

22. No development shall take place, including any works of demolition, 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 flood lighting, 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
23. All ecological measures and/or works shall be carried out in accordance with the details contained in the ecological assessment report by the Ash Partnership dated December 2017 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
24. Details of sustainable construction shall be submitted as part of a reserved matters application in relation to condition 1 (reserved matters).

25. 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. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. In the interests of road safety.
7. To secure satisfactory standards of access for the proposed development.
8. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
9. In the interests of highway safety and for the benefit and convenience of the public at large.
10. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
11. To prevent increased risk of flooding.
12. In line with section 9 of the Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change to prevent flooding elsewhere and reduce the risk of flooding to the proposed development and future occupants.
13. To prevent increased risk of flooding.
14. To prevent increased risk of flooding.
15. To prevent increased risk of flooding.
16. To prevent increased risk of flooding during construction.
17. To prevent increased risk of flooding.

18. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
19. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
21. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
22. To safeguard the amenity of adjoining residential during the construction of the development.
23. To prevent harm to protected species.
24. To ensure environmentally sustainable and green development to comply with Hastings Planning Strategy (2014) policies SC3 and SC4.
25. To safeguard the amenity of adjoining residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
4. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

5. The developer's attention is drawn to the committee report and the consultation responses received as part of the application. Both include comments which will be necessary to take on board when developing a detailed submission.
6. The Developer must ensure that their proposal, both during construction and after completion of works on site, does not:
 - encroach onto Network Rail land
 - affect the safety, operation or integrity of the company's railway and its infrastructure
 - undermine its support zone
 - damage the company's infrastructure
 - place additional load on cuttings
 - adversely affect any railway land or structure
 - over-sail or encroach upon the air-space of any Network Rail land
 - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

The developer should comply with the following comments and requirements for the safe operation of the railway and the protection of Network Rail's adjoining land.

Future maintenance

The development must ensure any future maintenance can be conducted solely on the applicant's land. The applicant must ensure that any construction and any subsequent maintenance can be carried out to any proposed buildings or structures without adversely affecting the safety of, or encroaching upon Network Rail's adjacent land and air-space, and therefore all/any building should be situated at least **2 metres (3m for overhead lines and third rail)** from Network Rail's boundary.

The reason for the **2m (3m for overhead lines and third rail)** stand off requirement is to allow for construction and future maintenance of a building and without requirement for access to the operational railway environment which may not necessarily be granted or if granted subject to railway site safety requirements and special provisions with all associated railway costs charged to the applicant. Any less than **2m (3m for overhead lines and third rail)** and there is a strong possibility that the applicant (and any future resident) will need to utilise Network Rail land and air-space to facilitate works. The applicant / resident would need to receive approval for such works from Network Rail Asset Protection, the applicant / resident would need to submit the request at least 20 weeks before any works were due to commence on site and they would be liable for all costs (e.g. all possession costs, all site safety costs, all asset protection presence costs). However, Network Rail is not required to grant permission for any third party access to its land. No structure/building should be built hard-against Network Rail's boundary as in this case there is an even higher probability of access to Network Rail land being required to undertake any construction / maintenance works. Equally any structure/building erected hard against the boundary with Network Rail will impact adversely upon our maintenance teams' ability to maintain our boundary fencing and boundary treatments.

Drainage

Storm/surface water must not be discharged onto Network Rail's property or into Network Rail's culverts or drains except by agreement with Network Rail. Suitable drainage or other works must be provided and maintained by the Developer to prevent surface water flows or run-off onto Network Rail's property. Proper provision must be made to accept and continue drainage discharging from Network Rail's property; full details to be submitted for approval to Network Rail Asset Protection. Suitable foul drainage must be provided separate from Network Rail's existing drainage. Soakaways, as a means of storm/surface water disposal must not be constructed near/within 10-20 metres of Network Rail's boundary or at any point which could adversely affect the stability of Network Rail's property. After the completion and occupation of the development, any new or exacerbated problems attributable to the new development shall be investigated and remedied at the applicants' expense.

Plant & Materials

All operations, including the use of cranes or other mechanical plant working adjacent to Network Rail's property, must at all times be carried out in a 'fail safe' manner such that in the event of mishandling, collapse or failure, no plant or materials are capable of falling within 3.0m of the boundary with Network Rail.

Scaffolding

Any scaffold which is to be constructed within 10 metres of the railway boundary fence must be erected in such a manner that at no time will any poles over-sail the railway and protective netting around such scaffold must be installed. The applicant/applicant's contractor must consider if they can undertake the works and associated scaffold/access for working at height within the footprint of their property boundary.

Piling

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for approval to Network Rail Asset Protection prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Fencing

In view of the nature of the development, it is essential that the developer provide (at their own expense) and thereafter maintain a substantial, trespass proof fence along the development side of the existing boundary fence, to a minimum height of 1.8 metres. The 1.8m fencing should be adjacent to the railway boundary and the developer/applicant should make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein, be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed. Any fencing installed by the applicant must not prevent Network Rail from maintaining its own fencing/boundary treatment.

Lighting

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway. The developers should obtain Network Rail's approval of their detailed proposals regarding lighting.

Noise and Vibration

The potential for any noise/ vibration impacts caused by the proximity between the proposed development and any existing railway must be assessed in the context of the National Planning Policy Framework which hold relevant national guidance information. The current level of usage may be subject to change at any time without notification including increased frequency of trains, night time train running and heavy freight trains.

Vehicle Incursion

Where a proposal calls for hard standing area / parking of vehicles area near the boundary with the operational railway, Network Rail would recommend the installation of a highways approved vehicle incursion barrier or high kerbs to prevent vehicles accidentally driving or rolling onto the railway or damaging lineside fencing.

Network Rail strongly recommends the developer contacts Network Rail Asset Protection London South East at AssetProtectionsussex@networkrail.co.uk prior to any works commencing on site, and also to agree an Asset Protection Agreement with us to enable approval of detailed works. More information can also be obtained from our website at www.networkrail.co.uk/asp/1538.aspx.

Officer to Contact

Mr R Temple, Telephone 01424 783254

Background Papers

Application No: HS/OA/17/01071 including all letters and documents