

<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	08 December 2021
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application address:</b>	<b>Ashdown House, Sedlescombe Road North, St Leonards-on-sea, TN37 7PB</b>
<b>Proposal:</b>	<b>Erection of a total of 151 no. dwellings (C3) and a 188 sq.m community centre (Use Class F2(b)) accessed from Harrow Lane, together with a 1,918 sq.m food retail store (Use Class E(a)) accessed from Sedlescombe Road North, and associated car parking, landscaping and servicing areas following demolition of the existing buildings (amended description)</b>
<b>Application No:</b>	<b>HS/FA/21/00003</b>
<b>Recommendation:</b>	<b>Grant Full Planning Permission</b>
Ward:	ASHDOWN 2018
Conservation Area:	No
Listed Building:	No
Applicant:	Danescroft (Hastings) LLP per Neame Sutton Limited West Suite Coles Yard Barn North Lane, Clanfield. PO8 0RN
<b>Public Consultation</b>	
Site notice:	Yes
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	Yes
People objecting:	11
Petitions of objection received:	0
People in support:	1
Petitions of support received:	0
Neutral comments received:	2
<b>Application status:</b>	<b>Not delegated - 5 or more letters of objection received</b>

## 1. Site and surrounding area

Ashdown House itself is a vacant 1960s office block situated on a sloping/tiered site in the northern part of the Borough. The office block is up to 6 storeys high, and its design detail has a horizontal emphasis, which is typical of its date. Other buildings occupying the wider site include a sports facility providing target shooting and axe throwing, and a currently vacant social club, previously also used as a gym. Existing buildings on the site are screened from view from Sedlescombe Road North by a mature treed boundary. There are more open views into the site from the Harrow Lane side, although significant screening also exists on this boundary. The existing buildings on the site have no heritage or architectural interest.

The site is elevated above ground level on a hill that slopes upwards from the A21 (Sedlescombe Road North) to the west and Harrow Lane to the east. The highest point is at the south-east of the site at approximately 123m above Ordnance Datum (aOD). The lowest point is on the south-western boundary at approximately 102m aOD.

There are three vehicular access points, one on Sedlescombe Road North and two on Harrow Lane. One of the Harrow Lane accesses leads to the community centre and flats above only. The area is in a sustainable location well served by a range of services, facilities, public transport, and employment opportunities.

In terms of geology the site lies above a bedrock comprised of a mix of sandstone, siltstone, and mudstone.

An existing Public Right of Way ("PROW") also runs along the site's northwest and east boundaries.

The site is subject to extensive tree cover mainly on the periphery. Whilst there are no Tree Preservation Orders within the site itself, Tree Preservation Orders do border the site on its northern and southern boundaries.

To the east of the site are three Local Plan housing allocations, sites LRA 1-3 - a cluster of sites with the potential to deliver a strategically important housing yield, all of which benefiting from either outline or full planning consent. Commercial uses are sited to the north and west.

### Relevant site constraints

- Area affected by surface water flooding
- Area affected by groundwater flooding
- Waste and Minerals Consultation Area
- Medium/Low pressure pipeline
- 250m buffer zone of historic landfill site

The following constraints adjoin or are located nearby the boundaries of the site but do not affect the site directly.

- Waste and Minerals Safeguarded Sites
- Tree Preservation Orders
- Land owned by Hastings Borough Council (Ashdown and The Willows - McDonalds, SLM Toyota, SLM Vauxhall, and Harrow Lane Recreation Ground)

## 2. Proposed development

The application proposes to demolish the existing buildings on site and redevelop to provide

151 residential dwellings, a community centre and a 1,918sqm food retail store, together with associated car parking, landscaping, and servicing areas.

The main residential element of the scheme is to be accessed from the existing vehicular access at Harrow Lane, comprising a mix of detached, semi-detached, and terraced houses, and 5 apartment blocks, with associated car parking areas.

The new homes are predominantly 2 storeys in height, with 2.5 - 3.5 storey buildings proposed on key locations within the site, providing a transition to the 4 storey block of apartments at the southern end of the site.

The proposed housing mix is as follows:

	<b>Market housing</b>	<b>Affordable housing (Affordable rent)</b>
1 bed flat	0	2
2 bed flat	43	15
2 bed house	33	0
3 bed house	43	0
4 bed house	15	0
<b>Total</b>	<b>134 (88.7%)</b>	<b>17 (11.26%)</b>

Vehicular access to the retail element of the scheme is proposed from Sedlescombe Road North to include a sales area, ancillary office and staff space, servicing, and customer parking of 122 cars (including 12 family bays, 7 wheelchair accessible and 2 electric vehicle parking spaces).

188sqm of community floor space is proposed in the location of, and replacing, the existing (redundant) community building, with 6 residential flats above.

A new pedestrian and cycle connection will be delivered that links through the site from Sedlescombe Road North to Harrow Lane.

The scheme will be set within the mature landscape framework that exists around the site boundaries currently. New landscape planting and publicly accessible open space/pocket parks will be provided across the site to serve the new dwellings.

The application is supported by the following documents:

- Design and Access Statement (Ascot Design, December 2020)
- Heritage Statement (EDP, October 2020)
- Landscape Design Statement Rev A (Allen Pyke, September 2021)
- Planning Statement (Neame Sutton, December 2020)
- Planning Statement Addendum - Retail (Neame Sutton, May 2021)
- Planning Statement Addendum (Neame Sutton, August 2021)
- Statement of Community Involvement (Marengo Communications, December 2020)
- Utilities Statement - Issue 3 (Stuart Michael Associates, September 2021)
- Desk Study and Preliminary Risk Assessment (Discovery, October 2020)
- Framework Travel Plan, Stuart Michael Associates, December 2020)
- Stage 1 Road Safety Audit (B N & A, January 2021)
- Stage 1 Road Safety Audit (Designers Response) (Stuart Michael Associates, August 2021)
- Economic Statement (Neame Sutton, January 2021)
- Transport Assessment - Issue 2 (Stuart Michael Associates, September 2021)

- Arboricultural Implications Report Rev A (SAJ Trees, September 2021)
- Ecological Assessment (Ecology Solutions, December 2020)
- Flood Risk Assessment and Drainage Strategy, December 2020)
- Viability Assessment (BNP Paribas Real Estate, September 2020)
- Retail Statement (Neame Sutton, May 2021)
- Air Quality Assessment (Stuart Michael Associates, May 2021)
- Noise Assessment - Issue 3 (Stuart Michael Associates, September 2021)
- Noise and Air Quality Technical Note (Stuart Michael Associates, September 2021)
- Urban Design and Placemaking Appraisal (Lichfields, July 2021)
- Sequential Site Assessment (JLL, July 2021)
- Sequential Assessment Addendum (JLL, August 2021)
- Sequential Test Scoping Note (JLL, July 2021)
- Response to Retail Matters (JLL, October 2021)
- Topographical Survey
- Accommodation Schedule
- Energy Strategy Statement (Briary Energy, September 2021)

### **Relevant planning history**

HS/PA/19/00339	Notification for prior approval for a proposed change of use of a building from office class (Class B1(a)) to dwellinghouse (Class C3)
	GRANTED 27 June 2019
HS/FA/13/00835	Change of use of part of Ashdown House to Target Shooting centre and ancillary document storage
	GRANTED 19 December 2013
HS/GC/03/00864	Provide new A/C plant and associated system located on the roof level as per M & E Engineers specification
	RAISE NO OBJECTION 14 October 2003
HS/GC/92/00400	Erection of nursery for the Child Support Agency
	RAISE OBJECTION 21 September 1992
HS/OA/84/00003	Erection of a single storey building as a computer hall (application in accordance with circular 7/77)
	RAISE NO OBJECTION 1 February 1984
HS/FA/76/00234	Single storey extension to existing computer building and plant room and erection of new stationery store with parking for 64 cars to replace existing 64 car park (application under circular 80/71)
	RAISE NO OBJECTION 25 June 1976
HS/65/00322	87 Private Houses with 87 Garages; 154 Council Houses with 216 Garages or Parking Spaces
	GRANTED 26 March 1965

HS/64/00062	Erection of offices for Min of PB & W
	GRANTED 30 January 1964
HS/55/00037	Use of land for council housing purposes during first five year period of development plan
	GRANTED 22 March 1955

## **National and local policies**

### Hastings Planning Strategy 2014

Policy DS1 - New housing Development  
 Policy DS3 - Location of Retail 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 SC4 - Working Towards Zero Carbon Development  
 Policy SC7 - Flood Risk  
 Policy EN1 - Built and Historic Environment  
 Policy EN2 - Green Infrastructure Network  
 Policy EN3 - Nature Conservation and Improvement of Biodiversity  
 Policy EN8 - Open Spaces - Enhancement, Provision and Protection  
 Policy H1 - Housing Density  
 Policy H2 - Housing Mix  
 Policy H3 - Provision of Affordable Housing  
 Policy E1 - Existing Employment Land and Premises  
 Policy E2 - Skills and Access to Jobs  
 Policy CI1 - Infrastructure and Development Contributions  
 Policy CI3 - Children's Play Provision  
 Policy T4 - Travel Plans

### 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 HC3 - Community Facilities  
 Policy HN7 - Green Infrastructure in New Developments  
 Policy HN8 - Biodiversity and Green Space

### Draft Local Plan (Winter 2020/21)

Policy OSP1 - Tackling Climate Change  
 Policy SP1 - Directing Growth  
 Policy SP2 - New and Affordable Housing  
 Policy SP3 - Business Development - Office and Industrial Uses

Policy SP4 - Business Development - Retail and Leisure Uses  
Policy SP5 - Conserving and Enhancing the Natural Environment  
Policy SP6 - Enhancing the Historic Environment  
Policy SP7 - Managing Coastal Erosion and Flood Risk  
Policy DP1 - Design - Key Principles  
Policy DP2 - Design - Space and Accessibility Standards  
Policy DP3 - Sustainable Design  
Policy DP4 - Flood Risk and Water Quality  
Policy DP5 - Biodiversity  
Policy DP6 - Green Infrastructure  
Policy DP7 - Access, Servicing and Parking  
Policy DP8 - Planning Obligations (Section 106)

#### Other policies/guidance

National Model Design Code (July 2021)  
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.

Paragraph 87 requires local planning authorities to apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations, and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Paragraph 88 states that when considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Paragraph 91 makes clear that where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 90, it should be refused.

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**

Highways England - **no objection**

Offer no objection on the basis that the development does not materially affect the safety, reliability and/or operation of the Strategic Road Network.

Environment Agency - **no comment**

Do not wish to submit comments on the application as it falls outside of their remit.

Natural England - **no objection**

Do not consider that the development will have a significant adverse impact on statutorily protected nature conservation sites.

Southern Water - **no objection subject to conditions (Conditions 10-13)**

Require surface water flows to be reduced from existing, and drainage strategy to be submitted.

Sussex Police - **no objection subject to payment of financial contributions**

Require financial contributions to provide additional services required as a result of the development.

East Sussex County Council (Highways) – **no objection subject to conditions and a S106 Agreement (Conditions 9, 31 - 41)**

Consider the proposal to be acceptable in highway terms, subject to conditions and off site highway improvements, and payment of financial contributions.

East Sussex County Council (Rights of Way) - **no objection**

Do not consider the proposed development to impact on any existing Rights of Way.

East Sussex County Council (S106 team) - **no objection subject to financial contributions**

Require contributions towards library provision and rights of way.

East Sussex County Council (Waste and Minerals) – **objection**

Do not consider sufficient information has been submitted to identify mitigation measures to ensure nearby residential properties are not affected by Concrete Batching Plant.

East Sussex County Council (SUDs) - **no objection subject to conditions (Conditions 10-13)**

Note that the discharge rates will need to be agreed with Southern Water. Require a detailed surface water drainage strategy, together with management and maintenance plan to be submitted, to be secured by condition.

East Sussex County Council (Archaeology) - **no objection subject to conditions (Conditions 4 and 5)**

Consider that the risk of damage to archaeology can be mitigated by conditions requiring a Written Scheme of Investigation and a programme of archaeological works, together with archaeological site investigation and post investigation assessment.

Hastings Borough Council (Planning Policy) - **objection**

Concern regarding fragmentation of the site and whether the most efficient use of land would be to provide residential instead of retail element.

Hastings Borough Council (Play) - **objection**

Consider inadequate and unacceptable provision for play. Will require financial contribution to improve off site facilities (now secured through Section 106 Agreement).

Hastings Borough Council (Sports and Leisure) - **objection**

Consider there to be inadequate provision for play, and there is a need to improve pedestrian and cycle links within the site, and linking into adjacent open spaces (connectivity improved).

Hastings Borough Council (Waste) - **no objection subject to condition (Condition 21)**

Require details to be submitted regarding communal and individual waste storage and collection.

Hastings Borough Council (Arboriculturalist) - **objection**

Objections on the basis that tree planting should be further considered and designed into parking provision.

Hastings Borough Council (Natural Environment and Resources Manager) - **no objection subject to conditions (Conditions 25-30)**

Considers that the mitigation measures set out in the submitted ecological reports provide sufficient compensation for harm to biodiversity and/or protected species.

Hastings Borough Council (Environmental Health) - **no objection subject to conditions (Conditions 14-20)**

Require the recommendations and mitigation measures as set out in the noise and air quality reports to be adhered to.

Hastings Borough Council (Housing) – **no objection**

Acknowledge that whilst the development is not policy compliant with regard to affordable housing, the proposed offer is acceptable given the existing site constraints and viability issues.

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



Suggested some amendments to house type and design but does not consider the development to cause harm to the significance or setting of designated heritage assets.

Hastings Borough Council (Estates) - **no comment**

Advise that they have no comments to make on the application.

Hastings Borough Council (Marketing and Tourism) - **no comment**

Advise that they have no comments to make on the application.

Southern Gas Networks - **no objection subject to informative (Informative 4)**

Recommend safe digging practices

ESP Utilities Group - **no objection**

Advise the developer to update ESP to fully establish whether any additional precautionary or diversionary works are necessary to protect the gas network. However, the proposed site is not within the vicinity of ESP plant

UK Power Networks - **no objection**

Note safe digging practices should be applied and provided information regarding positioning of cables and overhead lines

Building control - **no objection**

Note that consideration should be given to land stability and accessibility for future residents

## 4. Representations

In respect of this application, neighbour notification letters were sent out to neighbouring properties, and an advert placed in the local newspaper. 17 letters of objection were received from 12 different properties/organisations. These raised the following concerns:

- Object to additional food retail store - not required
- Access to food retail store from A21 is not safe and will cause more traffic problems
- Additional food retail store is detrimental to existing businesses in the area, particularly the smaller ones
- Retail should be a town centre use
- Security/anti-social behaviour concerns (including litter) surrounding proposed food retail store
- Increased traffic on Sedlescombe Road North and Harrow Lane, which is already experiencing problems
- Drainage problems on site
- Development should include other amenities, including provision for additional services such as dentists, doctors, and schools
- Already too many empty properties in the town, this will create more
- All green and amenity space in the area will be lost, when taken together with surrounding housing sites
- Do not need 2 community centres in the area
- Impact regarding the Concrete Batching Plant has not been considered

## 5. Determining issues

The main issues to consider in the determination of this application relate to the principle of retail development on the site, the effect this has on housing land supply, whether access and transport improvements are acceptable, layout, flood risk and drainage, impact on ecology and trees, design and the impact on existing and future residential amenities.

#### a) Background

Whilst the site is not allocated for development in the adopted Local Plan, it has been identified as a potential housing site in the emerging Local Plan, currently only at Regulation 18 stage. Whilst this document currently carries only minimal weight given its early stage of preparation, the supporting evidence base clearly shows a significant level of housing need in the town. This results in a balance needing to be made regarding the provision of retail on the site, and whether this should take place of additional housing that could potentially be delivered.

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 the emerging Local Plan process and this application. No additional capacity (subject to highway improvements mentioned in this report) have been demonstrated as being required as a result of this development.

#### b) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings 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/good 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.

As at 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 need and 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.

In light of the above, it is clear that 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 community facility, development achieving carbon reductions over and above national requirements, as well as financial contributions to enhance surrounding areas for play and open space. However, the quality of the open space on site, together with whether there is an identified need for such significant retail development on site, needs to be balanced against these positives.

Overall, as will be discussed throughout the remainder of this report, it is determined that the benefits to the town arising from the significant level of additional housing to be provided, significantly and demonstrably outweigh the negatives of the scheme.

#### d) Impact on character and appearance of area

The site is relatively well screened from the surrounding area given the existing mature boundary landscaping to be retained, thereby providing an opportunity to create a sense of place within. It is not located within a conservation area, and there are no listed buildings on

site, or within proximity.

The application is supported by an Urban Design & Placemaking Appraisal (Lichfields, July 2021), which provides an appraisal of the surrounding area's character and context, prior to determining the type and appearance of the new development being proposed within the site. Specifically, this Appraisal considers:

1. Whether the scheme has responded appropriately to the character of the existing townscape and taken opportunities to enhance existing character.
2. Whether the scheme has created an appropriate sense of place and identity.
3. Whether the architectural and urban design quality of the scheme is of high quality and accords with the requirements of the design policy and guidance.

The scheme has been amended in response to minor design concerns throughout the course of the planning application process.

### **Residential element**

National and local policies seek to secure good quality design which respects general townscape and the setting of heritage assets and is a key aspect of sustainable development.

The proposed development comprises 4 character areas as follows:

#### **Arrival** - characterised by:

- A feature apartment building sited at the entrance with a generous area of landscaping to the front.
- Other fewer imposing homes are orientated towards the entrance and sit within area of landscaping.
- Just to the south of the entrance and slightly set back from the road is the new community facility with apartments above.

#### **Green spine** – focused on the centre of the site:

- Front to front distances increased.
- Rendered features are dominant.
- An increase in massing to 2.5 storeys in key locations

#### **Neighbourhood areas** – the remainder of the site:

- Buildings are typically set close to the back edge of pavements and predominately 2 storeys.
- Mix of house types and sizes.
- Streets are formed by a mix of detached/semi-detached and terraced properties.

#### **Mansions cluster** – apartment blocks to the south west of the site, well screened and set within established vegetation:

- Featured by local topography, an increase in height storey height to 3.5-4 storeys
- The use of timber cladding as a feature material combined with feature balconies
- Fronting directly into door-step playing area, green SUDs basin and a retail store to the north

The housing consists of detached, semi-detached, short terraces and apartments that range from two to four storeys. The housing is of a standard modern form, although has been improved over the course of the application following detailed consideration of the design.

The primary facing materials include the use of brick (mainly red tones) with some render and brickwork banding and decorative detailing. Roofs are red and grey tiles. Buildings have mainly gabled roof forms within some eaves gables, dormers, and porches. The apartment buildings are in brick with feature timber cladding and expressed metal balconies.

The proposed material palette is considered to respect the varied character of the surrounding new build residential developments and the cladding and detailing would provide a degree of interest and articulation.

Overall, given that the surrounding area is varied and has limited set identity, also taking account of the fact that the residential element of the scheme offers the opportunity for its own sense of place, it is considered that the proposed development pattern and layout respects the varied 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 is therefore complied with in that the residential element of the scheme represents a good standard of design which protects and enhances local character.

### **Retail element**

The retail element of the scheme is located in the western portion of the site, screened almost in its entirety from the existing established vegetation alongside Sedlescombe Road North (A21), and therefore fails to create an active frontage. Whilst this is regrettable, it is acknowledged that the amenity value of these trees, as well as the topography of the land make an active frontage a less desirable option than the retention of the trees.

The retail unit itself is of a relatively standard form of such buildings. It is orientated to face the parking area to the north and would be faced in cladding and brick. Whilst only presenting as a single storey facility, the roof height at its highest point measures 10.3m, sloping downwards towards the centre of the store to 5.7m in height. However, given the sloping nature of the land (the retail element being set down a minimum of 3m from the residential development to the east), and the existence of established screening, it is not considered to be incongruous in the streetscene. Policy DM1 of the Development Management Plan is therefore also complied with in respect of the retail element of the scheme.

### **Community facility**

The proposed community facility is to be provided at ground floor level with two storeys of apartments above. The building is to be constructed in red brick with a hipped roof, and gable fronts to provide interest. This will provide for part of the "gateway" into the new development and is considered to be of acceptable design.

There is a separation distance of approximately 28m from the site of the community facility to the nearest existing residential property to the south, 117 Harrow Lane. Whilst the increase in height of an additional storey to this building will have some impact on the streetscene, it will be a gradual increase in height from the existing established development, northwards to the apartment block the other side of the main access, increasing from three to four storeys in height. This is a sympathetic increase in height, that will not cause a detrimental impact on the streetscene. Policy DM1 is therefore complied with.

### **Secured by design**

Sussex Police have had the opportunity to review the development from a Secured By Design perspective. Recommendations to improve safety include issues such as security lighting, pavement widths, seating in amenity spaces and cycle storage will all be addressed

by the imposition of detailed conditions (Conditions 15, 36 and 43).

## Heritage

### **Impact on the significance and setting of designated heritage assets**

The existing buildings on the site have no heritage or architectural interest, and there are no above ground heritage assets on the site. The site is not within a conservation area, nor are there any conservation areas within the proximity of the development site.

There are however listed buildings within the wider setting of the site and the impact of the development on the setting of these designated heritage has been considered and supported by a Heritage Statement that accompanies the application.

The heritage statement concludes that the proposed development would not result in the loss of significance from any designated heritage assets in the wider landscape. This determination has also been agreed by the Council's Conservation Officer. Therefore, Policy EN1 of the Hastings Planning Strategy and Policy HN1 of the Development Management Plan are therefore complied with.

## **Archaeology**

The proposed development lies within a wider landscape that has evidence of activity from the Neolithic period onwards. In addition, there is some evidence to suggest a prehistoric and/or Roman origin for the east/west aligned Fairlight to Netherfield ridgeway route which lies to the north of the site. The site may also lie within the agricultural hinterland of the medieval hamlet of Baldslow, which lay to the north east of the site, and it is possible that features related to medieval and post-medieval agricultural activity may exist on the site.

Whilst the Heritage Statement submitted as part of this application has highlighted extensive truncation associated with the existing office buildings and landscaping of the site, it is not considered that the submitted assessment includes sufficient information to categorically demonstrate the total loss of archaeological horizons across the entirety of the development footprint. Consequently, it is possible that archaeological remains may still survive.

Taking this into account, it is recommended that the proposals are subject to a programme of archaeological works to ensure any that any archaeological deposits and features that could be disturbed by the proposed works, to be either preserved in situ or, where this cannot be achieved, adequately recorded in advance of their loss. Such mitigation measures are secured by the imposition of Conditions 4 and 5.

## e) Layout

### **Site fragmentation**

A primary concern with the scheme relates to the issue of site fragmentation - that is the limited relationship between the retail and residential elements of the site. They are accessed separately, with only pedestrian links within. This in turn, raises concern regarding the methodology used in assessing the sites suitability for retail development, using the Sequential Test, as required by National Planning Policy (see section f, below)

That being said, it is acknowledged that the topography of the site does constrain the layout of the development somewhat, and it is also noted that the retail element of the scheme does continue a commercial element of development along the A21 (Sedlescombe Road North). Similarly, the residential portion of the site forms a natural extension to the existing housing development on Harrow Lane, and the new, forthcoming development at Harrow Lane Playing Fields, Land adjacent to 777 The Ridge and Holmhurst St Mary, all sited to the north east of the application site.

Taking these factors into account, as well as the evidence submitted regarding viability and improved connectivity links to other sites (see section u), it is considered that on balance, the impact of site fragmentation does not outweigh the benefits of providing much needed new housing for the town.

### **Detailed layout considerations**

In response to officer concerns regarding the physical separation of the two parcels within the site, the applicant has sought to amend the housing layout to remove the previously proposed dwelling directly adjacent to the retail store and enhance the boundary landscaping in this location.

Concern was also raised regarding the relative isolation of the apartment blocks in the "mansion cluster" and the impact this may have had in terms of anti-social behaviour. The applicant has since provided further justification for their location, together with an improved landscaping scheme and community growing space, thereby enhancing natural surveillance. Subject to a suitably worded lighting condition (Condition 15), the location of the mansion cluster is now considered acceptable and will not cause harm to future residential amenities.

Communal storage areas for refuse, together with individual locations for the housing provided has been indicated on a refuse storage plan for the development. This shows that the distances for collection are in accordance with the requirements of the buildings regulations, and in accordance with Policy DM3 of the Development Management Plan 2015. However, further detail of the bin stores themselves will be required to be submitted by condition (Condition 21) prior to occupation of the dwellings, in order to secure an appropriate standard of development that doesn't cause harm to the character and appearance of the area.

#### **f) Loss of existing use**

The NPPF states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development (paragraph 80). Making effective and efficient use of a brownfield site is also supported by national planning policy (NPPF paragraph 117).

Local Plan Policy E1 seeks to protect and manage the loss of existing employment space, allowing redevelopment or change of use to non-employment uses only after robust evidence has been submitted demonstrating a site is no longer viable as a location for employment uses.

The former occupants of the development have now moved out of the site and it has been vacant for many months. Within their economic statement, the applicants state that the occupants of the offices will be relocating to new purpose built offices within Hastings. Moreover, the applicant acknowledges that the site is indeed proposed for allocation in the draft Local Plan with an indicative capacity of 246 dwellings, without a requirement to provide employment space. The applicant then explains that given the lack of housing supply, the provision of housing in lieu of employment land is justified.

Given the current circumstances (a vacant site and the draft new allocation), it is not considered appropriate to apply Policy E1 to this site, on the basis that the emerging Local Plan evidence base in terms of assessing future large scale employment and housing needs, coupled with an assessment of land available for employment and housing purposes, shows that this site will better serve the future sustainable growth needs of the town if it is redeveloped for housing. Although this is not adopted, the evidence base to the emerging

Plan is highly relevant to this application.

As such it is considered that the principle for the loss of offices in this location and the provision of residential is acceptable. Furthermore, under current permitted development rights, the office space can indeed be converted into residential (subject to requirements) as per the extant Permitted Development Office to Residential Scheme (see planning history at section 2 of this report).

#### g) Proposed residential and retail use

There is no doubt that the provision of an additional 151 homes will significantly help the town's housing land supply and therefore address the deficit in reaching targets for housing delivery. However, this needs to be balanced with the proposed provision for retail, out of centre, which is contrary to national policy, unless there is substantial evidence in the form of a Sequential Test that demonstrates that such retail floorspace cannot be provided elsewhere, closer to a town centre.

#### The Sequential Test

A Sequential Test is required in accordance with the NPPF to demonstrate that there are no preferable sites within town centre locations available. A Sequential Test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations. This approach ensures the viability and vitality of town centres in towns and cities.

A Sequential Assessment was originally undertaken by JLL and submitted to the Council in July 2021. The Sequential Assessment followed the submission of a Scoping Exercise undertaken in June 2021 and considered alternative sites and applied appropriate flexibility based on the retail product to review all potential alternatives.

The Council raised concern at this point that given the site's out of centre location, the assessment of alternatives may not have been carried out in line with national guidance. In response to these concerns, an Addendum to the Assessment was submitted that identified further alternative sites for consideration. In reviewing each of the alternative sites the applicant applied what is now considered a reasonable approach to flexibility both in terms of scale and format in order to determine whether any of the alternative sites could be suitable. The conclusion of that Assessment was that there are no alternative sequentially preferable sites available. The detail of the approach taken by JLL is set out in the Sequential Assessment, the Addendum to the Sequential Assessment and also a further letter sent to the Council on 7 October 2021.

#### The financial link between retail and residential

The applicant has argued that there is a functional relationship with the residential and retail elements and thus they should be considered holistically. The food store is a necessary component of the scheme to enable the delivery of residential development on the majority of the site. The significant abnormal costs associated with the demolition of the existing building, clearance and decontamination and then reprofiling mean that a capital injection is required early in the development cashflow to enable the delivery of a viable scheme. The contracted sale of the retail plot, which will be delivered as a serviced parcel to the retail provider, is therefore essential to the success of the scheme as a whole.

This approach has been set out in the Planning Statement and the subsequent retail specific Addendum and is also identified in the extensive financial viability appraisal work that has been submitted and considered by the Council's appointed consultant.

Furthermore, the applicant has advised that the area allocated for retail cannot be used for residential purposes, regardless of the viability due to the extensive land levels which would require large retaining walls which would lead to a poor living environment. In addition, it is argued that the internal layout of the properties would cause mutual overlooking and single aspect dwellings. Whilst this is not considered to have been sufficiently justified during the application process, a further balance has to be made as to whether the provision of an additional 12 homes on the retail portion of the site, outweighs the benefits that such a proposal could provide to the local community.

In summary, it is argued that if the retail component of the scheme was to be removed, the development would no longer be viable to deliver.

Overall, it must be made clear that it is a matter of planning balance as to whether planning permission is granted using all aspects of policy and guidance. That is to say that even if all tests have not been met, the overarching argument still applies as to whether the benefits of the scheme, outweigh the potential impacts of not meeting every policy requirement. To that end, and taking account of further independent legal advice on this issue, it is accepted that the retail element is essential to help the viability of the scheme, thereby helping to deliver the housing element to contribute to the town's housing land supply.

#### h) Proposed community use

The proposal includes the redevelopment of the currently vacant (former) community facility on site, which will include residential elements on the storeys above. The proposed community facility, at ground floor level will comprise 188sqm of floorspace, and its re-provision is in accordance with Policy HC3 of the Development Management Plan 2015.

The freehold of the new community facility will be given to the appointed Registered Provider (who this will be has not yet been agreed) in control of the affordable housing provided as part of the overall scheme. This provides assurance that the facility will be well managed and used for the benefit of new residents. To ensure that an acceptable use is proposed and maintained, a needs assessment will be secured by the imposition of condition (Condition 6) to ensure opportunities for the optimum use of the facility are fully explored, prior to the construction of the community facility.

#### i) 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 2 - 3 bedroom properties. Whilst a more balanced mix with more 1 bedroom, and more 4 bedroom units would have been favoured, the mix is sufficient to ensure help meet current identified need, as well as more family housing. Therefore, no objection is raised in this regard.

It is acknowledged that the housing mix is preferable to the extant Permitted Development Scheme, however this is not considered to be a material consideration on the basis that this permission has not been implemented. This permission will expire in June 2022.

#### j) Housing density

Whilst the entire site area exceeds 5ha in area, the residential portion of the site is measured in at 4.17ha. Taking account of the 151 dwellings proposed, this amounts to a residential



density of 36 dwellings per hectare (dph).

Policy H1 of the Hastings Planning Strategy 2014 requires a density of a minimum of 40dph in more central areas including town and district centres, and a minimum of 30dph in all other locations within the town.

The residential component of the scheme exceeds the minimum requirements in this out of centre location but is still reflective of the character of the surrounding area. Therefore, the proposed density is considered suitable for this location, and in accordance with Policy H1.

#### k) 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 would equate to 37 homes on site as affordable housing units.

The application was submitted with a viability report that deemed affordable housing provision would make the development unviable due to the high costs associated with the demolition of the existing buildings and other abnormal development costs. The viability report was assessed by Bruton Knowles who did not agree with the findings of the applicant's viability report and concluded in their report dated 16th August 2021 that although the delivery of policy compliant affordable housing is not viable a surplus of £1.18 million could be available for the provision of Affordable Housing. As a consequence, although the applicant does not agree with the findings of the Bruton Knowles report, the applicant, has offered to provide a total of 17 homes for affordable rent, which equates to just over 11% affordable housing.

Bruton Knowles advise that the provision of 17 x Affordable Rent units has a significant impact on the value of the residential units at the proposed development on completion of the works although the costs base will remain largely unaffected other than a reduction in associated costs relating to developer's profit, disposal costs and the cost of finance. The overall effect of this is that the surplus identified of £1.18 million is required to facilitate the delivery of 17 x Affordable Rent units. On this basis Bruton Knowles confirm that the provision of 17 x Affordable Rent units is the maximum that could reasonably be expected to be provided for the proposed development to remain viable.

In addition, the applicants are offering financial contributions towards key infrastructure of £183,260.81 (detailed in paragraph w below).

Whilst it is noted that the provision of 11% of the total residential units as affordable is not policy compliant, it is important to acknowledge that there are indeed some extreme abnormal development costs associated with this site, and it cannot be compared to other greenfield sites with less constraints, available in the vicinity.

Furthermore, the level of affordable housing offered for this site would be the maximum amount that could be provided for the development to still remain a viable option.

For these reasons, and after detailed viability analysis, taken together with the applicants offer for 100% of the affordable homes to be affordable rent (in line with the town's identified need), and the need to provide deliver a substantial housing site in its entirety, it is considered that on balance, the lesser provision of affordable homes is justified in this instance. All on site affordable housing will be secured by the Section 106 Agreement attached to this consent, should the application be approved.

#### l) 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.

With the exception of the impacts from Concrete Batching Plant (CBP) to the north of the site (discussed below), it is not considered that the development will have a significant impact on existing residential amenities given its setting, distance from existing, boundary treatments and changing land levels.

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.

Concern was however, raised with regard to the proximity of the dwellings located directly to the east of the proposed retail unit in terms of noise and disturbance to future residential occupiers. In response to these concerns, the closest property to the retail store was removed from the scheme in its entirety.

Following on from this, the applicant's Acoustic Consultants (SMA) undertook an assessment of the noise impact for Plot 36, now located closest to the proposed retail store. The SMA assessment concluded that the relationship created does not give rise to any unacceptable impact in terms of noise for this plot or any of the other properties that border the retail food store.

Condition 21 also requires details of fixed plant, machinery and equipment associated with air moving equipment to be submitted for approval prior to installation. This will ensure the amenities of future occupiers of the development will be protected from excessive noise following completion.

### **Impact on residential amenities from Concrete Batching Plant**

In response to concerns raised from the Waste and Minerals Authority, the applicants undertook further assessment of the impact from the adjacent Concrete Batching Plant (CBP) to the north of the site. Whilst this is currently not in operation, it is acknowledged that it could come back into use at any time, and therefore the impacts on the future residents need to be fully assessed.

This further assessment (undertaken by suitably qualified professionals) provided details of the mitigation measures that will be imposed (if not already in place, as some are) to ensure that residential amenities are not harmfully affected.

Notwithstanding this, it is important to note that the CBP is in its entirety screened from the new development, not only by the existing landscaping to be retained, but also by the difference in land levels, meaning that it is not visible at all.

The Council's Environmental Health officers have not raised concern with the location of the CBP and mitigation measures as set out in the noise report will be secured by the imposition of condition. These conditions include mitigation measures in respect of the CBP. (Condition 25)

Policy DM3 of the Development Management Plan 2015 is therefore complied with in this respect.

#### **m) Future residential amenities**

The proposed residential dwellings meet or exceed the Government's Technical Housing Standards - National Described Space Standards March 2015 document which sets out

recommended space standards for new dwellings.

Whilst a small percentage of the properties do not provide sufficient external amenity space in line with Policy DM3 of the Development Management Plan 2015, it is acknowledged that this cannot always realistically be accommodated on site. The smallest rear garden depth would be 8.5m (Plot 100). In this case, it is considered that the amenity space provided is suitable for the dwelling sizes to which they relate. Therefore, it is not considered that refusal based on inadequate garden lengths and be fully justified in this instance.

#### n) Impact on landscape

Ashdown House is located in the north of the town, approximately 500m south of the Area of Outstanding Natural Beauty (AONB). However, given the relative isolation of the site and extensive screening from its surroundings, it is not considered to have a significant impact on views to, or from the AONB.

Within the site, the landscape strategy seeks to create welcoming environment including green infrastructure such as street trees, enhanced boundary treatment, informal play, and a SuDS basin. Existing planting to the perimeter of the site will be retained.

Taking the above into account, it is considered that the impact on the wider landscape is negligible and in accordance with Policy EN7 of the Hastings Planning Strategy 2014.

#### o) Ecology

The application site was subject to an extended Phase 1 habitat survey in January 2020. A desk-based study was also undertaken to inform this assessment. Protected species surveys were carried out in April, May, June and July 2020. These surveys concluded that:

- There are no statutory designations of nature conservation value within the site or immediately adjacent to it. Therefore, statutory sites are unlikely to be affected by the proposals.
- The nearest non-statutory designation is Hollington Valley Local Wildlife Site (LWS), sited just 0.1km west of the site. However, development is not going to encroach into this space, or affect its significance.
- Mitigation measures are proposed to ensure the protection of badgers, bats and hedgehogs, although none of these protected species are likely to be directly affected by the development.
- The woodland, trees and grassland around the site have the potential to be suitable habitats for nesting and foraging birds. Mitigation measures are proposed to ensure removal of suitable vegetation is undertaken outside the bird nesting season as well as other enhancement measures.
- A reptile translocation exercise will be required to move the Slow Worm population from the site, and a receptor site identified.
- There is no suitable aquatic breeding habitat in or around the site.
- It is likely that an assemblage of common invertebrate species is present within the site - new planting should comprise native species.

Whilst the site does comprise some ecological value, it is considered that subject to the implementation of suitable mitigation measures, development is able to take place without impacting negatively on biodiversity. Biodiversity enhancements will be secured by the imposition of Condition 26 as part of the recommendations of the submitted ecology reports.

In addition, the applicant will be required to submit the following, prior to the commencement of development:

- Construction Environmental Management Plan (Biodiversity)

- Ecological Design Strategy
- Landscape and Ecology Management Plan

These documents are secured by the imposition of conditions 26, 29 and 30 and will ensure the biodiversity is protected and enhanced, in accordance with Policy EN3 of the Hastings Planning Strategy 2014 and Policy HN8 of the Development Management Plan 2015.

### 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, given the expanse of hardstanding currently on site, it is likely with the landscaping plan submitted and the provision of new garden areas, a degree of net gain is likely to be delivered, should planning permission be granted.

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.

### p) Trees

The existing trees on the site are not covered by any Tree Preservation Orders (TPO's), and for the most part, the established trees on the periphery of the site will remain unaffected by the development.

To facilitate the proposed development ninety-four individual trees are to be removed, either because they are situated within the footprints of proposed structures or surfaces, or because they are too close to these to enable them to be retained. Of the trees to be removed, twelve are category 'B' and seventy-three are category 'C'. It is noted that category C trees are defined as those which may be removed to enable development.

The application has been fully assessed by the Council's Arboriculturalist who raises no objection to the proposed removal of trees. Boundary treatments will be retained, and a full landscaping plan will be secured by the imposition of Condition 7 to ensure that acceptable re-planting is implemented through the development

Notwithstanding the above, it has been argued that additional tree planting should be provided for in the car park for the proposed retail store. However, the scope for further tree planting is limited given the need to accommodate a minimum number of car parking spaces to meet with the operating requirements of the retailer and the County Council's expectations. Additionally, this area also acts as the main servicing route for the retail store.

As a consequence, there is insufficient space within the layout plan as proposed to provide further tree planting pits that would be viable i.e., with appropriate offset to ensure damage from vehicles does not occur.

Whilst this is disappointing, it is considered that subject to the provision of a robust soft landscaping scheme, on balance, the reduced opportunities for planting in the retail car park cannot justify refusal of permission on this point alone.

### q) Play and open space

The site layout includes 3 areas for informal play in the form of pocket parks. Whilst this is not ideal, and on site play facilities would be preferred, it is accepted that the site is relatively constrained and larger areas for informal play could not be accommodated without the loss of further houses, thereby reducing density and impacting on viability.

The applicant has submitted further justification in the form of a landscape design statement, which outlines the benefits of the pocket parks, safety features and the provision of additional landscaping. Subject to the imposition of a condition (Condition 43) relating to their management and maintenance, general configuration, lighting, fencing/other enclosures, and hard and soft landscaping, these are now considered acceptable in the wider context of the scheme.

It is also noted that the applicant has accepted both the principle and amount requested by the Council for the enhancement of three existing play facilities off-site at Welton Rise, to the east of the application site, to provide compensation for the lack of on site provision.

#### r) 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 Assessment and supporting Technical Note and has been submitted. The submitted reports consider the effects of air pollutant emissions from road traffic using the adjacent roads and the way they impact the site and surrounding area. Also considered are the emissions associated with the construction of proposed development. The report concludes that with appropriate mitigation, air quality concentrations are acceptable for future residents of the proposed Ashdown House development. In addition, the impact from construction and operation is considered negligible.

The Council's Environmental Health Team have been consulted and has raised no objection to the application, subject to the imposition of conditions requiring a Construction Management Plan and restricting working hours during construction and operation of the retail store (Condition 14).

#### s) Lighting

External lighting will be required to serve the car park outside of daylight hours and the retail store. No details have been submitted as to how this will be controlled to ensure that the amenities of nearby residents will be protected. Therefore, it is proposed to secure such details by the imposition of condition (Condition 15) should permission be granted.

It is acknowledged that this could be controlled by a lighting condition to ensure external lighting will be on a timer to ensure that it only comes on when it is dark, turns off when it gets light and is only on at specified hours when the site is in use (between core and extended opening hours); and the lighting can be shielded, orientated away from the residential properties, face into the site and be fitted with baffle plates to prevent light back spill. However, in the absence of this, it is considered the lighting would have the potential to cause undue disturbance.

#### t) Land contamination

A Desk Study and Preliminary Risk Assessment in respect of land contamination was submitted alongside this application. This identified the position of underground tanks and the recommendation for an intrusive ground investigation. The Council's Environmental Health Team advise that the investigation should be undertaken, to include relevant soil, soil gas, surface and groundwater sampling and consider the risks to users. It is considered that this can be dealt with by full land contamination conditions should planning permission be granted (conditions 16-19)

Subject to the implementation of these measures, it is considered that the proposed development accords with Policies DM5 and DM6 of the Development Management Plan 2015 in that they fully assess ground conditions and ensure no harm to human health or

groundwaters.

#### u) Highway safety/parking

The A21 to the west of the site form part of the strategic road network, and as such, Highways England were consulted on the application. Following detailed information submitted from the applicant, they are now satisfied that the proposed development will not materially affect the safety, reliability and/or operation of the network, in this location or its vicinity.

Parking is provided in a number of different formats including on-site, on-street and parking courts for the residential element of the scheme. Provision is as follows:

- Allocated parking: 242 spaces
- Un-allocated parking: 13 spaces
- Visitor parking: 31 spaces
- Community centre visitor parking: 3 spaces

This is in accordance with standards set by the Highway Authority, who raise no objection to the parking provision.

Cycle, car parking and designated blue badge holder and parent/child bays are considered to be appropriately laid out, and level of parking is accepted. In terms of parking quantum, for the retail element of the scheme, there are 122 spaces proposed which accords with the County's parking standard for non-residential development.

Overall, both Highways England and the Highway Authority are satisfied that the highway network can accommodate the new development and raise no objection to the proposals subject to off site highway works, bus stop improvements and a travel plan. The legal agreement (Section 106 Agreement) will be the tool to secure the required highway works subject to a S278 Agreement. These highway works will include:

- Pedestrian access point onto Harrow Lane and an uncontrolled pedestrian crossing point with refuge on Harrow Lane with dropped kerb/tactile paving.
- All vehicle access onto Harrow Lane to include pedestrian footways and right turn facility for cyclists.
- Revised access construction for all vehicle access and footway onto Sedlescombe Rd North (A21) to be either priority or signalised junction. Modelling supports both arrangements.
- Uncontrolled pedestrian crossing on Sedlescombe Road North (A21) opposite Vauxhall Dealership to connect the discount food store site to bus stop with refuge and dropped kerb facilities and tactile paving.
- Bus stop upgrades to provide shelters (where none are present), accessibility kerbs, bus clearway and Real Time Passenger Information (RTPI) for closest north and southbound stops on Sedlescombe Road North; and north and southbound stops on Harrow Lane.

In addition, various conditions are imposed to secure acceptable construction of access, parking provision, cycle parking areas, turning space, and details of the proposed roads, as well as other requirements of the Highway Authority, in order to ensure an acceptable standard of development as well as safe access into and within the site, is delivered. (Conditions 31-41).

#### **Rights of Way**

East Sussex County Council have confirmed that there is no direct impact on any public rights of way. No objection is raised to the development, subject to the financial contributions

secured as part of the Section 106 Agreement as detailed below.

### **Connectivity**

Pedestrian connections are proposed onto Harrow Lane where bus stops are located and to the north where there is an existing vehicular access. Dropped kerbing and tactile paving will be integrated into the existing footpath crossing the access. The applicant has also committed to provide a new crossing point on Harrow Lane (secured by the Section 106 Agreement) which will provide improved connectivity to the facilities provided within the three additional housing sites the other side of Harrow Lane.

Within the site itself, an improved east to west pedestrian route is proposed to connect Harrow Lane and Sedlescombe Road North. Furthermore, a shared pedestrian and cycle path is proposed from the Sedlescombe Road North entrance.

Both the Local Planning Authority and the Highway Authority are in agreement that accessibility has been adequately considered and the provision of these routes will promote and enhance sustainable transport options. Policy DM4 of the Development Management Plan 2015 is therefore complied with.

#### **v) Flood risk and drainage**

The application has been accompanied by a Flood Risk Assessment and Drainage Strategy, which demonstrates the site at a low risk of flooding, within Flood Zone 1

Surface water management proposals include:

- Porous paving is proposed for communal parking areas.
- Sewer network discharging all surface water runoff from site into surface water sewers located at the western site boundary, at rates restricted to existing Brownfield runoff rates.
- A detention basin located in the south western corner of the site and bio-retention areas and swales used throughout the development.

Foul water will be discharged into a Southern Water wastewater sewer located in Sedlescombe Road North. Gravity connections from the site into this sewer are proposed. Southern Water have confirmed that there is sufficient capacity within the receiving sewer, subject to discharge rates being less than, or equal to existing rates as set out in the submitted drainage strategy.

Both the Lead Local Flood Authority and Southern Water have considered this information and have raised no objections subject to conditions being imposed to ensure foul/surface water from the site is managed safely (Conditions 10-13). This should also include evidence demonstrating that Southern Water have agreed to both the discharge rates and the connections.

Subject to the imposition of detailed conditions, it is considered that the proposed development confirms with Policy SC7 of the Hastings Planning Strategy 2014 in that the scheme will not increase the risk of flooding elsewhere.

#### **w) Financial contributions**

In addition to the on site affordable housing (17 affordable homes for rent), the following financial contributions will be secured through the Section 106 Agreement:

- Bus stop provision - £30,000
- Play area contributions (off site) - £56,512.50
- Libraries - £39,713

- Rights of Way - £3,624
- Travel Plan Audit Fee - £6,000
- Sussex Police - £47,411.31

The breakdown for these is as follows:

### **Bus stop provision**

£7,500 x 4 shelters for maintenance across 10 years - £30,000

### **Play area contributions (off site)**

£56,512.50 towards the cost of Welton Rise (3 areas) play equipment within 600m travel area.

### **Library provision**

152 units x £263 per unit - £39,976

### **Rights of Way**

152 units x £24 per unit = £3,648

### **Travel Plan Audit Fee**

£6000

### **Sussex Police**

Contributions towards local policing services totalling £42,411.31.

Broken down as follows:

- Officer equipment start-up costs.  $£4,307.33 \times 0.9 = £3,876.60$
- Officer start-up recruitment and training.  $£5,460 \times 0.9 = £4,914$
- Support staff start-up equipment costs.  $£2,086 \times 0.46 = £959.56$
- Support staff start-up recruitment and delivery.  $£1,060 \times 0.46 = £488$
- Premises contributions for Hastings Police Station totalling £23,621.63
- Fleet. £8,551.52 pooled towards the cost of one additional vehicle in the Ashdown (St Leonards) NPT/NRT

### **x) Sustainable construction**

The applicant has submitted an Energy and Sustainability Strategy in support of the application that explores a range of sustainability solutions to identify those that would be viable and appropriate. The Strategy concludes that through energy efficiency measures, a 7.44% carbon reduction above the current Building Regulations can be achieved for the residential portion of the development.

Electric vehicle charging points are also to be provided on all new residential dwellings comprising "on plot parking" secured by Condition 21. In addition, the retail store will also include 4 charging points, secured by the same condition.

Furthermore, the retail store will only be supplied with electricity and therefore all heating requirements will be provided via an electric solution. Air Source Heat Pumps have been confirmed as the method used to heat and cool the store.

Subject to the implementation of these measures, it is considered that the proposals comply with Policies SC3 and SC4 of the Hastings Planning Strategy 2014 in that the energy hierarchy set in policy has been followed and a reduction in what is required nationally has



been achieved.

#### y) Utilities

Southern Gas Networks, UK Power Networks and the ESP Utilities Group were all consulted on the application to determine whether the proposed development would have an impact on the utilities network, particularly given that the application site falls within the proximity of a mains gas pipe. Neither organisation has objected to the proposals, although informatives have been added to ensure that safe digging practices are observed, and that the operators are involved prior to the commencement of development (Informatives 4, 5 and 6).

#### z) Environmental Impact Assessment

The proposed development falls within Schedule 2 part 10 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended). However, following the submission of a Screening Opinion, the Local Planning Authority determined that the development will not have significant effects on the environment such as to justify a separate Environmental Impact Assessment to be provided with the application.

#### aa) Other matters

Concern has been raised that should planning permission be granted, there is potential for the retail part of the site to be built out, leaving the remaining part of the site undeveloped.

Redevelopment of the site will require a significant level of land regrading, together with demolition and site clearance - for the entire site given the existing placement of buildings. Regrading/demolition and clearance cannot take place on parts of the site in isolation.

As a consequence, the delivery of the site will be secured through the purchase contract. The appointed housebuilder will be required to undertake all demolition, site clearance and land regrading across the whole site and to deliver a level serviced platform that can be handed over to the retail operator for it to be built. The housebuilder will then commence delivery of the housing in parallel.

Given that the housebuilder is contractually required to undertake the significant site preparation works it will, by necessity, need to swiftly deliver the housing in order to recover its initial capital outlay and to generate a development profit.

Through this mechanism the applicant can ensure the delivery of the site as a whole with both the retail and residential components being constructed in parallel, thereby overcoming concerns raised regarding piecemeal development.

## **6. Evidence of community involvement**

The applicant appointed an independent specialist public consultation company to undertake the pre-application resident, community, and stakeholder consultation on their proposals for the redevelopment of the site. Given the restrictions in place because of COVID19, all materials that would have been displayed in a public exhibition were displayed through a bespoke consultation website: [www.ashdownhousehastings.co.uk](http://www.ashdownhousehastings.co.uk). A newsletter inviting residents to take part in the public consultation was also issued to nearby neighbours, residents, and stakeholders. A press release was also issued, and subsequent story appeared in the Hastings Observer on the 24th November 2020.

This dialogue with the local community has helped inform the master plan and detailed design of this planning application and the comments were included in the submitted Statement of Community Involvement submitted with this planning application.

## **7. Conclusion**

As noted previously the Council is currently unable to demonstrate a 5 year housing supply and as such the tilted balance of paragraph 11 must be applied.

When assessing the scheme before us, in applying the planning balance, there are several factors which weigh both for and against the scheme.

Overall, it is considered that the public benefits of the scheme outweigh the planning policy conflicts. Therefore, the proposals are considered to comply 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.

## **8. Recommendation**

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

- **A S278 agreement with East Sussex County Council as Highway Authority to secure the required Highway works:**
  - 1. Pedestrian access point onto Harrow Lane and uncontrolled pedestrian crossing point with refuge on Harrow Lane with dropped kerb/tactile paving**
  - 2. All vehicle access onto Harrow Lane to include pedestrian footways and right turn facility for cyclists**
  - 3. Revised access construction for all vehicle access and footway onto Sedlescombe Rd North (A21) to be either priority or signalised junction. Modelling supports both arrangements.**
  - 4. Uncontrolled pedestrian crossing on Sedlescombe Road North (A21) to connect the food store site to bus stop with refuge and dropped kerb facilities and tactile paving**
  - 5. Bus stop upgrades to provide shelters (where none are present), accessibility kerbs, bus clearway and RTPI for closest north and southbound stops on Sedlescombe Road North; and north and southbound stops on Harrow Lane.**
- **A Travel Plan for both residential and retail development proposals and Travel Plan Audit Fee - £6,000**
- **The provision of a Real Time Passenger Information board within the retail use car park.**
- **Unallocated parking spaces be retained as unallocated and do not become allocated to a particular dwelling**
- **17 affordable rented units on site in 2 apartment blocks in the form of 2 x 1 bed and 15 x 2 bed apartments.**

**Along with contributions for:**

- **Bus stop maintenance - £30,000**
- **Play area (off site) - £56,512.50**
- **Libraries - £39,713**
- **Rights of Way - £3,624**
- **Sussex Police - £42,411.31**

**unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions/infrastructure.**

**In the event that the Agreement is not completed by 8 June 2022, that the application be refused on the grounds that it does not comply with the relevant Policies (policies H3 and CI1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.**

**B) Subject to the above**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

20-J3257- 100 REV 03, 20-J3257- 101 REV 03, 20-J3257- 102 REV 02, 20-J3257- SC01 REV 2, 20-J3257- 105, 20-J3257- 106 and 20-J3257- 107

20-J3257- SK200 REV 01, 20-J3257- SK201 REV 01, 20-J3257- SK202 REV 02, 20-J3257- SK203 REV 02, 20-J3257- SK204 REV 02, 20-J3257- SK205 REV 02, 20-J3257- SK206 REV 02, 20-J3257- SK207 REV 02, 20-J3257- SK208 REV 01, 20-J3257- SK209 REV 01, 20-J3257- SK210 REV 01, 20-J3257- SK217, 20-J3257- SK218, 20-J3257- SK219, 20-J3257- SK220, 20-J3257- SK221, 20-J3257- SK222, 20-J3257- SK223 REV 02, 20-J3257- SK224 REV 03, 20-J3257- SK225 REV 03, 20-J3257- SK226 REV 01, 20-J3257- SK227 REV 02, 20-J3257- SK228 REV 02, 20-J3257- SK229 REV 01, 20-J3257- SK230 REV 01, 20-J3257- SK231 REV 02, 20-J3257- SK232 REV 02, 20-J3257- SK233 REV 01, 20-J3257- SK234 REV 01, 20-J3257- SK235 REV 01, 20-J3257- SK236 REV 01, 20-J3257- SK237 REV 01, 20-J3257- SK238 REV 02, 20-J3257- SK239 REV 02, 20-J3257- SK240 REV 01, 20-J3257- SK241 REV 01, 20-J3257- SK242 REV 02, 20-J3257- SK243 REV 02, 20-J3257- SK244 REV 02, 20-J3257- SK245 REV 03, 20-J3257- SK246 REV 03, 20-J3257- SK247 REV 02, 20-J3257- SK248 REV 02, 20-J3257- SK249 REV 03, 20-J3257- SK250

REV 03, 20-J3257- SK251 REV 02, 20-J3257- SK252 REV 02, 20-J3257- SK253 REV 02, 20-J3257- SK254 REV 02, 20-J3257- SK255 REV 02, 20-J3257- SK256 REV 02, 20-J3257- SK264 REV 02, 20-J3257- SK265 REV 02, 20-J3257- SK266 REV 02, 20-J3257- SK267 REV 02, 20-J3257- SK268 REV 02, 20-J3257- SK269 REV 02, 20-J3257- SK270 REV 02, 20-J3257- SK271 REV 02, 20-J3257- SK272 REV 02, 20-J3257- SK276 REV 02, 20-J3257- SK277 REV 02, 20-J3257- SK278 REV 02, 20-J3257- SK279 REV 02, 20-J3257- SK280 REV 02, 20-J3257- SK281 REV 02, 20-J3257- SK282 REV 02, 20-J3257- SK283 REV 02, 20-J3257- SK284 REV 02, 20-J3257- SK285 REV 02, 20-J3257- SK286 REV 02, 20-J3257- SK287 REV 02, 20-J3257- SK288 REV 02, 20-J3257- SK289 REV 03, 20-J3257- SK290 REV 03, 20-J3257- SK291 REV 02, 20-J3257- SK292 REV 02, 20-J3257- SK293 REV 02, 20-J3257- SK294 REV 02, 20-J3257- SK295 REV 02, 20-J3257- SK296 REV 02, 20-J3257- SK297 REV 02, 20-J3257- SK298 REV 02, 20-J3257- SK299 REV 02, 20-J3257- SK300 REV 02, 20-J3257- SK301 REV 03, 20-J3257- SK302 REV 02, 20-J3257- SK303 REV 02, 20-J3257- SK304 REV 02, 20-J3257- SK305 REV 02, 20-J3257- SK306 REV 02, 20-J3257- SK307 REV 03, 20-J3257- SK308 REV 02, 20-J3257- SK309 REV 02, 20-J3257- SK310 REV 03, 20-J3257- SK311 REV 03, 20-J3257- SK312 REV 02, 20-J3257- SK313 REV 03, 20-J3257- SK314 REV 03, 20-J3257- SK316 REV 02, 20-J3257- SK317 REV 02, 20-J3257- SK318 REV 02, 20-J3257- SK319 REV 02, 20-J3257- SK320 REV 02, 20-J3257- SK321 REV 02, 20-J3257- SK322, 20-J3257- SK323, 20-J3257- SK324 REV 01, 20-J3257- SK325, 20-J3257- SK326, 20-J3257- SK327, 20-J3257- SK328 REV 01, 20-J3257- SK329 REV 01, 20-J3257- SK330, 20-J3257- SK331 REV 01, 20-J3257- SK332 and 20-J3257- SK333

20-J3257- APT01 REV 01, 20-J3257- APT02 REV 01, 20-J3257- APT03 REV 01, 20-J3257- APT04 REV 01, 20-J3257- APT05 REV 01, 20-J3257- APT06 REV 01, 20-J3257- APT07 REV 01, 20-J3257- APT08 REV 02, 20-J3257- APT09 REV 02, 20-J3257- APT10 REV 02, 20-J3257- APT11 REV 02, 20-J3257- APT12 REV 02, 20-J3257- APT 13 REV 02, 20-J3257- APT14 REV 02, 20-J3257- APT15 REV 02, 20-J3257- APT16 REV 02, 20-J3257- APT17 REV 02, 20-J3257- APT18 REV 02, 20-J3257- APT19 REV 02, 20-J3257- APT20 REV 03, 20-J3257- APT21 REV 03, 20-J3257- APT22 REV 02, 20-J3257- APT23 REV 02, 20-J3257- APT24 REV 02, 20-J3257- APT25 REV 02, 20-J3257- APT26 REV 02, 20-J3257- APT27 REV 02, 20-J3257- APT28 REV 02, 20-J3257- APT29 REV 02, 20-J3257- A, 20-J3257- APT30 REV 02, 20-J3257- APT31 REV 02, 20-J3257- APT32 REV 02, 20-J3257- APT33 REV 02, 20-J3257- APT34 REV 02, 20-J3257- APT35 REV 02, 20-J3257- APT36 REV 03, 20-J3257- APT37 REV 02, 20-J3257- APT38 REV 03 and 20-J3257- APT39 REV 02

3. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

4. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted to and approved

in writing by the Local Planning Authority.

5. No phase of the development hereby permitted shall be brought into use until the archaeological site investigation and post - investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) for that phase has been completed and approved in writing by the Local Planning Authority. The archaeological site investigation and post - investigation assessment will be undertaken in accordance with the programme set out in the written scheme of investigation approved under Condition 4 above.
6. Prior to the construction of the approved community facility building a written assessment of the need and demand for the space falling within Use Class F2(b) to serve the needs of the community shall be submitted to and approved in writing by the Local Planning Authority. The Assessment shall include:
  - a) An assessment of the existing provision of and demand for community facilities within the vicinity of the application site;
  - b) An assessment of the community uses that could reasonably be accommodated within the community facility building;
  - c) Details of how potential occupiers of the community facility building have been identified and consulted;
  - d) A reasoned conclusion as to whether the 188 sq.m of community use floorspace can be secured for Use Class F2(b). Should it not be possible to secure the community use floorspace for Use Class F2(b) a reasoned conclusion as to the use the floorspace could reasonably be put to; and,
  - e) Details of the future management of the community use floorspace.

The community facility building shall be constructed and operated in accordance with the approved details set out in the Assessment unless otherwise agreed in writing with the Local Planning Authority.

7. No development above ground shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants and trees, noting species, sizes and proposed numbers/densities where appropriate together with an implementation programme.
8. All planting, seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
9. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan to take account of

highway and environmental protection issues, has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate, but not be restricted to, the following matters:

- a programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space
- location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction
- the anticipated number, frequency and types of vehicles used during construction
- the method of access and egress and routeing of vehicles during construction
- the parking of vehicles by site operatives and visitors
- the loading and unloading of plant, materials and waste
- the storage of plant and materials used in construction of the development,
- the erection and maintenance of security hoarding
- the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders)
- details of public engagement both prior to and during construction works
- measures to minimise the noise (including vibration) generated by the construction process to include hours of work, proposed method of piling for foundations, the careful selection of plant and machinery and use of noise mitigation barrier(s)
- details of any floodlighting, including location, height, type and direction of light sources and intensity of illumination
- measures to control the emission of noise, dust and dirt during construction
- a scheme for recycling/disposing of waste resulting from demolition and construction works
- protection of pedestrian routes during construction
- restoration of any damage to the highway [including vehicle crossovers and grass verges]

An indicative programme for carrying out the works should be included within the Plan.

10. Prior to the commencement of development, a detailed surface water drainage system shall be submitted to, and approved in writing, by the Local Planning Authority. The surface water drainage system shall incorporate the following:
  - a) Detailed drawings and hydraulic calculations. The hydraulic calculations shall take into account the connectivity of the different surface water drainage features. The calculations shall demonstrate that surface water flows can be limited to the discharge rates agreed with Southern Water for rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. An allowance for urban creep (recommended 10% increase in impermeable area) shall be incorporated within the calculations.
  - b) Evidence that Southern Water has agreed to the proposed discharge

rates and connections shall be provided.

- c) The detailed design of the attenuation pond, tanks and rain gardens shall be informed by findings of groundwater monitoring between Autumn and Spring. The design should leave at least 1m unsaturated zone between the base of the drainage structures and the highest recorded groundwater level. In the event this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the hydraulic capacity and structural integrity of the drainage system shall be provided.
- d) Details of measures which will be taken to manage overland surface water flows from the site without increasing flood risk to Sedlescombe Road North and Harrow Lane shall be provided.
- e) Details of the measures proposed to manage exceedance flows shall be submitted to the Local Planning Authority. This should also include details of how the existing overland surface water flows have been retained.
- f) Development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site.

11. A Maintenance and Management Plan for the entire drainage system shall be submitted to the Local Planning Authority before any construction commences on site to ensure the designed system takes into account design standards of those responsible for maintenance. The Maintenance and Management Plan shall cover the following:

- a) Who will be responsible for managing all aspects of the surface water drainage system, including piped drains.
- b) Evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development

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

12. Prior to the commencement of development, details of measures to manage flood risk, both on and off the site, during the construction phase shall be submitted to and approved in writing by the Local Planning Authority. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development, required by Condition 9 of this consent.
13. Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
14. Work which is audible at the site boundary and deliveries to and from the premises shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays.

15. Prior to occupation of any part of the development, a report on any lighting scheme, such as flood lighting or security lighting, during the operational phase of both the retail and residential elements of the scheme, must be submitted to, and approved in writing by the Local Planning Authority detailing the provisions for the avoidance of 'Spill Light', that is to say light that obtrudes beyond the area it was intended to light and into surrounding areas or onto surrounding properties.

With regard to the retail element of the scheme in particular, details should be provided that confirms external lighting will be on a timer and the specified hours when the site is in use; that the lighting will be orientated away from the residential properties; and fitted with baffle plates to prevent light backspill.

A detailed lighting scheme should also be provided in respect of the pedestrian connection from the site through to the A21, with a particular focus on safety and security.

The lighting scheme shall thereafter be implemented and maintained as approved.

16. Prior to the commencement of development, the recommendations set out in the submitted Land Contamination Report (Discovery, Dec 2020) in relation to underground tanks and the need for an intrusive investigation must be undertaken. This should include relevant soil, soil gas, surface and groundwater sampling, properly assess the risks to end user groups and be carried out by a suitably qualified and accredited consultant/contractor in accordance with a quality assured sampling and analysis methodology.
17. A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of construction works on site.

Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance.

Should any significant risks be identified by such an investigation, a remediation scheme including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority. The remediation scheme, as agreed by the Local Planning Authority, shall be fully implemented before any part of the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed, and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.

On completion of the works the developer shall provide the Local Planning Authority with written confirmation that all works were completed in accordance with the agreed details.



18. In the event that contamination is found at any time when carrying out proposed development, that was not previously identified (such as Asbestos from building demolition), it must be reported in writing immediately to the Local Planning Authority with proposed remediation measures.
19. In the event that contamination is found to be present, upon completion of the works the developer shall provide written confirmation (verification report) that all works were completed in accordance with the agreed remediation details, to be approved by the Local Planning Authority.
20. Details, including acoustic specifications of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings) installed within the site which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority prior to installation.
21. The development shall not be occupied until details of refuse storage, including enclosures, for both the residential and commercial elements of the scheme, 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. Details shall also include refuse bin collection points, where relevant.

No part of the development shall be occupied until the all the approved details have been implemented. The refuse store and bin collection points shall thereafter be retained in perpetuity.

22. Prior to occupation of the dwellings hereby approved, and the commencement of the use of the retail unit hereby approved, details must be submitted to and approved in writing by the Local Planning Authority with regard to the provision of Electric Vehicle Charging Points. As a minimum, this should include:

- At least one Electric Vehicle Charging Point at each of the dwellings with dedicated 'on plot' parking.
- At least 4 Electric Vehicle Charging Points within the boundary of the retail store and car parking area

The Electric Vehicle Charging Points shall thereafter be retained for that purpose.

23. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the residential and retail developments hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
24. Before the dwellings hereby approved are occupied, provision shall be made for the ability to connect to fibre-based broadband.
25. 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:

- Arboricultural Implications Report Rev A (SAJ Trees, September 2021)
- Ecological Assessment (Ecology Solutions, December 2020)
- Flood Risk Assessment and Drainage Strategy, December 2020)
- Air Quality Assessment (Stuart Michael Associates, May 2021)
- Noise Assessment (Stuart Michael Associates, September 2021)
- Noise and Air Quality Technical Note (Stuart Michael Associates, September 2021)

26. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements, which should include measures to protect badgers from being trapped in open excavations and/or pipes and culverts);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

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

27. No development, demolition, earth moving shall take place or material or machinery brought onto the site until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan (Biodiversity). All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

28. 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.

29. No development shall take place until an Ecological Design Strategy (EDS) addressing reptile translocation has been submitted to and approved in writing by the Local Planning Authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, eg native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures;
- j) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

30. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior commencement of development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved

plan will be implemented in accordance with the approved details.

31. No development shall take place until technical details of the layout of the reconstructed accesses and the specification for the construction of the access which shall include details of junction type (A21 access) have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the developments hereby permitted shall not be occupied or brought into use until the construction of the accesses have been completed in accordance with the specification set out on Form HT407 which is attached to and forms part of this permission.
32. The reconstructed vehicular access onto Harrow Lane shall not be brought into use until visibility splays of 2.4m by 43m are provided in both directions and maintained thereafter.
33. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
34. The proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls).
35. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 (or any order revoking and re-enacting that Order with or without modification), the car ports hereby approved shall remain unaltered and shall not be enclosed.
36. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans (in respect of the retail component of the approved development) and details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority (in respect of the residential component of the approved development) and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
37. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans (both retail and residential uses) and the turning space shall thereafter be retained for that use and shall not be obstructed.
38. The new estate roads (residential) shall be designed and constructed to a standard approved in writing by the Local Planning Authority in accordance with the Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
39. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details of the proposed road[s], surface water drainage, outfall disposal and street lighting to be provided, shall be submitted to the Local Planning Authority and be subject to its approval in writing, in consultation with the Highway Authority.

40. No development shall take place, including demolition, on the site until an agreed pre-commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
41. No part of the development shall be occupied until a Servicing Management Plan for the retail use has been submitted and approved in writing by the Local Planning Authority. This shall set out the arrangements for the loading and unloading of deliveries, in terms of location and frequency, and set out arrangements for the collection of refuse. Once occupied the use shall be carried out only in accordance with the approved Service Management Plan.
42. 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 BS5837:2012: Trees in relation to design, demolition and construction, 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.
43. Prior to first occupation of the residential component of the approved development a Scheme for the layout, configuration and future management/maintenance of the proposed pocket parks shall be submitted to and approved in writing by the Local Planning Authority. The Scheme shall include details of:
  - a) The layout and configuration of the pocket parks
  - b) The hard and soft landscape details
  - c) Seating
  - d) Lighting
  - e) Fencing/railings/protection from roads (as necessary)
  - f) Future management and maintenance

The pocket parks shall be constructed and thereafter maintained in accordance with the approved details within the Scheme unless otherwise agreed in writing with the Local Planning Authority.

#### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.

5. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
6. To ensure the proposed community facility is used and provided for the benefit of existing and future residents, in accordance with Policy HC3 of the Development Management Plan 2015.
7. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
8. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
9. In the interests of highway safety and the amenities of the area and to minimise the amount of construction and demolition waste being disposed of in landfill sites in accordance with the East Sussex County Council Supplementary Planning Document on Construction and Demolition Waste.
10. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
11. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
12. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
13. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
14. To safeguard the amenity of adjoining and future residents.
15. To safeguard the amenity of adjoining and future residents.
16. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
17. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
18. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
19. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
20. To safeguard the amenity of adjoining and future residents.
21. In order to secure a well planned development that functions well, protects the visual amenities of the area and the living conditions of future residents.
22. To promote the reduction of CO2 emissions through the use of low

emissions vehicles in accordance with policies contained in the NPPF.

23. In the interests of the visual amenity of the area.
24. To ensure the development complies with Policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
25. To protect features of recognised nature conservation importance.
26. To ensure that any adverse environmental impacts of development activities are mitigated.
27. Irreparable damage can be done to biodiversity features on construction sites in a very short space of time, it is necessary to ensure that features to be retained are adequately identified and physically protected from accidental damage by development operations, eg by earth moving machinery.
28. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
29. To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implantation can demonstrate this.
30. Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.
31. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
32. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
33. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
34. 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.
35. 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.
36. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
37. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
38. In the interest of highway safety and for this benefit and convenience of the

public at large.

39. In the interests of highway safety and for the benefit and convenience of the public at large.
40. In the interests of highway safety and the amenities of the area.
41. To safeguard the operation of the public highway.
42. To protect trees and hedges that positively contribute to the visual amenity of the area or contribute to the overall landscaping scheme of the site that forms an essential part of the overall design of the development. To protect trees that are noted as forming part of a habitat or foraging area for priority and protected species.
43. 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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
4. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken.

Southern Gas Networks Plc  
SGN Plant Location Team  
95 Kilbirnie Street  
Glasgow  
G5 8JD  
Tel: 01414 184093 OR 0845 0703497  
Search online at:  
[www.linesearchbeforeyoudig.co.uk](http://www.linesearchbeforeyoudig.co.uk)  
SGN personnel will contact you accordingly.

Please also be advised that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. You should, where required confirm the position using hand dug trial holes.

Safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of the mains, pipes, services and other apparatus on site



before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas pipes.

5. Should your excavation affect UKPN Extra High Voltage equipment (6.6 KV, 22 KV, 33 KV or 132 KV), please contact them to obtain a copy of the primary route drawings and associated cross sections. Plan Provision: 0800 056 5866.
6. Excavations must be carried out in line with the Health and Safety Executive guidance document HSG 47. A copy of HSG 47 can be obtained from the Health and Safety Executives website.
7. 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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
8. Consideration should be given to the provision of a domestic sprinkler system.
9. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
10. The application site drains surface water runoff to the Pevensey and Cuckmere Water Level Management Board internal drainage district, which is downstream of the application site. Therefore, the applicant is advised that surface water discharge rates need to be agreed with the Board. This should be done before fixing the development layout.

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### **Officer to Contact**

Mrs S Wood, Telephone 01424 783329

### **Background Papers**

Application No: HS/FA/21/00003 including all letters and documents