

Report to:	PLANNING COMMITTEE
Date of Meeting:	08 December 2021
Report from:	Assistant Director of Housing and Built Environment
Application address:	Former The St Leonards Academy Darwell Campus, Darwell Close, St Leonards-on-sea, TN38 9JP
Proposal:	Approval of details relating to layout, scale, external appearance, access and landscaping pursuant to Outline Planning Permission HS/OA/15/00168 (erection of up to 210 dwellings (25% affordable) with associated open space, play areas, landscaping and access).
Application No:	HS/DS/21/00570
Recommendation:	Approve Reserved Matters
Ward:	WEST ST LEONARDS 2018
Conservation Area:	No
Listed Building:	No
Applicant:	Bellway Homes per DHA Planning Eclipse House Eclipse Park Sittingbourne Road, Maidstone. ME143EN
Public Consultation	
Site notice:	Yes
Press advertisement:	Yes - General Interest
Neighbour Letters:	No
People objecting:	18
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	1
Application status:	Not delegated - 5 or more letters of objection received

1. Site and surrounding area

The application site relates to the Former St Leonards Academy, Darwell Campus. It is located within the urban confines of St Leonards, being to the south of Crowhurst Road and to the north of Darwell Close. It was originally occupied by The Grove School for many years, prior to transferring over to The Academy. The site previously consisted of school buildings, playing fields and parking areas which have now been demolished. The site now comprises areas of hard-standing and grassland only, along with an area of established woodland and pond located to the south-west.

The site is relatively self-contained by existing housing which fronts on to Darwell Close, Harley Shute Road and Crowhurst Road, and as such there are limited views into and out of the site. In addition, the site is well screened by several mature trees that surround the site which line a current access into the site from Darwell Close. In terms of topography, the site is highest within the central and northern part of the site, and lower to the south and west.

The site is surrounded by existing housing, which is characterised by relatively large, detached properties to the east and south, and slightly smaller properties to the west. To the north-west of the application site is a Local Wildlife Site which contains an area of Ancient Woodland.

Outside of the site, the area is predominantly residential in character, with the roads in a typical suburban layout, with some tree lined avenues, and properties which are set back from the highway with off street parking provision.

The site is allocated for residential purposes under Policy FB1 of the adopted Development Management Plan 2015 and has Outline Planning Permission for 210 units under reference HS/OA/15/00168.

Relevant Site Constraints

- Area susceptible to surface, groundwater water flooding in 1 in 100 and 1 in 1000 rainfall events
- Tree Preservation Order 11 (a very small portion of the north eastern site boundary) and Tree Preservation Order 37 (woodland) to the north (outside the site)
- Scotia Gas Networks intermediate pressure pipeline (running east to west through the southern portion of the site)
- Detailed River Network (entering from the south west corner of the site)
- Local Wildlife Site - adjacent, to the north and west of the site
- Ancient Woodland - adjacent, to the north of the site
- Land leased to Hastings Borough Council (MUGA on site)

2. Proposed development

The application is a Reserved Matters Planning Application pursuant to Outline Planning Permission HS/OA/15/00168, which received consent for the erection of up to 210 dwellings (25% affordable) with associated open space, play areas, landscaping, and access.

Conditions 2 and 3 of HS/OA/15/00168 require details of layout, scale, and external appearance of the building(s), the means of access thereto and the landscaping (the Reserved Matters) to be made within 3 years from the date of the Outline Planning Permission. Accordingly, this Reserved Matters application seeks approval of details relating to layout, scale, external appearance, access, and landscaping and has been submitted within the relevant time scale.

The proposed development includes 210 dwellings, 25% of which are affordable.

The proposed housing mix is as follows:

	Private Dwellings	Affordable Housing	
		Affordable rent	Shared ownership
1 bedroom	0	16	0
2 bedroom	30	9	7
3 bedroom	71	7	9
4 bedroom	57	4	0
Total	158	36	16
		52 (25%)	

The proposal provides for a 15m ancient woodland buffer along the northern edge of the site, 2 Local Areas for Play (LAPS), a Local Equipped Area for Play (LEAP) and the relocation/reconstruction of the Multi Use Games Area (MUGA) that is currently on site.

Vehicular access to the site will be through two priority access junctions with Darwell Close. The existing priority access to the former school will be retained and reconstructed with a carriageway width of 5.5m, with 2.0m width footways on both sides. The new access will be provided approximately 47m to the east of the existing access. The access will have a carriageway width of 5.5m and 2.0m width footways on both sides, which will continue into the site. Off-site highway works to improve the Harley Shute Road/Darwell Close junction have been secured through the Section 106 Agreement dated 21 June 2018 entered into in respect of the outline consent.

The application is supported by the following documents:

- Landscape Masterplan
- Air Quality Emissions Mitigation Statement (Lustre Consulting, May 2021)
- Design and Access Statement (OSP, June 2021)
- Preliminary Ecological Appraisal (Fellgrove, April 2021)
- Badger Mitigation Strategy (Fellgrove, May 2021) and Badger Mitigation Strategy Addendum July 2021
- Dormouse Mitigation Strategy (Fellgrove, May 2021) and Dormouse Mitigation Strategy Addendum July 2021
- Reptile Mitigation Strategy (Fellgrove, May 2021) and Reptile Mitigation Strategy Revision 20th July 2021
- Bat Mitigation Strategy (Fellgrove, August 2021)
- Feasibility Survey Report Proposed MUGA (SSL, May 2021)
- Planning Statement (DHA, May 2021)
- Transport Technical Note (DHA, May 2021)
- Framework Travel Plan (DHA, May 2021)
- Arboricultural Tree Survey & Impact Assessment (Fellgrove, May 2021)
- Flood Risk Assessment Addendum and Drainage Strategy (Structa, July 2021)
- Response to SBD queries
- Response to National Model Design Guide queries

Relevant planning history

HS/OA/15/00168 Outline application for the erection of up to 210 dwellings (25% affordable) with associated open space, play areas, landscaping and access

GRANTED 21 June 2018

- HS/DM/14/00485 Demolition of existing building
GRANTED 30 July 2014
- HS/CC/11/0876 The refurbishment and extension to the school and its amalgamation with the Grove School to provide a new mixed academy including new sports hall, 32 additional parking spaces, 100 covered cycle spaces and new boundary treatment.
GRANTED 1 December 2011
- HS/FA/91/00546 Provision of intensive use sports pitch perimeter seating and fencing, installation of floodlighting
GRANTED 29 November 1991
- HS/70/00014 Alterations and additions to existing school
GRANTED 15 January 1970
- HS/67/00924 Addition to the building at The Grove School to form extension to Woodlands School
GRANTED 14 September 1967
- HS/51/00446 Erection of a secondary boys modern school for boys
GRANTED 19 May 1951

There have also been several other planning applications that relate to minor alterations to the school which are not relevant to the determination of this planning application.

National and local policies

Hastings Local Plan – Planning Strategy 2014

- Policy DS1 - New Housing Development
- Policy FA1 - Strategic Policy for Western Area
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy SC2 - Design and Access Statements
- Policy SC3 - Promoting Sustainable and Green Design
- Policy SC7 - Flood Risk
- Policy EN2 - Green Infrastructure Network
- Policy EN3 - Nature Conservation and Improvement of Biodiversity
- Policy EN4 - Ancient Woodland
- Policy EN6 - Local Wildlife Sites (LWS)
- Policy EN8 - Open Spaces - Enhancement, Provision and Protection
- Policy H1 - Housing Density
- Policy H2 - Housing Mix
- Policy H3 - Provision of Affordable Housing
- Policy CI1 - Infrastructure and Development Contributions
- Policy CI2 - Sports and Leisure Facilities
- Policy CI3 - Children's Play Provision
- Policy T3 - Sustainable Transport
- Policy T4 - Travel Plans

Hastings Local Plan – Development Management Plan 2015

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

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
Policy HN7 - Green Infrastructure in New Developments
Policy HN8 - Biodiversity and Green Space
Policy LP2 - Overall Approach to Site Allocations
Policy FB1 - The Grove School

Revised Draft Local Plan

Policy HL7 - Former St Leonards Academy (Grove School), Darwell Campus, Darwell Close

Other policies/guidance

- National Design Guide 2019
- Urban design lessons: Housing layout and neighbourhood quality - 2014
- Guidance Notes for Design Codes 2021
- Draft National Model Design Code 2021
- The Department for Communities and
- Local Government Technical Guidance for Space Standards (TGSS)
- Air quality and emissions mitigation guidance for Sussex (2020)

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.

3. Consultation comments

Sport England - no comment

Given that the principle of development has already been established on this site, Sport England had no further comment to make on this development.

Southern Water - no objection

Confirm that the existing water main within the site is now redundant. Require details to be submitted under Condition 14 of the outline planning consent (HS/OA/15/00168).

Environment Agency - no comment

Advise that adequate means of surface water disposal is provided for (Conditions 20 and 22 of outline consent (HS/OA/15/00168)).

Natural England - no objection

Require a Sustainable Drainage Scheme to be submitted and approved. (Please note this is secured by Condition 20 of HS/OA/15/00168 - and will be appropriately discharged prior to commencement of development).

Sussex Police - no objection

Note the scheme is well designed and make recommendations for detailed considerations from a Secure by Design perspective.

East Sussex County Council (Highways) - no objection subject to conditions (Conditions 4-12)

Consider the site layout, accesses, and parking provision to be generally acceptable, subject to further works in a S278 and S38 agreement with the Highway Authority, secured through the Section 106 Agreement signed as part of the outline consent.

East Sussex County Council (Archaeology) - no objection

Require the development proposals to be the subject of a programme of archaeological works in line with Conditions 18 and 19 of outline consent HS/OA/15/00168.

East Sussex County Council (SUDS) - no objection

Provide detail on information needed to be submitted to discharge condition 20 of outline planning consent HS/OA/15/00168.

Hastings Borough Council (Environmental Health) - no objection

Note that levels of lighting and noise are acceptable, subject to additional information being submitted pursuant to Condition 12 of the outline consent. Recommendations for dust management will be dealt with through the Construction Management Plan required through Condition 21 of the outline consent.

Hastings Borough Council (Housing) - no objection

Consider the proposed affordable housing provision acceptable.

Hastings Borough Council (Natural Environment and Resources Manager) - **no objection subject to conditions (Conditions 13-15, 17)**

Agree that the works to protected species can be undertaken according to the accepted methodologies as set out in the submitted ecological reports.

Hastings Borough Council (Arboriculturalist) - **no objection subject to condition (Condition 16)**

Note that the impact of the development on the existing tree population is moderate, although replacement planting scheme will mitigate any initial loss of trees.

Hastings Borough Council (Planning Policy) - **no comment**

Confirmed that they have no further comments to make on the application.

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

Require an informative to be added that notes collection duties (Informative 9).

Hastings Borough Council (Leisure) - **no objection subject to conditions (Condition 19)**

Require specification and management and maintenance plans for the play areas.

4. Representations

In respect of this application, neighbouring occupiers were notified by way of various site notices being placed at several locations around the site's boundaries.

As a result, 19 letters of representation have been received. One of the letters was a point of clarification, and 18 are objections. The concerns raised within these letters are summarised as follows:

- Impact on residents within Darwell Close or Harley Shute Road.
- Inadequate access to the site and concerns regarding access and congestion.
- Lack of access for emergency vehicles.
- The local area does not have adequate amenities locally to accommodate more residents.
- Damage to local wildlife.
- Traffic impact because of development.
- Too many houses.
- Location of MUGA near woodland.

5. Determining issues

To determine the principle of development at the outline stage, impacts of the development upon the character and appearance of the locality, the impact upon neighbouring properties, the loss of sports pitches, the impact upon biodiversity, the impact of flood risk, the impact upon highway safety and the loss of a community facility (with the site previously having been a secondary school) have all been considered and have been considered as acceptable.

The main issues to be considered as part of this Reserved Matters Application are the access, layout, scale, landscaping, and appearance of the development.

a) Background

The site is allocated in both the adopted and emerging Local Plan and is already subject to an outline planning consent for the quantum of development proposed. Therefore, the principle and density of development on the site has already been established and is not for

reconsideration here.

Furthermore, it is also important to note that in terms of strategic infrastructure such as traffic flows, healthcare and school provision, the relevant statutory consultees have already been consulted, both through Local Plan process and this application. No additional capacity (subject to highway improvements secured by the existing Section 106 Agreement attached to the outline consent) have been demonstrated as being required as a result of this development.

b) 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 access to public transport, shops, services, and facilities and as such the development is considered acceptable in principle subject to other Local Plan policies.

c) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

At present the identified need for additional housing in Hastings is 430 dwellings per annum. As of 1st April 2020, the 5-year requirement was 2,150 (430 x 5). As the annual Housing Delivery Test is not being met, a 20% buffer must also be added to this figure, which increases the 5-year requirement figure to 2,580.

Housing supply figures are currently being updated for Local Plan Monitoring Report purposes, but in August 2020 only 60% or 3.02 years of the 5-year requirement was met. The lack of a current 5-year housing land supply, together with under performance against the housing delivery test are two important considerations that need to be considered alongside other planning policies, discussed further in this report.

Considering the above, the development provides both affordable and market housing that will contribute to the town's housing stock and overall need for affordable housing. In addition, the proposal offers opportunities for a revitalised sporting facility contributing to the health and social needs of the town's residents.

Overall, as will be discussed throughout the remainder of this report, it is determined that the benefits arising from the development, significantly and demonstrably outweigh the negatives of the scheme.

d) Impact on character and appearance of area

The site is relatively self-contained by existing housing which fronts on to Darwell Close, Harley Shute Road and Crowhurst Road, and as such there are limited views into and out of the site from the public realm. In addition, the site is well screened by several mature trees that surround the site and which line a current access into the site from Darwell Close.

Within the application site, 3 separate character areas are proposed:

- Woodland Edge (towards the northern boundary, adjacent to Dogkennel Wood and to the north of the proposed MUGA)
- The Lanes (within the centre of the site and adjacent to the southern boundary, backing on to Harley Shute Road)
- Village Streets (most of the remaining residential development within the site)

Woodland Edge

These dwellings front onto existing woodland and include apartments, terraced houses and medium to large, detached houses. Parking is either to the side or in front of the dwellings. The character of this area uses a traditional aesthetic with the predominant use of a red/ brown multi brick and white boarding. The houses are all 2 storeys in height

The Lanes

This character area interconnects the Principal Routes with a less formal arrangement of houses with deeper frontages either side of shared surface roads. The houses are all 2 storeys in height.

Landscaping and trees are identified to soften the built form, and whilst the predominant materials from the wider development site are extended into these lanes additional variation is provided through further use of tile hanging and features such as bay windows and chimneys.

Village Streets

All houses are two storeys with a predominance of red/ brown brick and brown roof tiles. However, landmark/focus buildings on corners will use a redder brick with banding and quoin (an external angle of a wall) details under grey roof tiles. The dwellings in this character area are arranged either side of the looping Principal Street with connections to The Lanes.

The proposed material palate is of modern form and is considered to respect the character of the surrounding residential area and the different designs in each of the identified character areas provides a degree of interest and articulation.

The applicant has also provided further detail on boundary treatments on request and has confirmed through amended plans that additional planting is to be provided in key locations around the site to soften the impact on proposed boundary treatments that could otherwise be incongruous in the streetscene. These treatments are now considered acceptable.

Overall, given that the site is relatively self-contained and offers the opportunity for its own sense of place, it is considered that the proposed development pattern and layout respects the urban grain within the immediate and wider locality, and positively contributes to the visual amenity of the streetscene. Policy DM1 of the Development Management Plan 2015 is therefore complied with in that the residential element of the scheme represents a good standard of design which protects and enhances local character.

e) Layout

As explained above, the site is relatively constrained on the northern boundary by the presence of ancient woodland and preserved trees, together with established woodland within the south western corner.

The proposed layout has taken these considerations into account and provides for two vehicular accesses into the site from Darwell Close, with several street hierarchies centred around the principal route, which form a "loop" within the site. The road layout also provides sufficient space for refuse turning and emergency vehicle access.

Pedestrian links will be provided from the site onto Crowhurst Road to the east.

The location of the proposed MUGA is consistent with that approved as part of the outline consent, that being towards the south west corner of the site, north of the established

woodland. Natural surveillance of this facility, as well as the two proposed Local Areas for Play (LAP) and Local Equipped Area for Play (LEAP) has been appropriately considered, with residential properties being orientated sufficiently to enable some surveillance of these areas, whilst maintaining some distance for amenity purposes.

Refuse and cycle storage is provided to the rear of the dwellings, with access provided for mid-terraced dwellings. Details of these, together with further details of communal cycle storage areas is to be secured by imposition of condition. (Condition 20)

Sussex Police reviewed the application from a Secure by Design perspective and made recommendations for improvements in relation to some rear boundary treatments, communal parking areas, garden gates and cycle storage. The applicant provided a detailed response to this and made minor amendments accordingly.

f) Loss of existing use

The principle of residential development on this site has already been established through both the adopted Local Plan site allocation process, and through the granting of outline consent. Therefore, the loss of the former school site and its associated playing fields has already been accepted by Sport England and Policy CI2 of the Hastings Planning Strategy (Sports and Leisure Facilities) no longer applies. However, it should be noted that the redevelopment of the site does include a replacement MUGA, therefore increasing provision of sports facilities, to the benefit of the local community.

g) Proposed residential use

The site benefits from outline planning consent and is also allocated in the adopted Local Plan for residential development. Therefore, the principle of residential development on the site has already been accepted.

h) Housing mix

Policy H2 of the Hastings Planning Strategy requires a balanced mix of housing within each site to support a range of household sizes, ages, and incomes to meet both current and projected housing needs.

The proposed development seeks to provide a mixture of 1-4 bedroom units, with the focus being on 3 - 4 bedroom properties. Whilst a more balanced mix with more 1 - 2 bedroom units would have been favoured, the mix is reflective of the surrounding area and sufficient to ensure help meet current identified need. Therefore, no objection is raised in this regard.

i) Affordable housing

Policy H3 of the Hastings Planning Strategy 2014 requires 25% of housing to be provided on site as affordable homes to help meet the town's identified needs. This was secured through the outline consent and forms part of the Section 106 Agreement dated 21 June 2018.

This application provides further detail on mix and tenure of these affordable homes, and confirms the provision of the following:

36 homes for affordable rent, made up of:

- 16 x 1 bedroom flats
- 9 x 2 bedroom houses
- 7 x 3 bedroom houses
- 4 x 4 bedroom houses

4 of the 1 bedroom flats are up to M4(3) standards (wheelchair user dwellings) as required

by Condition 24 of the outline planning consent.

The remaining provision, 16 affordable homes, will be shared ownership, comprising the following:

- 7 x 2 bedroom houses
- 9 x 3 bedroom houses

The affordable homes are dispersed across the site and comprise a mix of dwellings and flats. This is considered acceptable and in accordance with Policy H3 of the Hastings Planning Strategy 2014.

j) Impact on neighbouring residential amenities

As stated above, the site is relatively isolated given the extensive screening on all boundaries to be retained, and therefore creates a sense of place in its own right.

The location of the new dwellings, along with screening on its site boundaries is not considered to give rise to a significant impact on existing residential amenities on the periphery of the site.

Within the development itself, consideration has been given to the design and layout of the development to ensure overlooking, loss of privacy and outlook are all protected.

Taking the above into account, it is considered the existing residential amenities are protected, in accordance with Policy DM3 of the Development Management Plan 2015.

k) Future residential amenities

Internal floorspace

Minimum standards for internal floorspace are set out in the Government publication "Technical housing standards - nationally described space standard" (CLG, March 2015). All the proposed dwellings meet or exceed these standards. As such, it is considered that the proposed development provides for a good standard of living accommodation in accordance with Policy DM3 of the Development Management Plan 2015.

External amenity space

Policy DM3 of the Development Management Plan 2015 requires family homes to provide sufficient external amenity space of 10m in length. Of the 210 dwellings proposed, just 4 fall short of this standard by being 9.5m in length. This is primarily due to the need to provide access to the gardens by forming a pathway to the rear of the dwellings that leads out to the road.

Given that the reduction in garden length is minimal, and provides other benefits to the future user, it is not considered that the failure to provide 10m length gardens for every home can justify refusal of permission. The garden areas of the plots affected (Plots 173, 174, 186 and 203) are still sufficient to provide an adequate standard of amenity space for residents, in accordance with Policy DM3 of the Development Management Plan 2015.

Impact of the proposed MUGA

It is acknowledged that issues such as noise and lighting in association with the MUGA may impact on future residential amenities.

Condition 12 of the outline planning consent requires a lighting scheme to be submitted and approved by the Local Planning Authority prior to the commencement of development. This

will include measures to shield and direct light from the light sources (including the proposed MUGA) to prevent light pollution within the site, and into the surrounding areas.

The current application is also accompanied by a Noise Report in respect of the new MUGA, at the request of colleagues in Environmental Health. This report determines that the level at the nearest noise sensitive receptor is below the threshold set out in the relevant guidance. However, the applicant is still expected to adhere to the mitigation measures set out in the submitted report, which will include the type of fencing and the use of Neoprene Isolators (equipment that is used to reduce the transmission of noise, shock, and vibration) to be used in the MUGA, to prevent intrusive noise from ball impact. This is secured by Condition 13.

Furthermore, Condition 18 requires a further Noise Management Plan to be submitted prior to the commencement of development of the MUGA, which will include details of community liaison, a Complaints Policy, and restrictions on the hours of use, to ensure the amenities of nearby residents are protected.

Subject to the imposition of these conditions, and that all mitigation measures are employed, the residential amenities of future residents will be protected, in accordance with Policy DM3 of the Development Management Plan 2015.

l) Archaeology

The potential impact on archaeological remains was fully assessed as part of the approved outline planning application. The applicant is required to secure the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation, and to undertake an archaeological site investigation and post investigation assessment as part of their compliance with Conditions 18 and 19 of the outline planning consent. Given that work has not yet started on site, these conditions have yet to be discharged. The applicant is reminded of their obligations in this respect through Condition 3 of this consent

m) Ecology

Whilst the site itself comprises areas of hardstanding and sports pitches, there is an area of woodland within, and a large pond located to the south-west. It is also surrounded on its boundaries by Dogkennel Wood to the north, which is classified as Ancient Semi-Natural Woodland (ASNW) and is a Local Wildlife Site.

Several blocks of woodland; many of which are ancient, are located within 2km of the site. The Combe Haven Site of Special Scientific Interest (SSSI) is located approximately 220m to the west of the site and a reservoir is present approximately 165m to the northwest of the site. There are also several watercourses and waterbodies present within the local landscape; those associated with the Combe Haven river to the west.

Given the ecological value of the site, a Habitats Assessment was submitted alongside the application. This initial assessment found:

Badgers - Evidence of badgers on the site. As such, further surveying and mitigation for badgers was required.

Bats - A moderate possibility of bats being present. Further surveying and mitigation was required

Nesting birds - a high probability of birds being present. Further surveying and mitigation was required

Dormice - moderate possibility of dormice being present. Further surveying and mitigation was required

Great Crested Newts - low probability. No further surveying or mitigation required.

Hedgehogs - some features suitable. A precautionary approach during construction to be applied.

Consequently, the applicant sought to undertake the required survey work as recommended by the Habitat Appraisal, within the required timeframes. This has demonstrated that the works to protected species can take place according to accepted methodologies. Subject to the appropriate mitigation measures being put in place (condition 13), as well as the submission of a Construction Environmental Management Plan (Biodiversity) (condition 14) and securing on-site ecological expertise during construction (condition 17), it is considered that the development will not cause harm to protected species or habitats. Policy EN3 of the Hastings Planning Strategy 2014 is therefore complied with.

Biodiversity Net Gain

It is noted that whilst the Environment Act 2021 is now in force, there remains no requirement in planning law for a 10% biodiversity net gain and as such, this has not been formally assessed as part of the application. However, it is important to note that the overarching principle has already been agreed through the outline consent, and as such, new measures that don't affect the principle of development cannot be introduced at the reserved matters stage.

For information, mandatory biodiversity net gain as set out in the Environment Act applies in England only by amending the Town & Country Planning Act (TCPA) and is likely to become law in 2023.

n) Trees

The site as it exists is open in nature with a block of mixed deciduous woodland to the south west corner, scattered trees to the north, west and Dogkennel Wood to the north, outside the development proposal boundary.

The application is accompanied by an Arboricultural Tree Survey and Impact Assessment (Fellgrove, May 2021), which provides a full assessment of the trees impacted by the proposed development. This surveyed 66 trees, 12 groups and 1 woodland. Trees found within the central site area predominately to the north currently were identified as having a low amenity value within the wider tree scape and moderate value within the site. The groups located around the site boundary are of moderate amenity value within the wider tree scape and moderate value within the site. The woodland located in the south west corner of this site, together with Group G1 is of high amenity value within the wider tree scape and high amenity value within the site.

To facilitate the development to following trees are to be removed:

- Category A (high quality) - none
- Category B (moderate quality) - 10 x individual trees, 2 groups and 1 partial group
- Category C (low quality) - 25 x individual trees
- Category U (such a condition that they cannot be retained as living trees) - 4 individual trees.

The implications of the proposed works have been fully assessed by the Council's

Arboriculturalist. Overall, it is considered that the overall impact of the proposal on the existing tree population is moderate, although the replacement planting will mitigate any initial loss of trees. Therefore, level of tree loss is acceptable. Policy EN3 of the Hastings Planning Strategy 2014 is therefore complied with.

The proposal also provides for a 15m ancient woodland buffer along the northern edge of the site, in accordance with national policy.

o) Air quality and emissions

The proposed development falls within checklist 1 and checklist 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. As such an Air Quality Emissions Mitigation Assessment and has been submitted. Environmental Health has been consulted and has raised no objection to the application, subject to compliance with the condition imposed on the outline planning consent (condition 21) requiring the submission of a Construction Management Plan, which will consider all impacts of dust management in terms of the construction.

p) Open space and play

The principle of the provision of play facilities and open space within this development was fully considered at outline stage, and this application reflects the level and type of provision previously agreed.

Detailed specifications of the MUGA and play areas, together with a management and maintenance plan is secured by Condition 19 of this consent.

q) Highway matters

Site Access

Vehicular access to the site will be via two priority access junctions with Darwell Close. The existing priority access to the former Grove School will be retained and reconstructed with a carriageway width of 5.5m, with 2.0m width footways on both sides. A dropped kerb and tactile paving crossing will be provided at the junction bellmouth. The footway bounding the eastern side of the road will connect with the proposed new access and continue into the site.

The new access will be provided approximately 47m to the east of the existing access. The access will have a carriageway width of 5.5m and 2.0m width footways on both sides, which will continue into the site. A dropped kerb, tactile paving crossing will be provided at the junction bellmouth. Both accesses have been assessed and are able to accommodate a large refuse vehicle in a safe and convenient manner.

Harley Shute Road/Darwell Close Junction - It is noted that as part of the outline planning consent and associated Section 106 Agreement, the following off-site highway works are required:

"The provision of a right-hand turn lane or alternative alteration of the Harley Shute Road / Darwell Close junction."

The Transport Assessment (TA) submitted in support of the outline application confirmed that the junction would continue to operate within its design capacity with the proposed development in place; however, a right turn lane was proposed by the applicant in response to public consultation feedback.

Considering this and the good highway safety record, an alternative mitigation scheme is

proposed, comprising alterations to the kerb radii of the junction to facilitate access by larger vehicles. The north western and south western footways would be narrowed to 1.8m to accommodate these amendments. The Highway Authority raise no objection to the junction layout as now proposed and confirm that this can be dealt with through the Section 278 Agreement, rather than as a variation to the Section 106 Agreement, which doesn't specify the detail of the works.

The application has been supported by an independent Stage 1 Road Safety Audit (RSA) of the proposed site accesses, together with a detailed Designers Response. East Sussex County Council as the Highway Authority are satisfied with these assessments and the measures required therein, and raise no objection to the proposal, subject to detailed design through the Section 278 process, secured through the Section 106 Agreement attached to the existing outline consent.

Site layout

The spine road through the site generally has a width of 5.5m, which is acceptable. 2m wide footways will be provided alongside the central routes within the site ensuring permeability for future residents. Some secondary roads are proposed as operating a shared surface, with several traffic calming features proposed within the site. In addition, the internal junction and forward visibility has been assessed, with the associated plan confirming compliance with Manual for Streets requirements.

Car and cycle parking

Car parking

Using the East Sussex County Council Car Parking Demand Calculator, the car parking requirement for the mix of dwellings proposed is 471 spaces with 403 allocated and 68 unallocated/visitor spaces. This figure is based on all larger dwellings (3 bed+) being allocated 2 parking spaces and smaller dwellings and flats being allocated 1 parking space.

In accordance with this requirement, a total of 471 spaces is proposed across the site, of which 26 will be unallocated for residents and 42 for visitors.

Each dwelling with on-plot parking will also be provided with one 'active' EV charging facility in accordance with Condition 26 of the outline consent.

Taking the above into account, it is considered that parking provision is acceptable and in accordance with Policy DM4 of the Development Management Plan.

Cycle parking

Covered and secure cycle storage space will also be provided for dwellings and the requirements are as follows:

- 2 cycle storage spaces per house
- 1 space per flat or 0.5 spaces if communal

It is noted that cycle parking will be provided in accordance with ESCC guidance, within secure, communal facilities for the flatted dwellings and secure shed facilities for the houses.

Travel Plan

A Travel Plan is required for the development proposal. The Travel Plan has been secured by the S106 Agreement attached to the outline consent.

Off-Site works and Financial Contributions Required

As detailed at Outline Stage the off-site works to be secured through a S106/278 agreement

are:

- Reconstruction of the existing school access off Darwell Close as detailed above.
- Provision of a new vehicular access into the site off Darwell Close including footways either side and a crossing point with tactile paving
- An extension of the footway on the north side of Darwell Close leading into the site on either side of the existing school access.
- The alteration of the Harley Shute Lane/Darwell Close junction comprising realignment of the kerb radii of the junction to facilitate access by larger vehicles. The north western and south western footways would be narrowed to 1.8m to accommodate these amendments.
- Provision of a pedestrian access onto Crowhurst Road.

r) Environmental Impact Assessment

The proposed development falls within Category 10 of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, on 8 June 2015, the Secretary of State determined that the development of up to 210 dwellings as set out by the outline consent did not constitute EIA Development, and therefore an Environmental Impact Assessment is not required.

s) Financial contributions

Financial contributions were agreed as part of the outline planning consent and secured through the Section 106 Agreement. These are still relevant and no alterations to the requirements are to be made.

t) Drainage

The principle of drainage matters was accepted at outline stage and the appropriate conditions were imposed to ensure that suitable measures are secured and implemented prior to the commencement of development on site.

Given that drainage matters can affect site layout, the applicant submitted a surface water drainage strategy that demonstrates the proposed layout can be drained without increasing flood risk. However, Conditions 20 and 22 of planning permission HS/OA/15/00168 still need to be formally discharged to ensure that there will be no damage or destruction to the interest features for which the Combe Haven Site of Special Scientific Interest (SSSI) is identified, through surface water run off.

The drainage strategy is based on providing attenuation through two offline geo-cellular storage tanks before discharging into the existing 300mm diameter. However, it is not clear whether the existing drainage infrastructure between the outfall pipe and the existing pond will be retained, together with an understanding of the condition of the drainage infrastructure downstream of the existing pond up to the railway culvert. This will need to be clarified and evidenced in the additional drainage information required.

To that end, the applicant has been advised that the existing open concrete channel is maintained or changed to a grassed channel/swale to ensure it captures any overland surface water flows from the application site, to protect the existing properties bordering the application site. The information to be provided should also include an assessment of exceedance flows and any required overflow channels provided. The hydraulic calculations show that some manholes are predicted to flood during rainfall events with a 1 in 100 (plus 30%) annual probability of occurrence. The assessment of exceedance flows should clearly show how these flows will be stored safely on site for discharge back into the drainage system when capacity is available. Similarly, an understanding of the expected groundwater

levels at the location of the proposed tanks should inform the design of the tanks, achieved following groundwater monitoring at these.

The applicant is also advised through the imposition of Informative 8 that the site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. Therefore, surface water discharge rates will need to be agreed with the Water Level Management Board, prior to an application to discharge Condition 20 of the outline consent is made.

In term of foul water drainage, Southern Water initially expressed concern regarding the presence of an existing public water main on the site. This has now been confirmed as redundant and subsequently, Southern Water have removed their objection in this regard. Condition 14 of the outline consent still requires further foul drainage details to be submitted for approval by Southern Water, which is still relevant in this instance.

Taking the above into account, together with the submission of outstanding drainage details required by Conditions 14, 20 and 22 of the outline planning consent, the Local Planning Authority, in consultation with both Southern Water and the Lead Local Flood Authority, are confident that the proposed drainage layout can be satisfactorily accommodated within the site, without increasing the risk of flooding elsewhere. Policy SC7 of the Hastings Planning Strategy is therefore complied with.

u) Sustainable construction

Each dwelling with on plot parking is to be provided with an electric vehicle charging point, as secured by Condition 26 of the outline consent. In addition, the applicant is also required to submit details of appropriate climate change mitigation and adaptation measures for approval by the Local Planning Authority prior to the commencement of development (Condition 29 of the outline consent). In the interim however, it is confirmed that each new dwelling will provide the following in their specification:

- Air tightness standards will be enhanced, demonstrating an improvement above the Building Regulations
- Improved thermal detailing
- Insulation will exceed Part L of the Building Regulations
- All windows will be double glazed; and
- A homeowner's pack will be provided

Subject to the submission of more detailed information as required by condition 29 of the outline consent, it is considered that the proposal accords with Policy SC3 of the Hastings Planning Strategy 2014 in that it seeks to incorporate appropriate climate change mitigation and adaptation measures within its detailed design.

6. Conclusion

The proposed development follows an allocation in the adopted Local Plan and will provide a significant boost to the town's housing land supply. It has been demonstrated that the quantum of development proposed can be safely accommodated on site, without causing harm in terms of protected species, trees, habitats, or flood risk. It is well designed and in keeping with the character and appearance of the area. Residential amenities will be protected.

Taking the above into account, it is considered that the proposal complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

7. Recommendation

Approve Reserved Matters subject to the following conditions:

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

S01 A and S02 A

P102 C, P103, P104, P105 A, P106 A, P107 A, P108 A, P109 C, P110, P111, P112, P113, P114, P115, P116, P117, P118, P119, P120, P121, P122, P123, P124, P125, P126, P127, P128, P129 and P130

C101 G, C113 A, C114 and C115 B
2. The development hereby permitted shall be carried out in accordance with the time scales as imposed on the outline permission HS/OA/15/00168.
3. The development hereby permitted shall comply with the conditions imposed on the grant of the outline planning permission reference HS/OA/15/00168 which was granted on 20 June 2018.
4. No development shall commence until the vehicular accesses serving the development have been constructed in accordance with the approved drawings and the details agreed as part of outline planning permission HS/OA/15/00168 (drawing 15496 H-01 P2 Upgrades to Existing Access and drawing 15496 H-02 P2 Proposed Secondary Access).
5. The development shall not be occupied until parking areas have been provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
6. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
7. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.
8. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.

9. Prior to the commencement of development of the dwellings, the new estate roads that service that dwelling shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Local Planning Authority in consultation with the Highway Authority. Evidence of this must be submitted to, and approved in writing by the Local Planning Authority.
10. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed roads, surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority.
11. Internal Roads - No part of the development shall be occupied until the road(s), footways and parking areas serving that part of the development have been constructed, surfaced, drained and lit in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.
12. No development shall take place until the measures outlined in the submitted ecological and other statements and reports have been fully implemented unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted reports are:
 - Air Quality Emissions Mitigation Statement (Lustre Consulting, May 2021)
 - Preliminary Ecological Appraisal (Fellgrove, April 2021)
 - Badger Mitigation Strategy (Fellgrove, May 2021) and Badger Mitigation Strategy Addendum July 2021
 - Dormouse Mitigation Strategy (Fellgrove, May 2021) and Dormouse Mitigation Strategy Addendum July 2021
 - Reptile Mitigation Strategy (Fellgrove, May 2021) and Reptile Mitigation Strategy Revision 20th July 2021
 - Bat Mitigation Strategy (Fellgrove, August 2021)
 - Feasibility Survey Report Proposed MUGA (SSL, May 2021)
 - Arboricultural Tree Survey & Impact Assessment (Fellgrove, May 2021)
13. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan relating to 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 biodiversity Construction Environmental Management Plan shall be adhered to and implemented throughout the construction period in accordance with the approved details.

14. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the Local Planning Authority. The measures may include:
 - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
 - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
15. The landscaping scheme required by Condition 8 of the outline consent HS/OA/15/00168 must include details of tree planting along the adopted highway and pedestrian walkways, as well as additional planting either side of the site entrance.
16. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person, e.g an Ecological Clerk of Works or an on-site Ecologist, have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
17. Prior to first use of the Multi Use Games Area (MUGA), a Noise Management Plan must be submitted to, and approved in writing by the Local Planning Authority. This shall include details of (but not be limited to):
 - Community liaison
 - Complaints Policy
 - Restriction on the hours of use

The MUGA shall thereafter be maintained and operated in accordance with the approved detail unless otherwise agreed in writing by the Local Planning Authority.

18. Prior to first occupation of the approved development a Scheme for the layout, configuration and future management/maintenance of the proposed Multi Use Games Area (MUGA), Local Equipped Area for Play (LEAP) and Local Areas for Play (LAPs) shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of (but not limited to):

- a) The layout and configuration of the areas
- b) Full specifications
- c) The hard and soft landscape details
- d) Seating
- e) Lighting
- f) Fencing/railings/protection from roads (as necessary)
- g) Future management and maintenance

The MUGA, LEAP and LAPs shall be constructed and thereafter maintained in accordance with the approved details within the Scheme unless otherwise agreed in writing with the Council.

19. Notwithstanding the requirements of Conditions 6 and 27 of Outline Planning Permission HS/OA/15/00168, the development shall not be occupied until details of enclosures for refuse and cycle storage for the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. If the refuse bins or storage area is located within a building, suitable ventilation and sound proofing, where appropriate, shall be included within the details.

No part of the development shall be occupied until the approved details have been implemented. The refuse and cycle stores shall thereafter be retained in perpetuity.

Reasons:

- 1. For the avoidance of doubt and in the interests of proper planning.
- 2. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
- 3. To secure a properly planned development.
- 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 provide adequate space for the parking of vehicles and to ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
- 7. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
- 8. In the interest of highway safety and for this benefit and convenience of the public at large.
- 9. In the interests of highway safety and for the benefit and convenience of the public at large.
- 10. In the interests of highway safety and for the benefit and convenience of the

public at large.

11. To secure satisfactory standards of access for the proposed development.
12. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
13. To ensure that any adverse environmental impacts of development activities are mitigated.
14. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
15. In the interests of the visual amenity.
16. To ensure adequate professional ecological expertise is available on site during construction to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.
17. To safeguard the amenity of adjoining and future residents.
18. To safeguard the amenity of adjoining and future residents.
19. 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 applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. The Highway Authority would wish to see the roads within the site that are not to be offered for adoption laid out and constructed to standards at, or at least close to, adoption standards.
6. Section 38 Agreement of the Highways Act, 1980 - Provision of Adoptable Highway - The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the

proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Section 38 agreement being in place are undertaken at their own risk

7. Section 278 Agreement of the Highways Act, 1980 - Works within the Highway - 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. 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.
8. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board drainage district. The applicant is therefore advised that surface water discharge rates will need to be agreed with the Water Level Management Board prior to an application for discharge of condition 20 of the outline consent being made.
9. The applicant is reminded to ensure the home buyers pack includes information on refuse storage and collection arrangements, namely that bins must be kept in the storage area unless it is a collection day.

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/DS/21/00570 including all letters and documents