

<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	06 June 2019
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application Address:</b>	<b>Land to the Rear of 419 to 447 Bexhill Road, St Leonards-on-sea, TN38 8AR</b>
<b>Proposal:</b>	<b>Outline application (seeking approval of access) for the reconfiguration of the car park, the erection of 16 residential units and proposed flood risk mitigation measures.</b>
<b>Application No:</b>	<b>HS/OA/19/00153</b>
<b>Recommendation:</b>	<b>Grant Outline Planning Permission</b>
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
<b>Public Consultation</b>	
Site Notice:	Yes
Press Advertisement:	Yes - General Interest
Letters of Objection:	9
Petitions of Objection Received:	0
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	0
Application Status:	Not delegated - 5 or more letters of objection received Council application on Council owned land

## 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 / hard standing 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 Southern Water's 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 nos. 445 and 435 Bexhill Road.

The site smoothly rises to the rear of the houses with variations of up to 1.2m; existing ground levels are 3m to 4.2m AOD (above ordnance datum). The site is level where the car park is located.

### Constraints

- Archaeological notification area to the south
- Combe Valley Countryside Park is immediately to the south
- National Cycle Route 2 (Bulverhythe Coastal Path) to the south
- Local Wildlife Site to the south
- Seafront Spatial Area
- Flooding surface water 1 in 100
- Flooding surface water 1 in 1000
- Flooding Groundwater
- Within the 2km buffer of High Pressure Pipeline
- Pevensey Cuckmere Water levels Board
- Network Rail Land Ownership
- Network Rail Land Ownership 10m buffer
- Within 250m buffer of Historic Landfill Site
- Flood Zone 3a Environment Agency

## **2. Proposed development**

This is an outline application with all matters reserved except for access, for the reconfiguration of the car park to provide 31 spaces and 16 residential units. Access would be directly off the Bexhill Road, between residential properties nos. 435 and 445. A total of 33 parking spaces will be provided for the residential development, just over two spaces per unit. The application proposes 7 affordable units.

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 indicative plans show the dwellings would be located to the main body of the site (south east section), with rear gardens of the houses closest to the shore extending towards, but not as far as, the railway land. The north west section would be reinstated as car parking, and access to the dwellings would also be gained through this section.

The indicative plans show the layout consisting 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).

The indicative plans show buildings as 2-storey with pitched roofs. The external finishing materials have not been specified.

The indicative plans show on the south side 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.

Rear gardens are shown on the indicative plans the south of the southern dwellings, and the north of the northern dwellings.

Easements/pipe works exist along the south side of the main body of the site. The southern row of buildings would be 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. Greenspace/landscaping will also form the buffer between the dwellings and the railway land.

The land levels will be raised to 4.1m AOD. As such the ground floor as proposed will be 1.1m above the lowest ground floor level of the site. The extent to which the land level increases changes given that the land levels vary at this point.

The application is supported by the following documents:

- Contamination Report
- Flood risk assessment
- Design and Access Statement
- Ecological Appraisal Report
- Heritage Report
- Planning Statement
- Transport Statement
- Drainage Strategy and SUDS Plan

### **Relevant planning history**

HS/OA/17/01071 Outline application seeking approval of access for the reconfiguration of the car park and erection of 16 residential units and means of access  
Withdrawn October 2018

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

Policy DS1 - New Housing Development

Policy FA1 - Strategic Policy for Western Area

Policy FA6 - Strategic Policy for The Seafront

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy SC3 - Promoting Sustainable and Green Design

Policy SC4 - Working Towards Zero Carbon Development

Policy SC7 - Flood Risk

Policy EN1 - Built and Historic Environment

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy H1 - Housing Density

Policy H2 - Housing Mix

Policy H3 - Provision of Affordable Housing

Policy T3 - Sustainable Transport

#### Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy DM6 - Pollution and Hazards

Policy 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)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
  - \* Layout
  - \* Architecture
  - \* Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
  - \* Building types
  - \* Materials
  - \* Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 155 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 163 requires Local Planning Authorities to ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
- b) the development is appropriately flood resistant and resilient;
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
- d) any residual risk can be safely managed; and
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

### 3. Consultation comments

Hastings Borough Council (Waste) - **no objection**

No specific comments raised

Hastings Borough Council (Housing) - **support**

Support the application on the basis that it provides over 40% affordable housing to help meet local housing need.(Section 106 agreement)

Hastings Borough Council (Environmental Health) - **no objection subject to conditions**

Require conditions relating to further investigation in terms of land contamination, a Construction Management Plan and control of working hours (Conditions 19-23)

East Sussex County Council (Highways) - **no objection subject to conditions**

Do not consider that the trips generated will have a significant impact on the highway network. Will require a Travel Plan at detailed design stage. (Condition 11)

East Sussex County Council (S106) - **require contributions**

Require contribution to library services as a result of the development (S106 Agreement)

East Sussex County Council (Archaeology) - **no comment received**

Whilst no comment was received for this application, no objection was raised to the previous application as no significant below ground archeological remains are likely to be affected. This comment would still be relevant given the similarities of this application to the previous one.

Natural England - **no comment**

Refer to standing advice in relation to ancient woodland, veteran trees and the natural environment as a whole.

Southern Water - **no objection subject to conditions**

Consider the revised drainage strategy drawing to be acceptable.

Pevensey and Cuckmere Water Level Management Board and East Sussex County Council (SUDs) - **no objection subject to conditions**

Satisfied with the submitted drainage strategy, subject to the imposition of conditions and further detail at the reserved matters stage (conditions 13-18)

Environment Agency - **no objection subject to conditions**

Require a condition to ensure the implementation of the recommendations of the Flood Risk Assessment (condition 13)

Network Rail - **no comment received**

Whilst no comment received, the previous notes to the applicant will still apply for the current application given their similarities (note 6).

## 4. Representations

Following the display of a site notice, 9 letters of representation have been received, from 9 different properties. These raise the following issues:

- Flood risk to properties
- Loss of parking
- construction noise
- Access problems to site
- Increased traffic generation
- Overdevelopment
- Loss of open space
- Pressure on utilities

## 5. Determining issues

This is a re-submission of an application refused against officer recommendation at Planning Committee in October 2018 which was withdrawn by the applicant before the decision notice was issued. Further information has been submitted in February 2019 in support of the current application in relation to flood risk and drainage issues to address the concerns raised by residents and councillors at that time. As was the case in the previous application, the main issues to be considered 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

### 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 8 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 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 urban area and the development would provide much needed affordable and market housing, and assist in meeting the Council's housing land supply as a windfall site. 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 submitted 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 and sewers.

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) and the appearance of the dwellings is considered to be appropriate in this location.

The new dwellings would be appropriately spaced and not overly cramped with good sized gardens. There is suitable open/public amenity space available, which will be accommodated at reserved matters stage. Therefore, it is considered the development is capable of accommodating the level of units proposed, whilst still respecting local character, in accordance with Policy DM1 of the Development Management Plan 2015.

## c) Impact on character and appearance of area

It is important to note that 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 and cycle route to the south. The scale of the dwellings within a wider landscaped area would be similar to the dwellings in the immediate locality (predominantly 2 storey) 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

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 urban area, and as with any such residential development on this site 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 (Nos 23 and 26) will be imposed controlling building times and requiring a Construction Management Plan (CMP) to be submitted prior to commencement of works on site.

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 to existing properties. 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



DCLG guidance, 'Technical housing standards - nationally described space standard' provides a minimum standard for internal floorspace that must be applied to new residential development.

The indicative plans show all the dwellings appear to accord with the nationally described standards as follows:

- 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 at this stage these measurements are indicative, however at this outline stage there are no issues of concern regarding internal living space or providing an adequate standard of living accommodation.

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

Policy HN8 of the Development Management Plan 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 Environment and Natural Resources Manager did not object on ecology grounds to the previous application subject to the imposition of a condition to ensure this ecology report is followed during construction. The site layout has not altered since the earlier application, and the ecology reports are still up to date and relevant. As such, the recommendations within are still appropriate and the same condition is considered reasonable and necessary and will be included as part of the recommendation (condition 24). 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 (CEMP) 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 19-23) 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 Development Management Plan 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 (condition 12) 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

This application, and the recently refused and subsequently withdrawn application have been accompanied by various supporting documents, including a Transport Statement and a Road Safety Audit. Overall, it is considered that the expected increase in trips to the site as a result of the proposed development would not have a severe impact on the local highway network. The design of the proposed access is in line with the East Sussex County Council's standards, though the bus cage immediately west of the access should be relocated westwards to reduce the impact this would have on the visibility for vehicles wishing to exit the site. These works will be secured by a s278 agreement for highway works as part of the proposed Section 106 Agreement

The site is considered suitably accessible by both public transport and non-motorised modes. A Travel Plan will however, be required at detailed design stage, which is proposed to be secured by condition (condition 11).

#### Trip generation and impact

The TRICS site selection criteria, trip rates and trip calculations have been reviewed and are considered robust. This results in a total of 65 one-way vehicle movements (i.e. 32 arrivals and 33 departures) per day, and a maximum of seven one-way vehicle movements in any one hour (during the morning peak period from 08:00 to 09:00). No details are provided regarding current car parking activity to support the assumed net vehicular trip generation. It is nevertheless accepted that the overall number of trips generated by the proposed development during peak periods, being no more than seven one-way movements in either the morning or evening peak, would have no significant impact on the operation of the local highway network.

A Stage 1 Road Safety Audit was previously undertaken on the site, which did not raise any concerns regarding the use of the proposed access for a larger volume of trips. It is therefore considered that the proposed access is suitable for the size of development in question.

#### Vehicular access

The proposed vehicle access would serve the existing car parking areas as well as the new residential development.

The required driver visibility sightlines at this location should be a minimum of 2.4m x 43m being within a 30mph speed limit to accord with Manual for Streets. It has been determined that the visibility standard would be achievable to a 'worst case' position of an eastbound overtaking vehicle within the central reserve on Bexhill Road. However, the bus cage, which is part of the proposed bus corridor improvement works, would require relocating westwards to avoid encroachment on the visibility splay. This will be secured through a s278 agreement with East Sussex County Council for the design and completion of these highway works set out in the proposed Section 106 Agreement.

The proposals include a swept path for an 11.2m length refuse vehicle turning in and out of the site access which demonstrates that the proposed access arrangement for refuse lorries and collection is suitable.

## Public transport accessibility

The proposed development has good access to the nearest bus routes as explained in the developer's transport statement. This comprises routes 98 (half hourly from Monday to Saturday and hourly on Sundays) and 99 (every 20 minutes from Monday to Saturday and hourly Sundays). Both routes connect with National Rail services.

The bus corridor improvements being undertaken by the Highway Authority will include the introduction of 24-hour bus stop clearway restrictions covering both bus stops, and improved bus stop facilities. Any amendments to the highway as part of this application should therefore be undertaken at the cost of the developer through a S278 agreement and should be addressed at reserved matters stage.

## Non-motorised accessibility

The site proposal includes a footway link on the east side of the access road to Bexhill Road, and there is good cycle infrastructure in close proximity. Internal footway provision would be secured in the reserved matters application.

## i) 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.

## j) Screening of application under Habitats Regulations 2017 - impact of development on Ashdown Forest Special Area Conservation ( SAC)

The Council undertook an Air Quality Impact Assessment in 2018. The purpose of the assessment was to identify likely significant effects of planned housing and employment growth in Hastings Borough on the conservation objectives of Ashdown Forest Special Area of Conservation (SAC) from 2017 to 2033. The assessment took account of the traffic growth expected on roads within the vicinity of the Ashdown Forest SAC/Special Protection Area (SPA), not just arising from development within Hastings, but also, compliant with the requirement of the Conservation of Habitats and Species Regulations 2017, in combination with the anticipated growth arising from the development plans of other neighbouring authorities. The focus of the Assessment was on Ashdown Forest SAC and SPA.

It was not considered necessary to consider air quality implications of growth in Hastings Borough on the Pevensey Levels SAC and Ramsar site or the Lewes Downs SAC. In respect of Pevensey Levels SAC/Ramsar site the interest feature of this SAC (*Anisus vorticulus* - aka. a snail) is not affected by nitrogen from vehicle emissions. Lewes Downs SAC is too far removed to be affected. Nitrogen deposition from additional traffic beyond that modelled would have to be four times that currently expected from all traffic to exceed critical load at this location.

The Council has modelled the expected growth in Hastings to 2033 including the Local Plan, existing planning permissions and demonstrated that development will not result in an

adverse effect on the integrity of Ashdown Forest either alone or in combination with other plans or projects. As such the proposed development is considered to be within the allowances made within the strategic modelling and is not considered to harm the special conservation objectives of Ashdown Forest, Pevensey Levels or Lewes Downs Special Areas of Conservation.

#### k) Affordable housing and other contributions

Hastings Planning Strategy (HPS) (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 level of affordable housing is to be secured through a section 106 agreement if the application is granted approval.

East Sussex County Council has requested a financial contribution of £4208 towards library services which will also be secured through the proposed section 106 agreement. No other infrastructure and financial contributions have been requested. It should also be noted that there is sufficient capacity in existing early years, primary and secondary school provision to accommodate the additional children that would be generated by the development.

#### l) Sustainable construction

No information is provided to show how the proposed development would comply with Hastings Planning Strategy 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 25 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.

#### m) Flooding and drainage

##### Flood risk

Since the refusal of permission against officer recommendation in respect of HS/OA/17/01071 in October 2018, the applicant has undertaken further assessment of flooding and drainage issues to overcome residents and Planning Committee concerns. Technical reports have all been updated (Flood Risk Assessment and Drainage Strategy) and further evidence has been provided to demonstrate that there will be no adverse impacts to neighbouring properties or the surrounding area as a result of the proposed development.

The site is located within flood zone 3a and is at high risk of flooding from fluvial and coastal sources. Planning Policy at both the national and local level states that inappropriate development in areas at risk of flooding should be avoided where possible, but if it is necessary, it should be appropriately flood resistant and resilient incorporate sustainable drainage systems, and ensure that any residual risk can be safely managed. A sequential and exception test should also be undertaken for the development of such sites.

Since the 2018 proposal, the land profile has been slightly altered and a new swale for flood risk management has been included to provide further protection. The supporting Flood Risk Assessment explains that the main flood risk to this site is coastal and as a result the land profile will change to protect against tidal wave overtopping. The application has been amended so that the levels throughout the development are strategically raised, to allow the

ground floor of each of the houses to remain safely above the design flood level as agreed with the Environment Agency and provide a natural flood defence. Ground floor levels will be set no lower than 4.100m AOD, and the external levels outside of the building will be between 0.15 - 0.3m below this level. An additional shallow holding swale is also proposed behind the garden fences in the area of open land to the south of the site to allow water to dissipate quickly into the ground. This design philosophy was developed in consultation with the Environment Agency to ensure that it is robust for the 1 in 200 year + climate change allowance.

The Flood Risk Assessment explains that the Combe Haven watercourse may also pose a fluvial risk but due to the coastal flooding issues the site is being assessed against the 1 in 200 year event + CC, rather than the 1 in 100 year event + CC normally used for fluvial risk, the assessment is therefore deemed adequate for both situations.

The submitted updated Flood Risk Assessment includes details required by National and Local Planning Policy in respect of a sequential and exception test to determine the suitability of site selection when flooding is an issue. These tests has been undertaken in accordance with Nation Planning Policy and confirm the following:

1. The search for alternative sites in areas at a lower risk of flooding have not resulted in suitable sites being available (review of 29 sites)
2. That the development will provide wider sustainability benefits to the community
3. The development will be safe for its life time without increasing flood risk elsewhere

The proposed development will generate a number of sustainability benefits. In particular, the delivery of additional new private and affordable housing, in an area that is environmentally constrained and suffers from high housing need, is a significant sustainability benefit that outweighs any potential harm caused by a sensibly designed residential scheme. In terms of economic benefits, the development will create jobs during the construction phase. Furthermore, the site is in a sustainable location and will develop under utilised land within an established residential area.

In order to ensure that the development is safe for its lifetime without increasing flood risk elsewhere, the proposal incorporates the following measures:

- All sleeping accommodation will be at first floor level;
- Remaining living accommodation at a raised level of 300mm above the design flood level;
- Ground floor slab no less than 4.1m AOD;
- 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 architect drawings;
- General flood resilience such as full port non-return valves and electrical circuitry installed at a minimum of 900mm above the ground floor slab.

Condition 15 will also ensure that properties will sign up to the Environment Agency Flood Warning service.

### Surface water

Surface water is proposed to be managed through a drainage attenuation tank, permeable paving and the infiltration swale at the southern boundary, to cater for any potential tidal spray. Other individual SUDs measures include (but will not necessarily be limited to):

- Manual or automatic covers for air bricks installed to prevent ingress of water into the cavity wall.

- Full port non-return valves should be installed in the ground floor toilets to prevent back flow into the property.
- Property owner should consider installing external flood resilience doors or portable door barriers.
- Sleeping accommodation at the 1st floor level, with any remaining living accommodation at a raised level, minimum 300mm above the design flood level.
- Concrete suspended ground floors with appropriate voids/vents for any transmission of flood water passing through, or for the purposes of dissipating any groundwater rising, preventing any seepage through the floor slab.

The swale will enable water to be retained at the rear of the site, away from the dwellings and will be allowed to naturally soak away. The remaining surface water is proposed to be managed through the connection to the existing sewerage system. Both East Sussex County Council (SUDs) and the Pevensy and Cuckmere Water Level Management Board and Southern Water have not objected to the application subject to conditions (nos. 13-18) being imposed for details of how surface water run off can be managed on site as to not cause flooding. A drainage strategy has been submitted to satisfactorily demonstrate that surface water can be safely managed on site.

Condition 12 will also ensure details of the adequate foul and surface water sewerage disposal have been submitted to the Local Planning Authority prior to commencement of development.

It should be noted that the Reserved Matters stage will ensure that additional detail and flood mitigation measures are incorporated into the proposal. The applicant has confirmed that at this stage, the site would be fully engineered and detailed to align with all conditions imposed on the development, which would be discharged in consultation with the East Sussex County Council and the Environment Agency. Any flood mitigation that is not detailed as part of the Civil Engineering design package would be picked up in the architectural detailing and specification. The consultation responses from the LLFA and EA on this application have agreed the principles of the design and suggested appropriate conditions that will secure the required detail.

Overall, following multiple submissions regarding flooding and drainage, it is considered that with the inclusion of the above conditions and dependant on reserved matters details, that the development would be safe for its lifetime, protecting people and property from flooding without increasing flood risk elsewhere. It would also provide wider sustainability benefits to the community in compliance with paragraph 155-16 of the NPPF and Policy SC7 of the Hastings Planning Strategy.

## **6. Local finance considerations**

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. No consultation has since been undertaken.

## **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 and protection from flood risk. 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 (indicated as 4 x 1 bed flats, 2 x 2 bed houses 1 x 3 bed house)**
- **S278 Agreement for highway works to include right turn lane, bus cage relocation and alterations to the access**

**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 6 December 2019 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3 and C11) 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 layout, scale, 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/B, 1611/P/102/A, 1611/P/103, 1611/P/101, 1611/P/104/B
6. No development shall commence until the vehicular access serving the development has been constructed in accordance with details to be submitted and approved in relation to condition 1 (reserved matters) above.
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 and car 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 or motor vehicles as relevant.

11. The details required by condition 1 shall include a Travel Plan Statement to be submitted and approved by the Local Planning Authority. This shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport.
12.
  - (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.
13. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (February 2019) 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 4.1m AOD
  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

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.

14. Surface water runoff from the proposed development should be limited 3.2 l/s for rainfall events including those with a 1 in 100 (plus 40%) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface

water drainage features. This should include evidence that Southern Water has capacity to accept the proposed surface water discharge into its network.

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 infiltration swale must be carried forward to detailed design and implementation.

15. Evidence that Southern Water agrees to the proposed surface water discharge rate should be submitted and approved in relation to a reserved matters application required by conditions 1 and 2.
16. 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 within the maintenance and management plan.
17. Prior to commencement of development on site, the applicant should submit to the Local Planning Authority for approval, measures to manage flood risk, on the site, during the construction phase.
18. 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.
19. Prior to commencement of development a Site Characterisation investigation and risk assessment, must be submitted to and approved in writing by the Local Planning Authority 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 investigation and risk assessment must be undertaken by competent persons. 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"

20. Submission of Remediation Scheme - Prior to commencement of development 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 submitted in writing to and approved by 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.

21. 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.

22. 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.

23. No development shall take place, including any works of demolition, until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP 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
24. 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.

25. Details of sustainable construction shall be submitted as part of a reserved matters application in relation to condition 1 (reserved matters).
26. 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.
27. The details required by condition 1 shall include details of location of bin storage and collection. A system must also be included for bin collection so that future residents must present their bins to receive their scheduled collection and that would be presented on the highway (front path) of the access road to the estate adjacent to the public car park within the site.

#### **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 encourage and promote sustainable transport.
12. To prevent increased risk of flooding.

13. 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.
14. To prevent increased risk of flooding.
15. To prevent increased risk of flooding.
16. To prevent increased risk of flooding.
17. To prevent increased risk of flooding during construction.
18. To prevent increased risk of flooding.
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 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.
23. To safeguard the amenity of adjoining residential amenities during the construction of the development.
24. To prevent harm to protected species.
25. To ensure environmentally sustainable and green development to comply with Hastings Planning Strategy (2014) policies SC3 and SC4.
26. To safeguard the amenity of adjoining residents.
27. To provide waste storage and collection facilities for the residents of the estate.

## 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](mailto: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](mailto: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](http://www.networkrail.co.uk/asp/1538.aspx).

7. Conflicts between the bus cage and the proposed access to Bexhill Road are outstanding, which could impact on the westbound visibility at the access. This must be addressed by moving the bus cage westwards as part of a reserved matters application.

Given the status of the bus corridor project, it is considered that any works

including the proposed double yellow lines, right turn pocket and amended bus stops would be the responsibility of the applicant and would need to be agreed with East Sussex County Council on 01273 48225

8. The applicant is advised that the access roads must be able withstand the weight of a 26 ton vehicle and a system must be in place to prevent car parking at the front of the estate entrance to prevent overcrowding of vehicles which could block the entrance and prevent refuse collections.
9. The applicant is required to enter into a formal easement agreement with Southern Water, to protect the foul water rising mains crossing the site. Please note no structures/building or foundation works will be permitted within the easement strips areas. Southern Water will require 24 hours a day, 7 days a week access to the land to maintain our critical apparatus.
10. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process, which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.

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### **Officer to Contact**

Mrs S Wood, Telephone 01424 783329

### **Background Papers**

Application No: HS/OA/19/00153 including all letters and documents