

# Public Document Pack

## PLANNING

19 JANUARY 2022

Present: Councillors Roberts (Chair), Cox (Vice-Chair), Bacon, Beaver, Bishop, Foster, Roark, Marlow-Eastwood, Scott and Williams

Apologies for absence were notes for Councillor

### 311. APOLOGIES FOR ABSENCE

None received

### 312. DECLARATIONS OF INTEREST

Councillor	Item	Interest
ClIr Scott	5(a)(b)(c)	Personal – East Sussex County Councillor
ClIr Marlow-Eastwood	5(a)(b)(c)	Personal – East Sussex County Councillor
ClIr Beaver	5(a)(b)(c)	Personal - East Sussex County Councillor
ClIr Beaver	5(a)	Personal – Additional documents mentions possible retail provider if it goes forward. Works for the company at a different branch. No action of moving to new branch if it comes up.

### 313. MINUTES OF PREVIOUS MEETING

**RESOLVED** – that the minutes of the meetings held on 8<sup>th</sup> December 2021 and 10<sup>th</sup> November be approved as a true record.

### 314. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS

None received

### 315. PLANNING APPLICATIONS

315.1 Ashdown House, Sedlescombe Road North (HS/FA/21/00003)

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Proposal	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)
Application No	HS/FA/21/00003
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 12 objections received

Councillor Bacon arrived late and did not take part in the discussion and voting for this item.

The Assistant Planning Manager presented this application for the erection of 151 dwellings, a community centre and a new retail store. There are 3 updates. There has been an additional representation from Tesco and three additional comments from a member of the public. On page 28, Section 7 (Conclusion) – typographical error which should say “affordable” rent rather than “social” rent.

The Assistant Planning Manager showed a location plan, aerial view and drawings of the site. A typical street scene image showing dwellings between two and four stories with detached, semi-detached, and terraced houses. Illustrative images were shown of the pocket parks.

A slide was shown highlighting key areas of concern in light of representations received, which related to retail matters, the community centre, highway impact and other infrastructure, the pocket parks and the adequacy of the officers report in relation to the previous deferral.

The Assistant Planning Manager explained how the National Planning Policy Framework requires new retail development to be located in town centres first, and if that can't be accommodated then you look at edges of town centres before you look at out of town centre. This is an out-of-town centre location which means that you have to apply a Sequential Test, which was submitted with the application. As an authority we raised concerns and the developers came back with an addendum, which further considered alternative sites. Independent legal advice was sought in terms of the parameters used in applying the Sequential Test.

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The Assistant Planning Manager explained that concerns were raised regarding the lack of a Retail Impact Assessment. This isn't required for developments that are less than 2,500 square meters. This development is less than 2,000 square meters so for this reason, the Retail Impact Assessment was not insisted upon.

The impact on the highway network has been discussed with the Highways Authority (ESCC) and Highways England. Neither have raised objections to the scheme.

The Assistant Planning Manager explained that the community centre has conditions and provisions that a needs assessment and management plan be submitted to HBC before construction to ensure the centre is managed properly and is fit for purpose. The pocket parks have a condition number 43 which makes sure they are fit for purpose.

The Assistant Planning Manager explained that Para 11d of the National Planning Policy Framework which requires decision makers to apply a presumption in favour of sustainable development. This means granting planning permission unless the impacts of doing so significantly and demonstrably outweigh the benefits when assessed against policies in local plans and the National Planning Policy Framework. In accordance with paragraph 11d, Hastings Borough Council cannot demonstrate a 5 year housing land supply, and therefore the tilted balance is engaged.

Planning balance was highlighted and how 17 homes for affordable rent have been secured. There will be a new pedestrian and cycle connection to nearby sites including a crossing point and a new community centre.

Councillor Edwards as the Ward Councillor addressed the Committee. He had 6 questions he wanted to answer regarding the scheme. These were do we need more housing in Hastings, to which he answered yes, is the site suitable, to which he answered yes, is the developer competent to complete the job, to which he answered yes, is there reasonable profit to be made from the project, to which he answered yes. Is the retail store needed, to which the answer was to let the market decide but competition will lead to wider choice? Does the housing scheme meet the highest design and environmental standards, to which he answered yes. Councillor Edwards commended the Officer's report and gave the application his support.

The councillors debated.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Scott

**RESOLVED (8 votes for, 1 vote against) Grant permission subject to the following:**

**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:**

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- 17 affordable rented units on site in 2 apartment blocks in the form of 2 x 1 bed and 15 x 2 bed apartments.
- 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

Along with financial contributions for:

- Bus stop maintenance - £30,000
- Play area (off site) towards cost of three play areas at Welton Rise - £56,512.50
- Libraries - £39,713
- Rights of Way contribution towards improvement of public footpath 'Hastings 129' - £3,624
- Sussex Police - £47,411.31

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

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### **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 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,

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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

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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

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- 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 strategy 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



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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.

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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

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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:

- a) At least one Electric Vehicle Charging Point at each of the dwellings with dedicated 'on plot' parking.
- b) 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

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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.

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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 to first occupation and use of the development hereby approved. 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.

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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 except demolition and earth moving 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

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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.

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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.

44. Prior to the commencement of development, a full mitigation strategy in respect of the Concrete Batching Plant, comprising any potential constraints on its operation and its impact upon residential amenities of the dwellings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Waste and Minerals Authority (East Sussex County Council). The Mitigation Strategy shall include (but not be limited to) full mitigation measures relating to:

- a) Noise;
- b) Dust;
- c) Air Quality;
- d) Traffic
- e) Lighting; and
- f) Visual Impact

The Concrete Batching Plant Mitigation Strategy shall thereafter be implemented and maintained as approved in perpetuity.

### **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



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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.

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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.

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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.

44. To safeguard existing Waste and Minerals sites, and to protect residential amenity of future residents.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.

2. 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.linerearchbeforeyoudig.co.uk](http://www.linerearchbeforeyoudig.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.

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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.

### **315.2 Former Spyways School Buildings, Hollington Park School Grounds, Gillsmans Hill (HS/OA/20/00022)**

Proposal	Outline Application for residential development for up to twenty eight units. All matters reserved apart from access.
Application No	HS/OA/20/00022
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 5 objections

Councillor Bacon was present for consideration of this item.

The Principal Planning Officer presented this application for the erection of 28 units. All matters are reserved except access. There are no updates. Aerial images were shown and slides of the location plan and block plan. Access from Stone Court images were shown as well as houses in Stone Court. An indicative layout was presented

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showing what the development will look like. The Principal Planning Officer explained that the site is quite small, it's constrained, it's limited in size, and that the applicant proposes a T-road into the site with dwellings fronting. The dwellings are set back from the main road, and trees are proposed at the perimeter boundary of the application side so that they act as a buffer from the Ancient Woodland.

There have been 5 letters of objection from neighbours. The main consideration is the principle of development. This site is within a sustainable location and it's part of an allocated site under Policy GH3 of the Local Plan. The adjoining site to the northeast has got planning permission for eight houses and this site together with the application site forms the land that is allocated under Policy GH3 with a net capacity of 33 dwellings. There is no detailed design submitted at this stage as this is an outline application. The application proposes 35 dwellings per hectare, and it is considered that the development that is proposed is of acceptable density, given that policy requires a minimum of 30 dwellings per hectare in this area.

The Highway Authority have been consulted and agree with the proposed access arrangements and are satisfied that this housing development can be accommodated on this site, and that the access proposed is capable of supporting a development as proposed, subject to conditions and the financial contribution recommended by the Highways Engineer. Twenty-four individual trees in three groups of trees will be lost as a result of the development. The trees do not have tree preservation orders and are not important trees. The Arboriculturist has been consulted and he has no objection to the development.

Councillors asked questions of the Principal Planning Officer.

Councillors asked to confirm the name of the site as they believe it is Spyway School and not Spyways School. The Principal Planning Officer answered that the application form says the site is the former Spyways School.

The Principal Planning Officer was asked regarding biodiversity and the Great Crested Newts survey being out of date. She answered that an update was not requested because this is an outline application and there are further surveys that are required to be submitted at reserved matters stage. The Councillor also asked about the Ancient Woodland that would be lost. The Planning Services Manager responded and advised that the amount of woodland that would be lost is very small. It was confirmed that its loss was agreed when planning permission was given for the 8 dwellings on land adjoining this site.

Councillor Beaver proposed approval of the recommendation, seconded by Councillor Cox.

RESOLVED (7 for 3 against) Grant permission subject to the following:

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A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act for the entire redevelopment site covered under HS/OA/20/00022 to secure:

- 25% affordable housing. The final figure is dependent on the number of dwellings proposed at reserved matters stage.
- A financial contribution of £7,364.00 (£263 per dwelling x 28 dwellings) towards additional library provision and more flexible library and information services to meet changing needs. The final figure is dependent on the total number of dwellings proposed at reserved matters stage.
- A financial contribution of a total of £18,150.00 (£110 per sq.m x 165 sq.m) towards the improvement of the following nearby play facilities: Celandine Drive (£3,000.00), Shornden (£6,000.00), Gensing Gardens (£6,150.00) and Darwell Close (£3,000.00).
- A financial contribution towards Real Time Passenger Information (RTPI) (£24,000) to install RTPI signs at the two nearest Springfield Road (northbound and southbound) bus stops.
- The upgrading of the two nearest Springfield Road (northbound and southbound) bus stops at the applicant's expense:-

Springfield Road northbound bus stop

- aised kerb, ideally 160mm height (minimum 125mm)
- Bus stop clearway markings

Real time passenger information display.

- Springfield Road southbound bus stop To provide raised kerbs at this location, alterations to the existing bus shelter are likely. One solution may be to replace the existing shelter with a new shelter with the open side facing the road, thereby providing space for the section of raised kerb.
- The provision of a new bus stop to the socket and pole design (as per the northbound direction currently) – sourced from Stagecoach at the applicant's expense.
- A financial contribution of £500 towards consultations and preparations to be undertaken for the installation of bus stop clearway markings at the Springfield Road bus stop.
- A Travel Plan generally in the form of the Travel Plan Framework, including a welcome pack for each new unit detailing walking and cycling routes, public transport links/timetables with a bus season ticket voucher or cycle voucher. No monitoring fee is required as the development is below the threshold.

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- A S278 Legal Agreement for the highway works which include road adoption and bus improvements.
- A S38 Legal Agreement for the proposed adoptable on-site highway works.

unless it has been conclusively shown that the development would not be viable and that it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed by 30 April 2022 that permission be refused on the grounds that the application does not comply with the relevant policies (Policies H3 and C11) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan 2015 unless an extension of time has been agreed in writing by the Planning Services Manager.

B. Subject to the above

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale and external appearance of the building(s), and the soft and hard landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the soft and hard landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

A00 Location Plan

A02 Site Survey

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A01 Illustrative Layout (amended)

6. The details required by Condition 1 shall include full details of all boundary walls and/or fences which shall be erected prior to the occupation of the houses which they serve.

7. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

8. Work which is audible at the site boundary and deliveries to and from the premises, during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 09:00 and after 13:00 on Saturdays

and at no time on Sundays or Bank Holidays.

9. Prior to the commencement of any part of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to first occupation of any of the premises and be retained thereafter.

10. The development hereby approved shall not be occupied until full details of the external storage spaces and collection point for refuse bins, been completed submitted to and approved in writing by the Local Planning Authority and once provided the refuse storage areas shall not be used for any other purpose other than the storage of refuse bins.

11. No external lighting shall be installed without planning permission. If lighting is proposed, a report on the lighting scheme, such as flood lighting or security lighting, should be submitted to the Local Planning Authority for approval 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.

12. Prior to the commencement of any part of the development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.

13. (i) Prior to commencement of any part of the proposed development, a suitable ground investigation should be undertaken to establish the infiltration rates and the



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depth of groundwater at the site. Any soakage testing should be undertaken to the BRE365 methodology. These should be used to confirm the design of the proposed surface water drainage network.

(ii) Prior to commencement of any part of the development details of the proposed means of foul and surface water sewerage disposal, including proposed rate at no more than the existing run-off rate (for all rainfall events including the 1 in 100 (plus climate change)) along with hydraulic calculations which take into account the connectivity of the drainage system, are to be submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water and the County Flood Risk Management Authority.

(iii) Prior to commencement of any part of the development a maintenance and management plan for the entire drainage system is required to be submitted to and approved by the Local Planning Authority. This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should also be provided to the Local Planning Authority.

(iv) Prior to occupation of any part of the development hereby approved, evidence (including photographs) should be submitted to the Local Planning Authority showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

14. Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.

(i) Development shall then be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.

and

(ii) No occupation of any of the dwellings or flats approved as a part of this development shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

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15. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Construction Management Plan shall be implemented and adhered to in full throughout the entire construction period. The Construction Management Plan shall provide details as appropriate but not be restricted to the following matters,

- 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.

16. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.

Such a scheme should show the retention of the existing mature oak trees T14, T15, T16 and T17, together with the planting of an Ancient Woodland buffer outside of any residential garden space.

17. Upon completion of the approved soft landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority, and within whatever planting season is agreed.

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18. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.

19. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

20. No development shall take place until an up-to-date Preliminary Ecological Appraisal including measures has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England and Nature Space.

Thereafter, the measures outlined in the approved ecological statements and reports shall be fully implemented as approved 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.

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

- Risk assessment of potentially damaging construction activities.
  - a) Identification of “biodiversity protection zones”.
  - b) 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).
  - c) The location and timing of sensitive works to avoid harm to biodiversity features.
  - d) The times during construction when specialist ecologists need to be present on site to oversee works.
  - e) Responsible persons and lines of communication.
  - f) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

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g) Use of protective fences, exclusion barriers and warning signs. The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the Local Planning Authority.

22. 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 should 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.

23. Prior to commencement of any part of the development hereby approved a full and adequate site investigation and soils report with regard to land stability, suspected slope movements, appropriate types of foundations, minimum foundation depths etc shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

24. The reserved matters details submitted for Conditions 1 & 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the energy efficiency hierarchy in Policy SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028.

25. The development hereby approved shall be carried out in accordance with the arboricultural measures in the approved Arboricultural Report prepared by The Mayhew Consultancy Ltd and dated October 2019. Thereafter development shall be maintained as approved.

26. The landscape details submitted pursuant to Condition (1) above, shall include full details of the hard landscape works including proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g refuse areas, lighting etc); proposed and existing functional services above and below ground (e.g drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc). All hard-landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.

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27. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

28. Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed at each of the houses hereby approved which have dedicated 'on plot' parking. The electric vehicle charging point shall thereafter be retained for that purpose.

29. The reserved matters details submitted in accordance with Conditions 1 & 2 above shall include details of biodiversity enhancements in accordance with the recommendations of the Preliminary Ecological Appraisal Report Dated 26 March 2020 and the Extended Phase 1 Habitat Survey dated May 2017 prepared by Corylus Ecology.

30. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority. Development shall not re-start on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority: -

a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.

b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Local Planning Authority)

c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the

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remediation works and any arrangements for the continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Local Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to, and approved in writing by, the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

31. The development shall not be occupied until parking areas have been provided in accordance with the details which have been submitted to and approved in writing by the 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.

32. The vehicular access hereby approved shall not be used until visibility splays of 2.4m by 43m to the west are provided at the junction of Stone Court /Gillsmans Hill and visibility shall thereafter be maintained as approved.

33. The development hereby approved shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

34. Any part of the development hereby approved shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the details which shall have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.

35. No part of the development shall be occupied until a Travel Plan (Statement) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The Travel Plan once approved shall thereafter be implemented as specified within the approved document. The Travel Plan shall be completed in accordance with the latest guidance and good practice documentation as published by the Department for Transport and/or as advised by the Highway Authority.

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36. The new estate roads shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards and shall thereafter be maintained as approved.

37. The reserved matters details submitted for Conditions 1 & 2 above shall include soft landscaping details that show new streets lined with trees and that all car parking and hard standing areas shall be softened by soft landscaping as required by Paragraph 131 of the NPPF and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and Policy DM1 of the Hastings Development Management Plan 2015.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. In order to secure a well planned development and protect visual and residential amenities of the area.
7. In the interests of the visual amenity of the area.
8. In the interests of neighbour amenity.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
10. In the interests of the visual amenity of the area.
11. In the interests of neighbour amenity.
12. To ensure the appropriate management of surface water on and adjacent to the highway and prevent an increased risk of flooding.
13. To prevent increased risk of flooding.
14. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
15. In the interest of highway safety and for this benefit and convenience of the public at large.

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16. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
17. In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.
18. To secure a well-planned development that functions well and in order to protect the visual amenities of the locality.
19. In the interests of the health of the trees and the visual amenity of the area.
20. To enhance features of recognised nature conservation importance.
21. To protect features of recognised nature conservation importance.
22. To protect features of recognised nature conservation importance.
23. To ensure an acceptable form of development.
24. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy
25. To ensure that the measures considered necessary as part of the arboricultural impact assessment are carried out as specified.
26. In order to ensure that the development is capable of functioning in a manner that has regard to the safety of vehicular and pedestrian users, including less able bodied people.
27. In the interests of the visual amenity of the area.
28. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.
29. To enhance features of recognised nature conservation importance.
30. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
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. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.



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34. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

35. To encourage and promote sustainable transport.

36. In the interest of highway safety and for this benefit and convenience of the public at large.

37. To ensure an acceptable form of development and that the development complies with Paragraph 131 of the NPPF and Policy EN3 of the Hastings Local Plan – Planning Strategy 2014 and Policy DM1 of the Hastings Development Management Plan 2015.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.

2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.

3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](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.

4. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.

5. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.

6. Nothing in this permission shall be construed as giving approval to the details shown on the plans accompanying the application hereby approved. Such plans have been treated as being indicative only.

7. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

8. Consideration should be given to the provision of a domestic sprinkler system.

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9. All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

10. The applicant is advised that East Sussex County Council's requirements associated with this development proposal will need to be secured through a Section 106 and a Section 278 Legal Agreement between the applicant and East Sussex County Council. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place.

11. The applicant is advised of the requirement to enter into discussions with and obtain the necessary licenses from the Highway Authority to cover any temporary construction related works that will obstruct or affect the normal operation of the public highway prior to any works commencing. These temporary works may include, the placing of skips or other materials within the highway, the temporary closure of on-street parking bays, the imposition of temporary parking restrictions requiring a Temporary Traffic Regulation Order, the erection of hoarding or scaffolding within the limits of the highway, the provision of cranes over-sailing the highway. The applicant should contact the Transport Development Control Team (01273 482254).

12. The applicant is advised to enter into a Section 38 legal agreement with East Sussex County Council, as Highway Authority, for the proposed adoptable on-site highway works. The applicant is requested to contact the Transport Development Control Team (01273 482254) to commence this process. The applicant is advised that any works commenced prior to the Sec 38 agreement being in place are undertaken at their own risk.

13. In the event that roads are not offered for adoption, the Highway Authority would wish to see the roads within the site laid out and constructed to standards at, or at least close to, adoption standards.

14. The applicant should be made aware that the creation/alteration of this access will require the compliance with the Traffic Management Act 2004 and that the contractor will have to book road space with the East Sussex Highways Network Co-ordination team (0845 6080193).

15. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.

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16. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

17. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).

18. The proposed indicative layout could benefit from a few amendments which can be done at reserved matters stage. All plots should be set back from the road so as to allow the planting of sufficient soft landscaping. There should be a woodland buffer at the rear of the residential gardens of all plots.

The proposed road should be lined by trees, and all car parking areas should have trees to soften the visual appearance of the development.

### 315.3 Dingle Cottage, Jenners Lane (HS/FA/21/01055)

Proposal	Erection of single storey garden office
Application No	HS/FA/21/01055
Conservation Area	No
Listed Building	No
Public Consultation	Yes – application submitted on behalf of employee in restricted post

The Assistant Planning Manager presented the application for the erection of a single storey garden office. There are no updates. Councillors were shown plans, photos and drawings of the application site. There have been no objections from nearby residents.

Councillor Roberts proposed approval of the recommendation, seconded by Councillor Beaver

### **RESOLVED (unanimously) Grant 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:

Location and block plan - es 1825/21/02

Proposed layout and elevations - es 1825/21/01

Existing and proposed drainage - 1646-100 P1

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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 measures outlined in the submitted ecological and arboricultural statements and reports as set out below have been fully implemented, unless:

(i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;

(ii) 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 Report (Barry Holdsworth Ltd, November 2020)

Phase 1 Ecology Report (Ecology and Habitat Management Ltd, December 2020)

5. 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.

6. The development hereby permitted shall only be used in conjunction with the existing dwelling and shall not, at any time, be used for separate business, commercial or industrial purposes or as an independent residential unit.

### **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.

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3. To safeguard the amenity of adjoining and future residents.
4. To protect features of recognised nature conservation importance.
5. 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.
6. To safeguard the amenity of adjoining and future residents.

### Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](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.
4. The current condition of the drainage system should be investigated and any maintenance or rehabilitation completed should it be required.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

### **316. PLANNING APPEALS AND DELEGATED DECISIONS**

The Committee noted the report.

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(The Chair declared the meeting closed at. 7.02 pm)