

# Public Document Pack

## PLANNING COMMITTEE

**23 MAY 2018**

Present: Councillors Scott (Vice-Chair), Roberts (Chair), Beaver, Edwards, Bishop, Cox, Davies, Marlow-Eastwood, O'Callaghan and Turner

### **25. APOLOGIES FOR ABSENCE**

None.

### **26. DECLARATIONS OF INTEREST**

The following councillors declared their interests in the minutes as indicated:

Councillor	Minute	Interest
Beaver	5b – 1 & 2 Wayside, 490 & 492 Sedlescombe Road North, St. Leonards on Sea	Personal Interest – Member of East Sussex County Council
Davies	5a – 12 Beaufort Road and Land to the rear of 4-20 Beaufort Road, St. Leonards on Sea	Prejudicial Interest – Know resident and lead opposition to the development.
Davies	6a - Former Factory Site, Fellows Road, Hastings	Involved in development discussions, met with Developer and some residents prior to appointment to Planning Committee.
Edwards	5b – 1 & 2 Wayside, 490 & 492 Sedlescombe Road North, St. Leonards on Sea	Personal Interest – Acquainted with the applicant, but has not discussed the application.
O'Callaghan	5a – 12 Beaufort Road and Land to the rear of 4-20 Beaufort Road, St. Leonards on Sea	Personal Interest – Ward Councillor – received emails from residents regarding the application but did not respond
Scott	5a – 12 Beaufort Road and Land to the rear of 4-20 Beaufort Road, St. Leonards on Sea	Prejudicial Interest – Applicant is a personal friend
Scott	5b – 1 & 2 Wayside, 490 & 492 Sedlescombe Road North, St. Leonards on Sea	Personal Interest – Member of East Sussex County Council. Architectural team have made contribution.
Turner	6a - Former Factory Site, Fellows Road, Hastings	Prejudicial Interest – Involved in development discussions, met with Developer and some residents prior to appointment to Planning Committee.

## PLANNING COMMITTEE

23 MAY 2018

### 27. MINUTES OF PREVIOUS MEETING HELD ON 4 APRIL 2018

**RESOLVED** – that the minutes of the meeting held on 4<sup>th</sup> April 2018 be approved and signed by the Chair as a true record.

### 28. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None.

### 29. PLANNING APPLICATIONS ATTRACTING A PETITION

#### 29.1 12 Beaufort Road and Land to the rear of 4-20 Beaufort Road, St. Leonards on Sea

Proposal:	Outline application with all matters reserved for 3 x 3 bedroom detached and 3 x 4 bedroom detached dwellings with associated parking.
Application No:	HS/OA/17/00558
Conservation Area:	No
Listed Building	No
Public Consultation	24 letters of objection and 1 petition of objection received.

Having raised their prejudicial interests, Councillors Davies and Scott were absent from the Chamber during discussion and voting of this item.

The Senior Planning Officer, Mrs Meppem presented this report for outline application with all matters reserved for 3x3 bedroom detached and 3x4 bedroom detached dwellings with associated parking at 12 Beaufort Road & Land Rear of 4-20 Beaufort Road, St. Leonards on Sea. She explained that this was an outline application. She explained that the site was unallocated within the Local Plan. She explained to members that the Planning Department did not have sufficient information to assess the impact of the development on the protected woodland or Park and were recommending refusal.

Members were informed of several updates to the report:-

Three additional historic planning applications have been added to the site history within the officer report.

## PLANNING COMMITTEE

23 MAY 2018

- HS/OA/89/00870 – Demolition of 12 Beaufort Road and Erection of 23 houses (originally submitted for 10 houses and 33 flats) – Appeal against non-determination – Appeal Allowed – 02.11.1990
- HS/OA/93/00381 – Erection of 45 Flats (renewal of HS/OA/89/00870) – Granted – 21.10.1993.
- HS/OA/96/00551 – Erection of 45 Flats (renewal of HS/OA/89/00870 & HS/OA/93/00381) – Appeal against non-determination – Appeal Dismissed 19.09.1997.

Members were shown plans and photographs of the application site.

Jane Harrod, petitioner, was present and spoke against the application. She raised concern regarding the close proximity of the development to the reservoir, negative effect on wildlife, drainage, sewage management, effect on parking and environmental impact. She urged the Committee to refuse the application.

David Bailey, applicant, spoke in support of the application, he said he was advised by the Enforcement Officer not to touch the site and to leave the undergrowth. The additional information will be completed when the Planning Officers confirm that he can clear the site.

Councillor Beaver proposed a motion to refuse the application as set out in the resolution below. This was seconded by Councillor Turner.

**RESOLVED – (Unanimously) that planning permission be refused subject to the following reasons:-**

1. **The proposed development by virtue of its design, scale, bulk and proximity to its boundaries would result in cramped and incongruous form of development that would be out of keeping with, and harmful to, the character of the area and neighbouring residential amenity. The proposal is therefore considered contrary to policy DM1 and DM3 of the Hastings Development Management Plan (2015) and SC1(i) of the Hastings Planning Strategy (2014), along with Paragraphs 58 and 64 of the National Planning Policy Framework and Paragraphs 007 (Reference ID: 26-007-20140306) and 024 (Reference ID: 26-024-20140306) of National Planning Policy Guidance which requires development to promote character in townscape and landscape;**
2. **The proposal fails to demonstrate the site's capability of accommodating the level of residential development proposed without potentially causing harm to European protected species. Further information is required to determine the presence or absence of reptiles within the application site, in order to determine the full extent of habitat loss and potential measures for mitigation if necessary. The application therefore fails to provide adequate information to ensure all material considerations are taken into account, demonstrate the population of protected species is strengthened, or that there will be no**

## PLANNING COMMITTEE

23 MAY 2018

net loss of biodiversity, contrary to Policies HN8 and HN10 of the Hastings Local Plan - Development Management (2015) and policy EN3 of the Hastings Planning Strategy (2014) and Paragraphs 109, 114, 118 of the National Planning Policy Framework;

3. The proposal fails to demonstrate the site's capability of accommodating the level of residential development proposed without potentially causing harm to the protected woodland (TPO-109-W1) or the setting of the Grade II\* Listed Park beyond. The application therefore fails to provide adequate information to ensure all material considerations are taken into account, and is considered contrary to Policies EN1, EN3 of the Hastings Planning Strategy 2014 and Policies, DM1, DM3, HN8 of the Hastings Development Management Plan (2015); and
4. Insufficient information has also been submitted in relation to demonstrate that additional vehicle movements generated by the development would not harm the special integrity and conservation objections of the Ashdown Forest Special Area of Conservation. As such the application is contrary to The Conservation of Habitats and Species Regulations 2017, which only permits the grant of planning permission where it is certain that the development would not have a significant adverse effect on the integrity of the Special Area of Conservation in line with Policy EN3 of the Hastings Planning Strategy Local Plan (2014).

### Note to the Applicant

1. **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.

### 29.2 1 & 2 Wayside, 490 & 492 Sedlescombe Road North, St Leonards on Sea

Proposal:	Proposed 6 No. new build domestic houses.
Application No:	HS/FA/17/00664
Conservation Area:	No
Listed Building	No
Public Consultation	1 letter of objection and 1 petition of objection received. Application referred to Committee by Councillor Mike Edwards

## PLANNING COMMITTEE

23 MAY 2018

The Planning Services Manager presented this report for the demolition of two bungalows and erection of six houses at 1 & 2 Wayside, 490 & 492 Sedlescombe Road North, St. Leonards on Sea

Members were informed of several updates to the report:-

3 further objections have been received raising the following summarised points:

- Amended plans not available on the Council website.
- Impact on wildlife.
- Impact on ecology of a pond at 12 Harlequin Gardens.
- Land contamination.
- Insufficient parking.
- Ground stability.
- Drainage.
- Highways safety.
- Development density too high.

### Response to neighbour objections:

- Amended plans were available to view on the Council website from 25 April 2018.
- The application is supported by an ecology report. No evidence of badgers were found on-site. The nearest Great Crested Newt recording is 3 km from the site and there are no known protected species at the pond at 12 Harlequin Gardens. No further surveys have been recommended.
- Highways safety, parking and density have been addressed in the main committee report. ESCC Highways have not objected on highway safety or parking grounds.
- Drainage details are required by condition 3.
- One additional condition is recommended to secure levels prior to start of the development (see below).
- The Council Environmental Health Officer has not raised any objections regarding land contamination. However, a precautionary condition is proposed should contamination be found during the development process (see below).

### **Additional conditions:**

#### Condition 20

No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out only in accordance with the approved details. Reason: To ensure that construction takes account of the local ground conditions and the sloping nature of the site.

#### Condition 21

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

## PLANNING COMMITTEE

23 MAY 2018

writing immediately to the Local Planning Authority. A full investigation and risk assessment must then be undertaken, and where necessary, a remediation scheme be submitted to and approved in writing by the Local Planning Authority.

Reason: To protect those redeveloping the site and any future occupants from potential contamination.

Members were shown plans, photographs and elevations of the application site.

Keith Jenner, representative of the petitioner, was present. He said he wasn't opposed to the development, but felt the application should consist of 4 houses not 6. He raised concern regarding the density of the site, limited parking, access, impact on pedestrian safety, ecology and drainage.

Mike Edwards, applicant, spoke in support of the application; he said the original plan was for 7 units, but on advice it was reduced to 6. With regard to the blank wall, there is a plot of land beyond Plots No. 6 adjacent Harlequin Gardens which would be retained.

Members discussed concerns regarding the layout of the site, poor design particularly the blank wall on the side elevation of Plot 6, access and ecology. The Planning Services Manager explained that this was an on balance recommendation and that the density was policy compliant. She advised that there was no objection raised by ESCC Highways and that any deferral would be subject to costs.

Councillor Edwards proposed a motion against the officers recommendation, to refuse the application subject to the resolution below which was seconded by Councillor Beaver.

**RESOLVED – by (5 vote for and 2 against, with 3 abstentions) that planning permission be refused subject to the following reasons:-**

- 1. The proposed development would result in a congested form of development of poor design offering a blank wall on the side elevation of plot 6 facing Harlequin Gardens. The proposed development would therefore be contrary to policy DM1 of the Hastings Development Management Local Plan (2015).**
- 2. The proposed development would result in a parking and turning spaces located close to the proposed plots and associated houses, specifically plots 2, 3 and 5, which would unacceptably affect the future living conditions of residents by reason of noise, disturbance and light pollution and would be contrary to policy DM6 of the Hastings Development Management Local Plan (2015) and paragraph 17 of the National Planning Policy Framework.**

## PLANNING COMMITTEE

23 MAY 2018

### 30. OTHER PLANNING APPLICATIONS

#### 30.1 Former Factory Site, Fellows Road, Hastings

Proposal:	Proposed comprehensive redevelopment of the site to provide 101 residential dwellings and associated access / car parking, hard and soft landscaping, together with the provision of Open Space.
Application No:	HS/FA/17/01040
Conservation Area:	No
Listed Building	No
Public Consultation	7 letters of objection received and 1 Neutral comment received.

Having raised their prejudicial interests, Councillors Davies and Turner were absent from the Chamber during discussion and voting of this item.

The Planning Services Manager, Mrs Evans, presented this application for proposed comprehensive redevelopment of the site to provide 101 residential dwellings and associated access / car parking, hard and soft landscaping, together with the provision of Open Space at Former factory site, Fellows Road, Hastings. She explained that this was an allocated site. She explained that the density was 42dph which is higher than the policy. She explained that this was not a maximum density and that density in itself was not a reason for refusal. She stated that the scheme is not considered to give rise to harm. She advised members of a draft change to the NPPF proposing to change the way of calculating the amount of housing each authority should provide over the plan period, increasing densities where possible.

Members were informed of several updates to the report:-

**Ashdown Forest ASC, Wealden DC Objection:** Work by Consultants, Aecon on behalf of the Council, has been completed regarding impact of development on Ashdown Forest, Lewes Downs and Pevensey Levels SACs. Conclusion was that no additional harm arising from development in Borough of Hastings.

**Paragraph 2, page 52** to be amended as play equipment will now be provided off site via a financial contribution to parks Ore Valley Road Playground and Ore Valley Adventure Playground (Bloomgrove Road)

**Representations:** To clarify for members, a written petition was received on the application but was found not to meet the Council's requirements and found to be invalid. As such the author of the petition will not have the right to speak at the committee.

**Environment Agency Consultee Comment:**

**No objection** subject to condition regarding to protect water sources from contamination. Environmental Health conditions 28-30 already adequately cover this

## PLANNING COMMITTEE

23 MAY 2018

issue so the condition is not to be added. An informative regarding EA advice on contamination will be added.

### Highways

Amendment to S106 agreement at request of ESCC to secure a contribution of £5000 for Permanent Traffic Regulation Order for double yellow lines to ensure Fellows Road roundabout is kept clear of parked vehicles. Resolution amended accordingly.

Resolution to be amended to read:-

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

- A financial contribution towards libraries (£26,563) and local public right of way improvements (£2424);
- 25% units to be affordable housing (25 units);
- A financial contribution towards improving and upgrading local play facilities (approximately £110,600);
- A financial contribution of £5,000 to ESCC towards a permanent Traffic Regulation Order (TRO) for double yellow lines to ensure Fellows Road roundabout is kept clear of parked vehicles”.

**Paragraph 5m) page 70** second paragraph to read “Hastings Planning Strategy” not just “PS” and to include £5000 towards painting of double yellow lines around Fellow Road roundabout.

**Paragraph 5 ) page 71** to read “open space” not “multi-functional green space”.

**Paragraph 7 page 73** amended to read “A Planning Forum..”

**Second Condition 28** “To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.” to be used as reason for condition 28. Conditions to be renumbered accordingly.

### **Condition 26 to be amended to read:-**

No deliveries during construction of the development shall be taken at or dispatched from the site between the hours of 23:00 – 06.30.

### **Condition 32 “Plan numbers” to be added:**

The development hereby permitted shall be carried out in accordance with the following approved plans: 0001 P1, 0002 P2, 0003 P1, 0004 P2, 0005 P1, 0006 P1, 0008 P3, 0009 P10, 0010 P13, 00011 P7, 0013 P4, 0015 P6, 0016 P1, 0017 P1, 0020 P3, 0021 P3, 0030 P4, 0031 P4, 0032 P4, 0033 P, 0034 P4, 0035 P4, 0036 P5, 0040 P7, 0041 P7, 0042 P7, 0043 P7, 0044 P8, 0045 P7, 0046 P6, 0047 P6, 0048 P6, 0049 P6, 0050 P4, 0051 P2, 0052 P2, 0053 P2, 0054 P2, 0055 P2, 0056 P2, 8422T/313 E, 8422T/315 A, 8422T/316 B, 8422T/317, 8422T/318 A.

### **Condition 33 “Bin Storage” to be added**

No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse and recycling bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.

### **Condition 34 regarding boundary treatment to be added:**

No development shall take place above ground until full details of all boundary



## PLANNING COMMITTEE

23 MAY 2018

treatments have been submitted to and approved in writing by the Local Planning Authority. All such boundary treatments shall be erected before the building to which it relates is occupied.

**Condition 35 regarding hard landscaping to be added:**

No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, signs lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines etc. indicating lines, manholes, supports etc.); where relevant.

**Condition 36 regarding tree planting and soft landscaping to be added:**

No works or development shall take place until full details of all proposed tree planting and soft landscaping, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times. The scheme of soft landscaping, shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

**Condition 37 for implementation of hard and soft landscaping to be added:**

All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

**Informative note 9 to be added:**

The applicant is advised to refer to the Environment Agency's "Guiding Principles for Land Contamination", which outlines the approach we would wish to see adopted to managing risks to the water environment from this site.

Members were shown plans, photographs and elevations of the application site.

Members discussed the issues raised at length.

Councillor Beaver proposed a motion to defer the application. The motion was not seconded and lost.

Councillor Edwards proposed a substantive motion to approve the application as set out in the resolution below. This was seconded by Councillor Cox.

## PLANNING COMMITTEE

23 MAY 2018

The substantive motion to approve the application was agreed by 5 votes to 3 against as set out in the resolution below.

**RESOLVED** – by (5 votes to 3 against) that the Development Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- a financial contribution towards libraries (£26,563) and local public right of way improvements (£2424);
- 25% units to be affordable housing (25 units);
- a financial contribution towards improving and upgrading local play facilities (approximately £110,600); A financial contribution of £5,000 to ESCC towards a permanent Traffic Regulation Order (TRO) for double yellow lines to ensure Fellows Road roundabout is kept clear of parked vehicles.

unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed by 21st September 2018 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, CI1 and CI3) 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.

Subject to the above:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
2. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the residential units hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details;
3. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.  
  
(ii) Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

and

**PLANNING COMMITTEE**

**23 MAY 2018**

- (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development;
4. Surface water runoff from the proposed development should be limited to the existing runoff close to greenfield runoff rates or a rate agreed to by Southern Water for all rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings required by condition 3. The hydraulic calculations should take into account the connectivity of the different surface water drainage features. Evidence that Southern Water agrees to the proposed surface water discharge rate should be submitted prior to the occupation of the units hereby approved. The detailed design should include information on how surface water flows exceeding the capacity of the surface water drainage features will be managed safely;
  5. The detailed design of the permeable pavements and geo-cellular storage tanks should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the SuDS features and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided. Evidence of how impacts of high groundwater on the structural integrity of the tanks will be managed should also be provided;
  6. A maintenance and management plan for the entire drainage system should be submitted to the local planning authority before any construction commences on site. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority;
  7. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development;
  8. Prior to occupation of the development, written evidence (including photographs) should be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs;
  9. All ecological measures and/or works shall be carried out in

**PLANNING COMMITTEE**

**23 MAY 2018**

accordance with the details contained in "SITE OF FORMER SATURN INDUSTRIES, FELLOWS ROAD, HASTINGS, EAST SUSSEX, WILDLIFE PROTECTION AND MONITORING DURING AND AFTER CONSTRUCTION, BY MARTIN NEWCOMBE, 25th October 2017" as already submitted with the planning application and agreed in principle with the local planning authority prior to determination;

10. No part of the development shall be occupied until such time as the vehicular access has been constructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Details are to include the extent of land on roundabout arm/access road to be dedicated as highway, pedestrian facilities (footway and dropped crossing point) surface water drainage and lighting proposals;
11. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway;
12. The access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater and 11% (1 in 9) thereafter;
13. No part of the development shall be occupied until visibility splays of 2.4 metres by 25 metres have been provided at the proposed site vehicular access onto Fellows Road in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm;
14. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles;
15. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles;
16. No part of the development shall be occupied until the road(s), footways and parking areas serving the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority;
17. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with the

## PLANNING COMMITTEE

23 MAY 2018

approved plans. This space shall thereafter be retained at all times for this use and shall not be obstructed;

18. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction;
  - the method of access and egress and routeing of vehicles during construction;
  - the parking of vehicles by site operatives and visitors;
  - the loading and unloading of plant, materials and waste;
  - the storage of plant and materials used in construction of the development;
  - the erection and maintenance of security hoarding;
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders);
  - details of public engagement both prior to and during construction works.
19. No development shall take place on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense;
20. No part of the development shall be occupied until such time as a Travel Plan Statement has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan Statement shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport or as advised by the Highway Authority;
21. No part of the development shall be occupied until such time as details and construction specification showing the proposed improvement works to the emergency access road have been submitted to and approved in writing by the Local Planning Authority;

## PLANNING COMMITTEE

23 MAY 2018

22. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-
- 08.00 - 18.00 Monday to Friday  
08.00 - 13.00 on Saturdays  
No working on Sundays or Public Holidays.
23. Details of external lighting during construction shall be submitted to and approved in writing prior to commencement of development. Details of other external lighting, post construction, shall be submitted to and approved in writing prior to the occupation of the units hereby approved;
24. The noise rating level emitted by all plant (including any fans, tools or other mechanical services) on the site shall not exceed 52 dBA between 0700 and 2300 hours and 40 dB between 2300 and 0700 hours. The noise levels shall be determined in a free field location adjacent to any nearby residential premises. The measurement and assessment shall be made according to BS 4142: 2014
- Any forklift trucks used on the application site shall be fitted with noise attenuated reversing alarms. All such alarms are to be kept in working condition and operable wherever a forklift truck is used on the site;
25. Details, including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors, generators or plant or equipment of a like kind, installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the local planning authority before installation. The rating level of noise emitted from the use of this plant, machinery or equipment shall not exceed the background sound level when measured according to British Standard BS4142: 2014(condition 25), at any adjoining or nearby noise sensitive premises;
26. No deliveries during construction of the development shall be taken at or dispatched from the site between the hours of 23:00 – 06.30.
27. No development shall take place, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- a. An indicative programme for carrying out of the works;
  - b. The arrangements for public consultation and liaison during the construction works;

**PLANNING COMMITTEE**

**23 MAY 2018**

- 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)  
Details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination;**
  - e. **the parking of vehicles of site operatives and visitors;**
  - f. **loading and unloading of plant and materials;**
  - g. **storage of plant and materials used in constructing the development;**
  - h. **the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;**
  - i. **wheel washing facilities;**
  - j. **measures to control the emission of dust and dirt during construction;**
  - k. **a scheme for recycling/disposing of waste resulting from demolition and construction works.**
- 28. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates within the site. Prior to commencement of works on site, the contents of the scheme should be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:**
- (i) a survey of the extent, scale and nature of contamination;**
  - (ii) an assessment of the potential risks to:**
    - human health**
    - property (existing or proposed) including buildings, crops, livestock ,pets, woodland and service lines and pipes**
    - adjoining land**
    - groundwaters and surface waters**
    - ecological systems**
    - archaeological sites and ancient monuments**
  - (iii) an appraisal of remedial options, and proposal of the preferred option(s)**
- This must be conducted in accordance with DEFRA and the Environment Agency’s “Model Procedures for the Management of Land Contamination, CLR 11”;**
- 29. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination;**
- 30. Prior to commencement of development on site a detailed remediation scheme to bring the site to a condition suitable for the intended use by**

## PLANNING COMMITTEE

23 MAY 2018

removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted for approval in writing to the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental protection Act 1990 in relation to the intended use of the land after remediation;

31. The approved remediation scheme (Condition 29) must be carried out in accordance with its terms prior to commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted in writing of the Local Planning Authority prior to commencement of development;
32. Two of the new houses approved as part of this development shall be fully adapted dwellings for wheelchair users;
33. The development hereby permitted shall be carried out in accordance with the following approved plans: 0001 P1, 0002 P2, 0003 P1, 0004 P2, 0005 P1, 0006 P1, 0008 P3, 0009 P10, 0010 P13, 00011 P7, 0013 P4, 0015 P6, 0016 P1, 0017 P1, 0020 P3, 0021 P3, 0030 P4, 0031 P4, 0032 P4, 0033 P, 0034 P4, 0035 P4, 0036 P5, 0040 P7, 0041 P7, 0042 P7, 0043 P7, 0044 P8, 0045 P7, 0046 P6, 0047 P6, 0048 P6, 0049 P6, 0050 P4, 0051 P2, 0052 P2, 0053 P2, 0054 P2, 0055 P2, 0056 P2, 8422T/313 E, 8422T/315 A, 8422T/316 B, 8422T/317, 8422T/318 A;
34. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse and recycling bins awaiting collection has been provided to the satisfaction of the Local Planning Authority;
35. No development shall take place above ground until full details of all boundary treatments have been submitted to and approved in writing by the Local Planning Authority. All such boundary treatments shall be erected before the building to which it relates is occupied;
36. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as



## **PLANNING COMMITTEE**

**23 MAY 2018**

approved. These details shall include proposed finished levels or contours; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, signs lighting etc.); proposed and existing functional services above and below ground (e.g. drainage, power, communication cables, pipelines etc. indicating lines, manholes, supports etc.); where relevant;

- 37. No works or development shall take place until full details of all proposed tree planting and soft landscaping, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times. The scheme of soft landscaping, shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedule of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme; and**
- 38. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990;**
- 2. In the interests of the visual amenity of the area;**
- 3. To prevent increased risk of flooding;**
- 4. To prevent surface water flooding;**
- 5. To prevent flooding;**
- 6. To ensure that the scheme is properly maintained and does not give rise to flooding;**
- 7. To prevent flooding;**

## **PLANNING COMMITTEE**

**23 MAY 2018**

- 8. To prevent flooding;**
- 9. To prevent harm to protected species;**
- 10. In the interests of road safety;**
- 11. To prevent flooding;**
- 12. In the interests of highway safety;**
- 13. In the interests of road safety;**
- 14. To provide car parking space for the development;**
- 15. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies;**
- 16. To secure satisfactory standards of access for the proposed development;**
- 17. In the interests of road safety;**
- 18. In the interests of highway safety and the amenities of the area;**
- 19. In the interests of highway safety and the amenities of the area;**
- 20. To encourage and promote sustainable transport;**
- 21. To ensure that suitable improvements are made and to safeguard users;**
- 22. To safeguard the amenity of adjoining residents;**
- 23. To protect neighbouring residential amenity;**
- 24. To safeguard the amenity of adjoining residents;**
- 25. To safeguard the amenity of adjoining residents;**
- 26. To safeguard the amenity of adjoining residents during construction of the development;**
- 27. To safeguard the amenity of adjoining residents during construction of the development;**
- 29. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination;**
- 30. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination; and**

## PLANNING COMMITTEE

23 MAY 2018

31. To provide 2% of new homes on the site as suitably adapted for wheelchair users in compliance with section b) of policy HOV1 of Hastings Development Management Plan 2015.

### Notes to the Applicant

1. The applicant is advised that drainage associated with wastewater or sewage must be separate to, and not connected with, surface water drainage unless otherwise approved. Drainage misconnections can pollute rivers and beaches in Hastings. You must ensure that drainage from your properties does not cause pollution. Enforcement action could be taken to resolve this under the Building Act 1984. Drainage misconnections for new development which allow or cause pollution would also be contrary to Building Regulations. You are advised therefore to check your property is connected correctly and any plans for additional drainage connect to the correct foul or surface water system. You can get further advice on identifying your drainage and repairing misconnections at <http://www.connectright.org.uk/>.
2. A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk);
3. The applicant is advised that the Construction Traffic Management Plan will need to include provision of a Temporary Traffic Regulation Order (TTRO) to safeguard the roundabout from parked vehicles. Furthermore, securing a contribution of £5,000 for a permanent TRO for double yellow lines so that the roundabout is kept clear of parked vehicles is required. This can be secured by an appropriate legal agreement between the applicant and highway authority.

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

4. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework;
5. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning;
6. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt

## PLANNING COMMITTEE

23 MAY 2018

they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works;

7. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority;
8. Consideration should be given to the provision of a domestic sprinkler system.
9. The applicant is advised to refer to the Environment Agency's "Guiding Principles for Land Contamination", which outlines the approach we would wish to see adopted to managing risks to the water environment from this site.

### 31. PLANNING APPEALS AND DELEGATED DECISIONS

The Planning Services Manager reported that one planning appeal had been dismissed and one had been allowed. It was also noted that one appeal had been received. She also reported on the number of delegated decisions.

All matters had arisen between 20 March 2018 and 11 May 2018.

The report was noted.

(The Chair declared the meeting closed at. 8.03 pm)