

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 03 June 2020  
**Report from:** Assistant Director of Housing and Built Environment

**Application address:** Land at Plot PX and Plot QX, Sidney Little Road, St Leonards-on-sea

**Proposal:** Develop a new 2 storey business incubation complex consisting of 29 units for a total area of approx 888m2 lettable space complex with associated car and cycle parking spaces

**Application No:** HS/FA/19/00803

**Recommendation:** Grant Full Planning Permission

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

**Applicant:** Hastings Borough Council per Allen Construction Consultancy Highlands House Highlands Road Shirley/Solihull B90 4ND

**Public Consultation**

Site notice: Yes  
Press advertisement: Yes - Council Application  
Neighbour Letters: No  
People objecting: 0  
Petitions of objection received: 0  
People in support: 0  
Petitions of support received: 0  
Neutral comments received: 0

**Application status:** Not delegated - Council application on Council owned land

**1. Site and surrounding area**

The site is located within the Churchfields Industrial Estate and is accessed via Sidney Little Road which is a no through road leading from Highfield Drive, and provides access to several existing industrial units. Sidney Little Road lies to the west of the application site and to the

east there is an ancient woodland (Church Wood and Robsack Wood). The immediate surrounding area is predominantly industrial.

The site is overgrown with trees and hedges and comprises an oval shaped plot of vacant land which is currently contained within an existing 2.1m high blue palisade fence and gate. The area to the west is currently vacant and adjoins the ancient woodland (Church Wood and Robsack Wood). Residential properties are located a minimum of 200 metres from the application site and the site is well screened from these properties by the woodland.

The site is allocated in the Hastings Local Plan - Development Management Plan 2015 for employment (B uses) and is an allocated site under Policy GH8 - Sites PX and QX, Churchfields.

### **Constraints**

- Low Pressure Pipeline SGN
- High Pressure Pipeline 2km Buffer SGN
- Flooding Surface Water 1 in 1000
- Public Right of Way - to the rear of the site
- SSSI Impact Risk Zone
- Ancient woodland located to the south east and north east of the site (approx. 15m distance at closest point)

## **2. Proposed development**

The application proposes a detached modern two storey business incubation complex accommodating a total of 29 units with a total area of 888m<sup>2</sup> lettable floor space. The units are proposed to be used as modern B1a office units with high technology space, together with in house management for tenants, together with shared services and amenities. The building will accommodate new business ventures from start-ups to maturity business units.

The proposed development will use the existing vehicular access at the front (north) of the site, and the existing visibility splays will be improved to accommodate the new use, a total of 47 car parking spaces (3no. disabled bays and 3no. motorcycles) and 20 cycle parking spaces are proposed to serve the proposed incubation complex. A covered and uncovered waste storage area is also proposed, together with a smoking shelter to the west of the proposed building.

The proposed building will be rectangular in shape, have a contemporary design and would be two storey in height with a maximum height of 8.5m increasing to 10m at the front entrance of the building. The proposed building will be built of brick walls at ground floor level and aluminium cladding at first floor. All windows and doors will be aluminium frames and it would have a flat roof that is a green roof with solar PV mounting system.

The rear (south) of the proposed building will incorporate a wildlife pond to compliment the woodland setting and would also provide an area of amenity space to employees. The west side of the development will remain undeveloped as Plot PX and will be reserved for future development.

A 15m buffer zone is proposed to be retained adjacent to the woodland as required by Natural England so as to protect the existing Ancient Woodland.

The application is supported by the following documents:-

- Design and Access Statement
- List of Materials
- Site Waste Management Plan
- Transport and Highways Supporting Document
- Stage 1 FRA
- Stage 2 FRA
- Assessment of Proposed PV System
- Ecological and Arboricultural Report
- Transport Statement
- Stage 1 Road Safety Audit
- Broadband Capacity Check
- Ground Appraisal Report

### **Relevant planning history**

HS/FA/16/00120 Replace existing boundary fence and gate - Granted 4 May 2016.

### **National and local policies**

#### Hastings Local Plan – Planning Strategy 2014

Policy FA1 - Strategic Policy for Western Area

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 EN4 - Ancient Woodland

Policy EN5 - Local Nature Reserves (LNR)

Policy EN6 - Local Wildlife Site (LWR)

Policy E1 - Existing employment land and premises

Policy DS2 - Employment Growth

Policy CI1 - Infrastructure and Development Contributions

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

Policy LP1 - Considering planning applications

Policy LP2 - Overall Approach to Site Allocations

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy DM6 - Pollution and Hazards

Policy LP2 - Overall Approach to Site Allocations

Policy GH8 - Sites PX and QX, Churchfields

Policy HN8 - Biodiversity and Green Space

Policy T3 - Sustainable Transport

#### Other policies/guidance

- National Design Guide
- ESCC (East Sussex County Council) Guidance for parking at non-residential development.
- Air quality and emissions mitigation guidance for Sussex (2019)
- East Sussex, South Downs and Brighton & Hove Waste and Minerals Plan Policies SP6 and WMP6.

### National Planning Policy Guidance (NPPG)

#### Paragraph: 001

Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design.

Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

#### Paragraph: 004

Development proposals should reflect the requirement for good design set out in national and local policy. Local planning authorities will assess the design quality of planning proposals against their Local Plan policies, national policies and other material considerations.

Local planning authorities are required to take design into consideration and should refuse permission for development of poor design. Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques. Planning permission should not be refused for buildings and infrastructure that promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposal's economic, social and environmental benefits).

#### Paragraph: 007

The successful integration of all forms of new development with their surrounding context is an important design objective, irrespective of whether a site lies on the urban fringe or at the heart of a town centre.

### National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

### 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."

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.

Paragraph 80 of the NPPF states significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 117 of the NPPF states planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

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 175 (d) of the NPPF advises that when determining planning applications, local planning authorities should apply the following principles:-

d) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

### **3. Consultation comments**

**ESCC Highways** - No objection subject to imposition of conditions 6, 12, 13, 15, 16, 17, 18 and 19, and a legal agreement securing a contribution for highway works.

**Environment and Natural Resources Manager** – No objection subject to imposition of conditions 8, 10 and 11.

**Arboricultural Specialist** – No objection subject to imposition of conditions 8, 9, 20, 21, 22, 23 and 25.

**Environmental Health** - Contaminated Land - No objection subject to imposition of condition 7.

**Environmental Health** - Noise - No objection subject to imposition of conditions 26 and 27.

**SSE Water** - No objection subject to imposition of conditions 28 and 29.

**Natural England** - No objection subject to retention of a 15m vegetation buffer between the proposed development and Ancient Woodland.

**ESCC Flood Risk Team** – No objection subject to imposition of conditions 14, 24, 28 and 29.

**Forestry Commission** – No objection

**Council Estates Team** – No comment to make as they have an interest in the land

## **4. Representations**

In respect of this application a site notice was displayed at front of the site and an advert placed in the local paper. No responses were received.

## **5. Determining issues**

The key considerations are the principle of development, design and impact on the character of the area, neighbour amenity, Impact on trees and ecological matters, highway safety, drainage matters and air quality emissions.

### **a) Principle**

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable and good access to public transport, shops, services and facilities, and as such the development is considered acceptable in principle subject to other matters complying with the local plan policies.

In addition, Policy E1 of the Hastings Local Plan – Planning Strategy 2014 seeks to secure the effective use of employment land and premises and seeks the retention of land and premises currently in B1, B2 and B8 use and Policy DS2 of the Hastings Local Plan – Planning Strategy 2014 seeks to support employment space. This policy advises that economic regeneration, local economic growth and diversification will be met through the development of up to 70,000 sq.m employment floorspace between 2008 and 2028. This will be achieved by the development of existing employments sites including Churchfields

Industrial Estate.

In addition, Policy FA1 of the Hastings Local Plan – Planning Strategy 2014 seeks to provide around 13,300 sq.m of additional employment land (class B1, B2 and B8) over the plan period at Churchfields, Castleham and Ponswood Industrial Estates in the Western Area of the Borough. The proposed development will therefore make a positive contribution towards this target.

The application site is an allocated site under Policy GH8 (Sites PX and QX, Churchfields) of the Hastings Local Plan - Development Management Plan (2015) as an employment site that can accommodate B use class employment with a floor space of approximately 6,900m<sup>2</sup>. This policy advises that an ecological survey is required prior to redevelopment, together with a Transport Assessment and a Travel Plan. This application is accompanied by these documents. In addition, this policy advises that trees along the southern and eastern boundaries should be safeguarded. It is considered that the proposed development accords with the key provisions of this policy.

Given this, it is considered that this site will positively contribute in meeting the employment aims of the Council. The proposal will preserve, enhance the function of the Industrial estate through providing an increased range of suitable employment units to satisfy modern operator requirements, optimising use of the site, and providing a modern office hub that can be flexibly used. This would be a positive addition to the existing employment and office space in the Borough thereby complying with Hastings Local Plan – Planning Strategy 2014 Policies E1 and FA1 and Policy LP1 of the Hastings Development Management Plan (HDMP) 2015.

#### **b) Impact on character and appearance of area**

Policy DM1 of Hastings Development Management Plan (HDMP) 2015 sets out design principles including that all proposals must reach a good standard of design, which includes efficient use of resources and takes into account protecting and enhancing local character and good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

The development would create a detached two storey modern and contemporary building that would be of a size, scale and bulk drawn from industrial buildings in the vicinity of the site. The building would be constructed of modern materials being brick walls at ground floor and aluminium cladding at first floor, all windows and doors will be aluminium frames and it would have a flat roof that is a green roof with solar PV mounting system and rooflights. It is considered that whilst Churchfields Industrial Estate is characterised by warehouse type industrial buildings of a mixture of brick and profiled metal sheeting with pitched roofs no more than 2 storeys high, a development as proposed with a modern and contemporary design is acceptable and would provide a modern office hub that can be flexibly used to meet today's business needs, and the proposed natural looking materials would integrate well with the design and detailing of the Innovation Centre located in the local area.

As such it is considered that the design, size, scale and detailing of the proposed building will be acceptable and would not appear out of character nor visually dominating within the established industrial area. In addition, the site is well screened by a mature woodland to the eastern boundary and there would be a 15m buffer Zone to protect the woodland as required by Natural England. Any views of the building will be local views from Sidney Little Road, and



these views would be from within Churchfields Industrial Estate.

As such the design and appearance of the development is considered to be acceptable and that a development as proposed would be integrated well with existing and as such it is considered that the development complies with Development Management Plan 2015 Policy DM1.

### **c) Impact on neighbouring residential amenities**

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This includes the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

Given that the proposed development would be located a minimum of 200 metres from the nearest dwellings and when combined with the level of screening that is afforded by the existing ancient woodland, that the applicant proposes the retention of a 15m vegetation buffer between the proposed development and the existing Ancient Woodland, and that there are industrial units between the Ancient Woodland and the nearest residential development, it is considered that no neighbour amenity will be lost as a result of this development.

Furthermore, given that the use of the site would be a B use similar to neighbouring uses it is considered that any impact (by way of harmful noise, nuisance and disturbance) to these neighbouring properties as a result of the development, would not be significantly different to impact caused by existing uses in this location. Subject to the imposition of conditions as recommended by the Council's Environmental Health Officers, the development is considered to be acceptable and that it complies with Policy DM3 of the Hastings Development Management Plan 2015.

### **d) Trees and Ecology matters**

Policy EN4 of the Hastings Local Plan – Planning Strategy 2014 states that planning permission will only be granted for development near or adjacent to an Ancient Woodland if it is demonstrated that the proposals will not adversely affect the ancient woodland and the need for the development outweighs the importance of the ancient woodland.

Policy EN5 of the Hastings Local Plan – Planning Strategy 2014 states that proposals for development within or likely to have an impact on Local Nature Reserves will only be permitted if the need of the development outweighs the importance of the site for nature conservation; and any harm to the nature conservation interest of the site is clearly and demonstrably kept to a minimum.

In addition, paragraph 175 (d) of the NPPF advises that when determining planning applications, local planning authorities should apply the following principles:-

d) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

The site adjoins an Ancient Woodland. An Ecology Report and Tree Survey are submitted as

part of the application. It is noted that whilst the ancient woodland is in close proximity to the footprint of the proposed building, there remains a 15m buffer strip as required by Natural England. No protected or mature trees, or their roots will be lost/affected as a result of the development. The development has been sensitively located to minimise impact of existing mature trees and their roots, and paying particular attention to those in close proximity to the Ancient Woodland. There are 3 no. of trees proposed to be removed that are not protected and not located within the ancient woodland. These are T8 Ash, T9 Blackthorn and T43 Hornbeam and they are not considered to be healthy trees. These trees will be replaced via a tree planting scheme. As such the development will not cause harm to the Ancient Woodland or trees covered by a Tree Preservation Order. The Council's Arboriculture Specialist was consulted and they have no objection to the development subject to the imposition of conditions 8, 9, 20, 21, 22, 23 and 25. As such the proposed development is in accordance with the relevant local plan policies.

The NPPF requires that the Planning System should contribute to and enhance the natural and local environment by minimising the impact of the development on biodiversity and providing net gains in biodiversity wherever possible, In regards to ecology matters, the submitted Ecology report sets out a number of biodiversity enhancements, such as a wildlife pond at the rear of the proposed building and a soft landscaping scheme with a tree replacement planting plan, together with a green roof so as to replenish any ecology lost due to the proposed development. In addition, the application proposes retention of a 15m buffer strip around adjacent the Ancient Woodland, retention of a reptile population, installation of tree mounted bat boxes, together with the installation of boxes to attract nesting birds and European Hedgehogs. Furthermore, the Ecology reports concludes in respect of protected species that the site does not contain trees with bat roosting features and as such any bats that were detected were using the site either for foraging or commuting. As such if planning permission is given for the development the location and intensity of lighting should be controlled as the proposed industrial building has the potential to impact the commuting and foraging behaviours of the local bat population. The report also concludes that the site has a population of reptiles such as Slow Worms and Common Lizard and as such it would be necessary to relocate reptiles into a Receptor site and this should be conditioned if planning permission is given for the development. In regards to birds, the submitted Ecology Report concludes that a total of 20 bird species were recorded within the site and any removal of trees should be done outside the bird breeding season and this should be within the autumn and winter months. Given this it is considered that a development as proposed will make a positive contribution towards biodiversity enhancements and there would be a net gain in line with biodiversity thereby complying with the NPPF policies and Local Plan Policies. There is no objection raised by the Environment and Natural Resources Manager, subject to the imposition of conditions as recommended. As such the proposed development is considered to be acceptable and not harmful to the nearby Local Nature Reserves and therefore in keeping with the relevant Local Plan policies.

#### **e) Highway Safety/Parking**

The site is situated in a sustainable location with good pedestrian access to public transport and local facilities, therefore, future employees of the business will not be wholly reliant on private cars to access work.

The application is accompanied by a Transport Statement and Travel Plan to justify the development. The submitted Transport Plan concludes that the proposed B1a use would be likely to generate 1 vehicle every 4 minutes and this is not considered to cause harmful impact on traffic flows. In addition, the application is also supported by a Stage 1 Road Safety Audit which details the proposed access arrangements and adequately addresses

earlier concerns raised by the County Highway Engineer. The application proposes the altering of the existing site entrance by improving visibility splays as recommended by ESCC Highways. In addition, an existing lighting column will need to be relocated, and this together with a new location for the lighting column will be secured via a section 278 agreement as requested by ESCC Highways.

The application proposes 47 car parking spaces for the proposed office hub. The East Sussex County Council Parking Guidelines requires a B1a Office use as proposed to provide 1 car parking space per 30m<sup>2</sup>. As such this development requires 37 car parking spaces. This then means that the 47 car parking spaces provided are over and above the requirements, and as such no concern is raised regarding this element of the scheme. In regards to cycle parking, the ESCC Guidelines require 1 short term space per 500 sq.m and 1 long term covered and secure space per 10 full time staff, and these are required to be provided in a secure and convenient. The application proposes 20 cycle spaces which over exceed the ESCC requirements, and as such there is no concern raised to the proposed development on this ground.

The application is accompanied by a Travel Plan which proposes measures to reduce the frequency of car travel and encourage use of sustainable modes of transport to and from the site. The measures include local cycle parking, car clubs, public transport details which include the location of bus stops, walking and cycling information or maps. These measures are considered acceptable and should be conditioned if planning permission is given for the development.

The Travel Plan further advises that a Travel Pack produced in accordance with BREEAM 2018 guidance will be given to each tenant to encourage the uptake of sustainable modes of travel. There will be a Travel Plan Coordinator (TPC) appointed for the site and each tenant and their members of staff will receive a Travel Information Pack.

The Travel Information Pack will contain the following:-

- Details of the Travel Plan and its purpose;
- Contact details and responsibilities of the TPC;
- Details of local cycle parking;
- Details of local Car Clubs;
- Details of Liftshare opportunities available at: <https://liftshare.comuk>
- Public transport details including location of bus stops;
- Calendar of key annual events (Bike Week, Walk to Work Week etc);
- Promotion of Smartphone apps for up-to-date/real-time public transport, walking and cycling information/maps etc; and
- Details of relevant websites and resources such as Sustrans, Traveline and ESCC travel information pages.

In addition, the submitted Travel Plan proposes the installation of a Real Time Passenger Information display at the Bodiam Drive Bus Stop which will give passengers actual waiting times and will inform passengers about any delays so as to encourage use of sustainable transport. These infrastructure improvements are considered acceptable and should be secured if planning permission is given for the development.

The ESCC Highways Engineer advises that a contribution of £12,000 should be made by the applicant to finance the installation of the Real Time Passenger Information display at the

Bodiam Drive Bus Stop. Such contributions should be secured by a legal agreement, if planning permission is given for the development. Requests for developer contributions must be assessed in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010. This has strict criteria setting out that any planning obligation must meet the following requirements:- It is :

- a) necessary to make the development acceptable in planning terms
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

The applicants have agreed to make the highway contribution as requested by County Highways and it is considered that the proposed development will deliver the necessary highway improvements in accordance with the provisions of the Policy CI1 of the Hastings Local Plan – Planning Strategy 2014.

As such, it is considered that a development as proposed will represent a balanced proposal by delivering local highway infrastructure improvements in accordance with local plan policy provisions, that the development will not pose highway danger, and that it provides adequate car and cycle parking on site for vehicles in compliance with Policies T3, DM3 and DM4 of the Development Management Plan 2015 and the ESCC Parking Guidelines. Car and cycle parking provision would be secured by condition (Condition 6) if planning permission is given for the development.

#### **f) Surface and Ground Water Drainage**

The application is accompanied by a Flood Risk Assessment which has been amended following initial concerns raised by the County Flood Risk Team. The ESCC Flood Risk Team (Local Lead Flood Authority) advise that whilst the area of land occupied by the footprint of the proposed building would be impermeable, the submitted FRA advises that the applicant will provide attenuation through the use of permeable paving in the parking areas and hydraulic calculations have been provided for this. In addition, the applicant proposes to use an attenuation pond to manage surface runoff. It is not considered that the development would give rise to ground or surface water pollutions. The ESCC Flood Risk Team advise that the proposed drainage system is acceptable subject to the imposition of conditions requiring details of surface and foul water drainage. As such, there is no objection to the development subject to conditions relating to the management of surface water run-off from the development. The development is considered to comply with the NPPF and local policies.

#### **g) Air quality and emissions**

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and no residential amenities would be harmfully affected. As such it is considered that the development is in accordance with Policy DM6 of the Hastings Development Management Plan 2015.

#### **h) 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.

### **i) Sustainable Construction**

Hastings Planning Strategy (2014) Policies SC3 and SC4 promote sustainable and green design, and Policy SC4 specifically advises developers of non-residential development to follow the hierarchical approach in achieving the energy and carbon dioxide emission requirements of Building Regulations. This aspect of the scheme will be assessed by the building regulation officers.

This application proposes a green roof, Bauder Biosolar integrated solar PV mounting system and water and energy saving measures so as to achieve a minimum of BREEAM 'Very Good' rating and a high DEC/EPC rating in line with the requirements of Policy SC4 and SC4 of the Hastings Planning Strategy (2014).

In addition, the proposed development proposes a sustainable urban drainage system, and the development would have a limited impact on biodiversity, proposes a wild life pond at the rear of the office building and other biodiversity enhancements such as the installation of bird and bat boxes on existing trees, will provide a new and modern building that would have better insulation properties than most existing office buildings in the Borough, and will provide recycling facilities in compliance with Policy SC3 of the Hastings Planning Strategy (2014). Furthermore, the development will be required to meet building regulations should it be constructed to meet the low carbon levels required within the building regulations. Given the above, it is considered that a development as proposed is acceptable and complies with Policies SC3 and SC4 of the Hastings Planning Strategy 2014.

## **6. Conclusion**

This is an allocated site under Policy GH8 - Sites PX and QX, Churchfields and the proposed development accords with the key provisions of this policy.

The proposed B1a office use is acceptable in this location as the proposed modern office hub complies with local and national policies, subject to a legal agreement to secure highway contributions and conditions as recommended herein. The development will increase the amount of modern office and employment space available in the area in accordance with the Borough's employment policies, whilst ensuring visual and residential amenity is protected, local wildlife and trees are protected and biodiversity is enhanced. In addition, an acceptable level of on-site car and cycling parking is provided, which would not lead to highway danger. Whilst the proposed building is of modern and contemporary appearance, it does not detract from the established character of the Churchfields Industrial Estate and would offer future users of the space much needed flexible, modern office space to meet current business needs of start-ups, growing and established businesses.

As such it is considered that a development as proposed would be will be assimilated well with existing industrial buildings within Churchfields Industrial Estate, and complies with the

Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states that:-

"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.

## **7. 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 for the entire redevelopment site covered under HS/FA/19/00803 to secure:**

- **a financial contribution of £12,000 towards Real Time Passenger Information;**
- **a Travel Plan in the form of the Travel Plan Framework**
- **a S278 Agreement with ESCC highways for the detailed design of the highway works and improvements required, and the relocation of a lighting column.**

**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 3 December 2020 that permission be refused on the grounds that the application does not comply with the relevant policies (Policy CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.**

**B) Subject to the above**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. 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.

3. The development hereby permitted shall be carried out in accordance with the following approved plans:

6400-ACC-00-ZZ-DR-A-1002 Rev.P1 Proposed Visibility Splay  
6400-ACC-00-ZZ-DR-A-1002 Rev.P3 Proposed Site Plan amended  
6400-ACC-00-ZZ-DR-A-0003 Rev.P0 Topographical Survey  
6400-ACC-00-ZZ-DR-A-1006 Rev P2 Proposed Hard Landscaping  
6400-ACC-00-ZZ-DR-A-1300 Rev P1 Elevations  
6400-ACC-00-ZZ-DR-A-1110 Rev P1 Proposed Ground Floor  
6400-ACC-00-ZZ-DR-A-1130 Rev P0 Proposed Roof Plan  
6400-ACC-00-ZZ-DR-A-1120 Rev P1 Proposed First Floor Plan  
6400-ACC-00-ZZ-DR-A-1400 Rev P1 3D Views  
6400-ACC-00-ZZ-DR-A-1008 Rev P1 Ecological Constraints and Opportunities  
6400-ACC-00-ZZ-DR-A-1009 Rev P1 Site Plan Hoarding Plan  
6400-ACC-00-ZZ-DR-A-1010 Rev P1 Site Compound and Haulage Routes  
6400-ACC-00-XX-DR-A-1205 Rev P0 Section Through Access Road

4. No external lighting shall be placed anywhere within the site without first obtaining the prior consent in writing from the Local Planning Authority. The submitted details shall include details of the type of luminaire and output measures to shield and direct light and illuminance. Thereafter lighting shall only be installed and maintained in accordance with the approved details.
5. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
6. The development shall not be occupied until the cycle parking, car parking areas and turning spaces for cycles and vehicles have been provided and constructed in accordance with the amended approved drawing no.6400-ACC-00-ZZ-DR-A-1002 Rev.P2 Proposed Site. Thereafter the approved areas shall be retained for that use as approved and shall not be used for any other purpose.
7. If any identified or significant additional or unforeseen contamination is encountered, it shall be immediately notified to the Local Planning Authority. If development has started, it shall cease in the affected area and should not commence until a programme of remediation has been submitted to and approved in writing by the Local Planning Authority.
8. All arboricultural, tree and ecological measures and/or works shall be carried out prior to commencement of this development hereby approved in accordance with the details contained in the Ecology and Arboricultural Report prepared by The Ash Partnership dated August 2019, and submitted as part of this planning application. These arboricultural, tree and ecological measures and/or works shall thereafter be maintained as approved.

9. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
10. No development shall commence until a Construction Environmental Management Plan (not including biodiversity) which details how the environmental impact of the construction work associated with this development will be controlled, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be adhered to throughout the construction period.

The plan should provide for:-

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) construction traffic management;
- iv) storage of plant and materials used in constructing the development;
- v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vi) wheel washing facilities;
- vii) measures to control the emission of dust and dirt during construction;
- viii) measures to control noise disturbance;
- ix) measures to investigate and remediate any land contamination;
- x) measures to maintain land stability during construction;
- xi) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- xii) working hours.



11. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities;
  - b) Identification of “biodiversity protection zones”;
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
  - d) The location and timing of sensitive works to avoid harm to biodiversity features;
  - e) The times during construction when specialist ecologists need to be present on site to oversee works;
  - f) Responsible persons and lines of communication;
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

12. No development shall take place until details of the layout of the new access and the specification for the construction of the access which shall include details of protection markings have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the use hereby permitted shall not commence or be occupied until the construction of the access has been completed in accordance with the agreed specification. The access shall thereafter be maintained as approved.
13. The access shall not be used until visibility splays as shown on the amended Drawing No 6400-ACC-00-ZZ-DR-A-1003 P1 are provided and are cleared of all obstructions exceeding 600mm in height and kept clear thereafter.
14. Prior to the commencement of the development hereby approved details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed surface water drainage shall be maintained as approved.

15. The development hereby permitted shall be carried out in accordance with the measures detailed in the submitted Transport and Highways Supporting Document prepared by The Transportation Consultancy and dated November 2019, and submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.
16. The development hereby permitted shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
17. The completed access shall have maximum gradients as indicated on the approved plan Drawing No. 6400-ACC-00ZZ-DR-A-1006 P2 Proposed Hard Landscaping and the agreed gradients shall thereafter be maintained as approved.
18. The development shall not be occupied until a grit bin has been provided within the site to reduce the occurrence of ice on the access road in accordance with details which have been submitted to and approved in writing by the Planning Authority in consultation with the Highway Authority and the grit bin shall thereafter be retained for that use and shall not be used for any other purpose.
19. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.
20. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which 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); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme. Thereafter the scheme shall be carried out as approved and maintained in accordance with the approved scheme.

21. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same.
22. No works or development shall take place until full details of all proposed tree planting, 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.
23. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
24. Prior to first occupation of the development hereby approved, evidence, including photographs shall be submitted to and approved in writing by the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
25. All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees where needed and their origin and how long they have been in the nursery should be supplied to the Local Planning Authority prior to the commencement of any tree planting.
26. No plant or equipment, for instance to heat the building, shall be installed within the building hereby permitted without first obtaining the prior consent in writing of the Local Planning Authority. The plant or equipment shall thereafter be implemented and maintained as approved.
27. Work which is audible at the site boundary and deliveries to and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.
28. (i) Prior to construction of the development hereby approved, details of the proposed means of foul sewerage and surface water disposal/management is to be submitted to and approved in writing by the Local Planning Authority. These details shall include formal agreement from Southern Water for any new connection to the Public Sewer, including evidence that Southern Water

has capacity within their system to accommodate the development. Along with a maintenance and management plan for the entire drainage system identifying those responsible for managing all aspects of the surface water drainage system and piped drains.

(ii) Development shall then be carried out in accordance with the details approved under (i)

(iii) The development hereby approved shall not be occupied until evidence (including photographs) has been submitted to and approved in writing by the Local Planning Authority demonstrating that the drainage system has been constructed as per the final agreed detailed drainage designs.

29. No part of the development hereby approved shall commence until detailed drainage drawings and calculations have been submitted to and approved in writing by the Local Planning Authority.

i) The submitted details shall include evidence (in the form of hydraulic calculations) that surface water discharge rates are limited to 0.9 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Such hydraulic calculations shall take into account the connectivity of the different surface water drainage features.

ii) The details of the outfall of the proposed attenuation pond and how it connects into the watercourse shall be submitted as part of a detailed design including cross sections and invert levels.

iii) Prior to the construction of the outfall, a survey of the condition of the ditch/ordinary watercourse (or sewer/drain) which will take surface water runoff from the development shall be investigated. Results of the survey shall be submitted to and approved in writing by the Local Planning Authority. Any required improvements to the condition of the watercourse/sewer/drain shall also be included and, if approved by the Local Planning Authority, implemented accordingly.

iv) A maintenance and management plan for the entire drainage system shall be submitted to the planning authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The management plan shall cover the following:

a) This plan should clearly state who will be responsible for managing all aspects of

the surface water drainage system, including piped drains.

b) Evidence of how these responsibility arrangements will remain in place throughout

the lifetime of the development.

These details shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter remain in place for the lifetime of the development.

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure an acceptable form of development.
3. For the avoidance of doubt and in the interests of proper planning.
4. In the interests of amenity.
5. In the interests of the visual amenity of the area.
6. To ensure an adequate level of off-street parking to serve the development, in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development, and in the interests of highway safety.
7. To ensure a satisfactory standard of development.
8. To protect features of recognised nature conservation importance.
9. To protect features of recognised nature conservation importance and the existing ancient woodland.
10. In the interests of neighbour amenity and to ensure an acceptable form of development.
11. To ensure that any adverse environmental impacts of development activities are mitigated.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. To ensure a satisfactory standard of development.
15. To ensure an acceptable form of development and in order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
16. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

17. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
18. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
19. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
20. To ensure an acceptable form of development.
21. To ensure an acceptable form of development.
22. To ensure an acceptable form of development.
23. To ensure an acceptable form of development.
24. To ensure a satisfactory standard of development.
25. Biosecurity is very important to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.
26. To ensure an acceptable form of development.
27. To ensure an acceptable form of development.
28. To ensure a satisfactory standard of development.
29. To ensure a satisfactory standard of development.

#### **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 paragraph 38 of the National Planning Policy Framework.
3. The proposed activities may constitute a prescribed process under the Environmental Protection Act 1990. Please contact the Environmental Protection Team on: 01424 451079 for further information.
4. The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act.

5. The applicant will be required to enter into a Section 278 legal agreement with East Sussex County Council, as Highway Authority, for the off-site highway works. This includes the construction of the new access and advisory keep clear marking across the junction. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.
6. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).
7. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
8. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).
9. Consideration should be given to the provision of a domestic sprinkler system.

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### **Officer to Contact**

T Zulu, Telephone 01424 783254

### **Background Papers**

Application No: HS/FA/19/00803 including all letters and documents