

Report to: PLANNING COMMITTEE

Date of Meeting: 19 January 2021

Report from: Assistant Director of Housing and Built Environment

Application address: **Buckshole Reservoir, Alexandra Park, St Helens Road, Hastings**

Proposal: **Engineering works to improve the safety of Buckshole Reservoir**

Application No: **HS/FA/20/00667**

Recommendation: **Grant Full Planning Permission**

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

Applicant: Hastings Borough Council per DHA Planning Ltd
DHA Planning Ltd Eclipse House Sittingbourne Road, MAIDSTONE. ME14 3EN

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Affects a Listed Building
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

Alexandra Park is listed as a Grade II* Registered Park on the Historic Register of Parks and Gardens. Only 27% of all parks and gardens are designated at this high grade and are considered to be of exceptional interest. The park is of special interest as a relatively early

municipal park, enlarged and redesigned in the late 19th century by Robert Marnock, one of the leading park designers of the time and a leading exponent of the gardenesque style. The park is long and sinuous and is focused around the Old Roar Gill stream before its final journey to the sea. Marnock designed the underlying structure of the park to have a naturalistic and verdant character where a series of reservoirs interlinked by designed water features and streams lead around and through the park. The park today more or less keeps to the original character and structure as laid out by Robert Marnock and his predecessors.

Alexandra Park runs from the south east to the north west and is surrounded with significant Victorian and Edwardian developments along St Helens Road and Lower Park Road. The character of the Park evolves as you move from the South East Entrance through to its North western periphery. The south eastern end of the park presents its self as a formal park arrangement with various features of public interest and use such as the war memorial, children's play area, water features and open areas laid to lawn for general recreation. The gradual evolution in character begins to develop on crossing Dordrect Way where the density and size of planting increases at the boundaries but still has formal elements such as tennis courts and a rose garden. However, the evolution continues towards a more natural environment with small winding pathways moving through the established natural environment.

Trees and other significant perennials are present and are the main contributor to the character of this section of the park. Buckshole Reservoir is located in an elevated position to the north west of the park and immediately adjacent to St Helens Road. The reservoir is Victorian in origin and was originally used for drinking water provision. That function is no longer utilised and the reservoir exists for recreation only. It has been subject to relatively recent interventions such as the installation of a spillway upgrade in the 1980's and flood gates in the 1970's.

Its presence creates a mindful and picturesque vista, contrasting the natural landscape with the presence and calming nature of this significant body of water, the built environment frames this natural habitat that is of great benefit both socially and ecologically.

To the south east of the reservoir is a valve tower and flood gates, which in the event that the reservoir is over capacity the gates can be opened and excess water runs down the spillway into the park.

Constraints

Grade II* Registered Park

SSSI Impact Risk Zone

2. Proposed development

Engineering works to improve the safety of Buckshole Reservoir, comprising of the installation of a concrete spillway channel of approximately 4m in width and will run over approximately 90m.

A spillway channel is utilised in the event that the reservoir is at risk of overflowing, by opening of valves the water in the reservoir will be directed down the spillway into the park at a gradual rate.

The application is supported by the following documents:

Planning, Design and Access Statement

Heritage Statement

Construction Traffic Management Plan

Flood Risk Assessment

Arboriculture Report

Ecology Report

Community Engagement Statement

Site Waste Management Plan

Landscape and Visual Statement

Relevant planning history

Application No.	HS/FA/85/00001
Description	Concrete spillway to regulate surface water flow.
Decision	Permission with conditions on 04/02/85

Application No.	HS/EIA/20/00406
Description	Request for screening opinion under Town and Country Planning (Environmental Impact Assessment) Regulations 2017 - Proposed engineering works to improve safety
Decision	on 17/08/20

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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

Policy EN1 - Built and Historic Environment

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy EN7 - Conservation and Enhancement of Landscape

Policy EN8 - Open Spaces – Enhancement, Provision and Protection

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM4 - General Access

Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

Policy HN8 – Biodiversity and Green Space

Policy HN9 – Areas of Landscape Value

Policy HN10 – Amenity Green Spaces

Other policies/guidance

National Design Guide 2019

Historic England – Conservation Principles (2008)

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 150 states that new development should be planned for in ways that:

- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
- b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.

Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 193 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3. Consultation comments

Highways - No objection subject to conditions (no's 3-6)

SUDS – No Objection

The information provided is satisfactory and enables the Lead Local Flood Authority to determine that the proposed development is capable of managing flood risk effectively.

Conservation Officer – The case officer is a qualified Conservation Officer, as such comments are incorporated within this report and consideration of the application .

Ecology Officer - Objection / No objection XXXX Awaiting CommentsXXXX

Environmental Health – No objection

Arboriculture Officer – No Objection subject to conditions (no's. 7-11)

The Gardens Trust – No comment received

Estates Department – No comment received

Environment Agency - No objection

Historic England – No Objection, advice to authority provided

The main concern relates to the prominence and hard engineered design of the new raised channel and the introduction of this feature within part of the park that was specifically designed to have an informal and naturalistic character. However the harm could be reduced by improved design either through covering of the channel with topsoil or through facing the concrete with masonry combined with a well-designed planting scheme to soften the impact of the structure.

4. Representations

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

5. Determining issues

The main issues for consideration is the impact upon the landscape that could cause harm to the ecosystem in the immediate vicinity and cause harm to the character and appearance of a Grade II* Registered Park and Garden, whilst balancing the public interest associated with flood management.

a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

b) Impact on character and appearance of the Grade II* Registered Park

The current spillway arrangement that was installed in the 1980's has been deemed as inadequate and requires upgrading in order to meet safety requirements. It is also noted that later parts of the spillway are of Victorian origin.

The implications of not upgrading the spillway could lead to significant flooding of a large portion of Hastings Town Centre. This in turn could lead to a significant economic impact by way of damage to homes and businesses, and potentially loss of life.

The proposal addresses the need to upgrade the spillway to ensure that enough water can be moved safely away from the reservoir through the park without an excessive and sudden 'rush' of water being released. The current spillway does not have the required flow rate to move enough water away in the required timescale.

However, the proposal will cause harm to the natural character and appearance of this area of the park. The new reinforced concrete spillway will have a harsh brutalist appearance that is not complementary to the setting of the park. The overall structural will be approximately 93m in length and 4m in width. The spillway will be covered over the initial 8.5 m and the final 5m over the stilling basin. The tapering of the spillway in width terms occurs over the final 7m to a width of 2.23m. The height of the channel varies from 1.8m at the initial exit point from the reservoir. Dropping to 1.5m at the mid point and then increasing to 3m at stilling basin prior to joining up with the existing spillway. It should be noted that the initial exit area immediately adjacent to the dam wall and the stilling basin will be covered with a reinforced concrete roof and planting shall be set on top of it to lessen the impact. However, this will still leave significant sections of reinforced concrete visible and to the detriment of the Parks overall character.

Paragraph 193 of the national planning policy framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm or total loss.

As part of a Grade II* Registered Park and Garden, which carries not only significance in heritage terms but also carries great benefit for community cohesion, wellbeing, recreation and ecology, great weight is attached to the parks conservation. However, paragraph 196 of the NPPF allows for harm to be mitigated by way of public benefit. It is clear that the potential for significant loss and the requirement to upgrade the spillway carries substantial public benefit.

Historic England shares the council's view that the upgrade is required, however they have made an objection to the proposal but have given advice to improve the appearance to reduce the adverse impact on the naturalistic and verdant character of the park.

They cite either to utilise a fully covered design or to face the new channel in masonry that matches that of the historic masonry that currently edges the drainage system further downstream. This facing should also be accompanied by a well-designed planting scheme that also helps soften the impact of the widened structure and assimilates it into the surrounding landscape.

It is acknowledged that a fully covered spillway is preferable but will come at a significant additional cost with additional ongoing maintenance costs due to the requirement of confined space trained experts to carry out annual maintenance. For these reasons it is accepted that a covered spillway is not viable.

It is considered acceptable and reasonable to impose conditions to ensure that the aesthetic finish softens the impact of the development and removes the somewhat brutalist appearance of the project. However, the idea of cladding the spillway with a more aesthetic pleasing finish such as brick also presents significant challenges most notably:

- Adding cladding would require the actual structure to be wider, due to the space taken by the thickness of the cladding. This would maintain the required capacity. The additional size of the structure, plus the cladding, would add significant cost to the scheme:
 - Larger excavation required for construction;
 - Additional material to dispose of off-site (additional lorry movements);
 - Additional time taken to excavate and to construct;
 - Additional material costs.

- Ongoing additional maintenance costs to ensure the brick cladding remains intact: with the anticipated high velocity flows any defects in the brickwork or pointing can result in bricks being plucked out of the wall and this can quickly result in the loss of large areas of cladding during flood events. Whilst the concrete structure itself would remain intact if a significant area of brick cladding was to come away it could partially block the channel, leading to out of channel flows, which could then damage the embankment, defeating the object of the new spillway structure. Clearly this is a small risk, assuming good maintenance is carried out, but nonetheless it is an additional cost and risk that would be avoided if a textured concrete finish is used instead.

As such the proposal includes some details of a textured finish set into the concrete using specialist form work. However, the proposal does not clearly specify where this textured detailing would be located.

Without full details of the areas to have a textured finish and the full details of planting to dilute the impact of the development, it cannot be ascertained as to the extent of the impact to the character and appearance of the area. Whereas dense planting could negate the need for a textured finish, a lack of planting would increase the need for the textured finish.

As such condition no 13 is added to the recommendation, requiring a full planting scheme and precise areas of proposed textured finishes shall be submitted to the Local Planning Authority and be approved by the Local Planning Authority in writing before commencement of the laying on the concrete spillway.

Finally, the staging area for the construction work has been designated approximately 60-80m to the southeast of the reservoir. This area allows ingress and egress of heavy plant and machinery to conduct the works. This will involve the removal of some trees to allow the access. Although the suitability and implications of tree removal are best addressed by the Arboriculture Officer, in conservation terms this element should ensure replacement planting and restoration of the staging area following completion of the works.

On the basis that the satisfaction of the conditions no 7-12 which seeks to protect the character and appearance of the Grade II* park, the significant public benefit that will result from the proposed works, it is considered that the proposal will satisfy Policy HN1 of the Hastings Development Management Plan. It is also considered that with an agreed finish and planting scheme the public interest outweighs the harm caused to the heritage asset and as such satisfies paragraph 196 of the NPPF.

c) Impact on landscape, trees and ecology

Policy HN8 of the Hastings Development Management Plan specifies that :

Development should result in no net loss of biodiversity or designated green space as defined on the Policies Map. The weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites.

Development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be demonstrated that;

- a. the need for the development would outweigh the nature conservation interests;
- b. adverse impacts can be satisfactorily minimised through mitigation and compensation measures.

An Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include:

- a. information of existing on-site ecology;
- b. opportunities for connectivity between spaces and improved accessibility to them;
- c. green space and biodiversity improvements on and off-site as appropriate;
- d. opportunities for the retention or creation of green infrastructure;
- e. measures for the protection and management of ecology, where appropriate;
- f. an arboriculture assessment.

The arboriculture officer has indicated a number of points of concern within his consultation response including the impact upon existing trees and the lack of planting schemes to replace any lost planting. The arboriculture officer has recommended a number of conditions that will enable the project to be approved (conditions 7 - 11). However, many of these conditions are pre-commencement conditions which will delay an urgent development from going ahead. Nevertheless, it is acknowledged that the conservation of and if necessary, replacement of planting is essential, and in the interests of maintaining the local ecological, visual and bio-diverse quality of the area. As such conditions 7 -11 will be imposed in a staged manner. Initially pre-commencement conditions will be imposed to ensure existing trees and planting are adequately protected, planting scheme conditions will require submission and approval prior to the laying of the concrete spillway, but the approved planting will not be implemented until the works to the spillway have been completed. This approach is also in line with satisfying similar conditions for protecting the character and appearance of the Grade II * Registered Park.

East Sussex County Council have been consulted in respect of matters relating to ecology and have raised no objection to the application subject to conditions x and y

AWAITING FOR CONSULTATION RESPONSE FROM escc (please keep in for now)

In light of the above it is considered that the proposal can satisfy Policy HN8 of the Hastings Development Management Plan subject to satisfactorily discharging the associated conditions nos 7-11.

d) Air quality and emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2020 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 residential amenities are not affected. The development will not give rise to ground or surface water. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

e) Highway safety/parking

St Helens Road is a classified road, the A2101 subject to a speed limit of 30mph. The Construction Traffic Management Plan detailed that works vehicles including Heavy Goods Vehicles (HGV) would enter and exit the site on to/off of St Helens Road.

ESCC had initially objected to the proposed Construction Traffic Management Plan, stating that an insufficient level of information had been provided. An amended Construction Traffic Management Plan was submitted aiming to address the points of concern.

The Highway Authority has provided further comment detailing that they have no objection subject to the imposition of condition nos 3-6. The plans provided to the Highway Authority do detail sufficient consideration has been given to staff parking, movement of HGV's over a single track and double track widths, pedestrian safety and provision of adequate visibility

splays to ensure road safety.

As such, with regard to site access the proposal subject to conditions will satisfy Policy DM4 of the Hastings Development Management Plan.

f) Environmental Impact Assessment

The proposed development falls within category 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 in that it is located in a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. As such a screening opinion has been carried out which concluded:

- a) that the development falls within Schedule 2 part 10 (i) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) and that
- b) the development **will not** have significant effects on the environment such as to justify a separate Environmental Impact Assessment to the information to be provided with the application.

In terms of the obligations set under Policy Area FA2 (Central Area) within the Local Planning Strategy, the proposal will protect, manage and enhance the green spaces network, in particular Alexandra Park, and ensures the development takes account of past flooding and the impact of anticipated future climate changes on flooding in the Town Centre. It will successfully reduce the overall level of flood risk caused by the potential of reservoir failure in the area through the layout and form of the development, improvements to local defences and the application of suitable sustainable drainage systems.

g) Flood Management

The reservoir is situated in a high risk flood area being in Flood Zones 2 and 3 as determined by the Environment Agency. Although the works will not reduce the risk of local flooding in normal circumstances, the works will significantly reduce risk of failure of the reservoir from 'unacceptably high' to 'as low as reasonably practicable', and thereby reduce the risk of inundation flooding downstream. The works will not change the magnitude of fluvial flood events through the reservoir. Overall, there will be a net reduction in downstream flood risk.

6. Conclusion

In principle the need for the proposed works is clear, convincing and in the public interest. However, the full impact of the development upon the appearance and immediate ecosystem including tree and planting cannot be fully determined with the information provided.

Therefore, it is considered that the satisfaction of Policies HN1 and HN8 of the Hastings Development Plan and Policies EN1, EN3, EN7 and EN8 of the Hastings Local Plan remain reserved until the conditions recommended on the basis of heritage and arboriculture are satisfied.

The proposal has provided sufficient detail to ensure that matters of highway and pedestrian safety have been adequately addressed subject to conditions nos 3-6. To ensure satisfaction of Policy DM4 of the Hastings Development Management Plan the conditions recommended by the Highways Authority have been imposed.

In terms of the obligations set under Policy Area FA2 (Central Area) within the Local

Planning Strategy, the proposal will protect the green spaces network, in particular Alexandra Park, and ensures the development takes account of past flooding and the impact of anticipated future climate changes on flooding in the Town Centre. It will successfully reduce the overall level of flood risk in the area through the layout and form of the development, improvements to local defences and the application of suitable sustainable drainage systems. As such the proposal satisfies Policy FA2 of the Planning Strategy.

In relation to the NPPF, the proposal in its current guise does not provide sufficient mitigation to compensate for the harm caused to a Grade II * Registered Park. However it is considered that a satisfactory planting scheme and a detailed drawing of the spillway finish could overcome these issues. As such mitigation under paragraph 196 being in the public interest, remains reserved until satisfactory discharge of the conditions no 7-12.

It is considered the proposal reduces the vulnerability of the local area to the risk of flooding due in part to climate change and as such satisfies paragraph 150 of the NPPF

The proposal, subject to satisfactory discharge of conditions nos 7-11 will ensure the intrinsic character and beauty of the reservoir and park and the associated bio-diversity is maintained and therefore satisfies paragraph 170 of the NPPF.

Hastings Borough Council in accordance with their statutory obligations under section 10 of the Reservoirs Act 1975 propose to undertake a number of engineering works to Buckshole Reservoir to ensure it meets contemporary safety standards.

The completed works will reduce the risk of flooding to residential and commercial property in the town of Hastings.

The application is supported by a full suite of appropriate technical assessments which have informed an assessment of the proposed development against the relevant policies in HBCs Development Plan. The proposed development accords with the relevant policies of the Development Plan and there are no material considerations that indicate planning consent should be withheld, however the recommendation to grant permission shall be subject to conditions.

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

P1320-901 B, P1320-902 B P1320-903 B, P1320-911 A and P1320-912 A

3. Prior to commencement of the works hereby approved, the proposed new accesses shall be in the positions shown on the submitted plan Appendix B of the Construction Traffic Management Plan and laid out and constructed in accordance with the diagrams below and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority, prior to the commencement of development.

4. The accesses shall not be used until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
5. The works shall not commence until a parking area has been provided in accordance with the approved plan Appendix B of the Construction Traffic Management Plan and the area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles
6. The works shall not commence until a turning space for vehicles has been provided and constructed in accordance with the approved plans Appendix B of the Construction Traffic Management Plan and the turning space shall thereafter be retained for that use and shall not be used for any other purpose;
7. 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.
8. 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 location
9. No works to install the concrete slipway 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.
10. 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.
11. All Arboricultural measures and/or works shall be carried out in accordance with the details contained in Arboricultural Report dated July 2020 as already submitted with the planning application and agreed in principle with the County Planning Authority prior to determination. These works shall be carried out and completed prior to use of the spillway.

12. Prior to commencement of development, details including plans and elevations, shall be submitted to and approved in writing to clearly demonstrate what elements of the outer wall of the spillway, hereby approved, will have a textured finish. The details shall also set out what the textured finish will comprise in terms of materials and design. The textured finish shall be applied to the spillway in accordance these approved details within 2 months of the date that the spillway is otherwise substantially completed and thereafter retained and maintained.
13. The works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 20:00 Monday to Saturday
No working on Sundays or Public Holidays.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
4. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
6. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
7. To ensure the character and appearance of a Grade II* Registered Park is maintained and the planting mitigates the impact of the development.
8. To ensure the character and appearance of the Grade II* Registered Park is maintained and any subsequent loss is compensated.
9. To ensure the character, appearance and bio-diversity of a Grade II* Registered Park and Garden is maintained.
10. To ensure that existing trees are adequately protected
11. To ensure the works commencing reflect the details submitted within this approval.
12. In order to reduce the degree of harm caused by the spillway on the registered Grade II* listed park.

13. To safeguard the amenity of adjoining residents.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
3. The applicant will be required to enter into a Section 184 Licence with East Sussex Highways, for the provision of a new/reconstructed vehicular access. The applicant is requested to contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.

4. Flood Risk Activity Permit

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

5. 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 were needed and their origin and how long they have been in the nursery will be supplied to the County Planning Authority prior to the commencement of any tree planting. This informative is in the interest of biosecurity, to minimise the risks of pests and diseases being imported into the UK and introduced into the environment.
6. 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.

Officer to Contact

Mr Simon Richard, Telephone 01424 783320

Background Papers

Application No: HS/FA/20/00667 including all letters and documents