

Report to: PLANNING COMMITTEE

Date of Meeting: 01 June 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **The Pilot Field, Hastings United Football Club and Sports and Social Club, Elphinstone Road, Hastings, TN34 2AX**

Proposal: **Outline planning permission (seeking approval for access), for the comprehensive redevelopment of the existing site to form 86 residential dwelling units, with associated access works, car parking and landscaping**

Application No: **HS/OA/20/00673**

Recommendation: **Grant Outline Planning Permission**

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

Applicant: Hastings United Football Club Limited per Kember Loudon Williams Ltd Ridgers Barn Bunny Lane Eridge, Nr. Tunbridge Wells, Kent. TN3 9HA

Public Consultation

Site notice:	No
Press advertisement:	Yes - General Interest Amended Plans
Neighbour Letters:	Yes
People objecting:	97
Petitions of objection received:	1
People in support:	1
Petitions of support received:	0
Neutral comments received:	3

Application status: Not delegated - Petition received
Not delegated - Petition received / 5 or more letters of objection received

1. Site and surrounding area

The application site is the current home of Hastings United Football Club, locally known as The Pilot Field. It is located to the eastern side of Elphinstone Road, occupying an area of 3.15 hectares.

The site is bounded to the north by The Firs, a sports and community facility occupied by the Education Futures Trust. To the east lies a mature swathe of trees and vegetation which is part of Ochiltree Woods Local Wildlife Site, which separates the site from the houses of St. Helens Down and Lyndhurst Avenue. The gardens of residential properties along St. Helens Down bound the site to the south and Elphinstone Road completes the boundary of the site to the west.

The Pilot Field is operated as a sports field and aside from the pitch itself, slopes significantly from north to south with a large banked area located north of the football pitch.

The application site consists of two distinct areas. To the north of the main stadium is a separate access, which leads to the Hastings United Sports and Social Club, which is a freestanding building located in the north east corner of the site, and at a much higher level than the stadium football pitch.

There are smaller spectator stands for standing at the western and eastern ends of the football pitch. A series of other relatively small buildings including a clubhouse / bar area located in the vicinity of the entrance from Elphinstone Road. The eastern part of the site is steeply sloping and is wooded, which provides a readily landscaped backdrop with mature trees around the other site boundaries.

There are two separate vehicle and pedestrian access points, the first serving the stadium from Elphinstone Road, is located at the south-western corner of the site; the second, also from Elphinstone Road, serves the Hastings United Sports and Social Club, and is to the north of the stadium entrance.

The surrounding area is predominantly residential, with a suburban character, with mainly detached and semi-detached bungalows and two storey dwellings. There are no special architectural or historic designations on site or within the immediate area surrounding the site.

Relevant site constraints

- Area affected by surface water flooding (EA 1 in 30 Flood Map Surface Water)
- Area Susceptible to Groundwater Flooding
- Historic Landfill Site
- Local Wildlife Site
- Hastings Borough Council owned land

2. Proposed development

This is an outline planning application with all matters reserved except for access, for the comprehensive redevelopment of the existing site to form 86 residential dwellings. Two vehicular access points are proposed off Elphinstone Road on the southwestern section and north-western section of the site, with pedestrian and cycle access via the existing footway that runs along Elphinstone Road and connects to the southwestern and north-western sections of the site. The indicative layout links the two sections of the site via a pedestrian ramp/step combination at both the northeast and north west points, providing an internal footway between the housing and apartment elements of the proposal and their respective separate accesses.

The application is accompanied by a significant level of indicative detail including elevations and a proposed housing mix. As this is an outline planning application, these are not for consideration at this point, other than to demonstrate what could be achieved within the site.

86 dwellings over an area of 3.15ha would yield a density of 27 dwellings per hectare.

Whilst the proposed housing types are only indicative at outline stage, it is envisaged that these will be made up of:

- 6 x 1 bed apartments
- 24 x 2 bed apartments
- 11 x 2 bed houses
- 18 x 3 bed split level houses
- 23 x 3 bed houses
- 4 x 4 bed houses

The application proposes to provide a minimum of 25% affordable housing with a mix of houses, town-houses and apartments to include a mix of shared ownership with social rented tenures. Details of specific tenure and mix are to be provided in the form of an Affordable Housing Scheme as part of a Section 106 Agreement attached to this consent, should permission be granted.

This outline application represents a reciprocal development for the relocation of the sports field to an alternate site at Tilekiln Playing Fields, Ingleside. That reciprocal application forms a separate item for consideration by Planning Committee, under planning reference HS/FA/20/00669.

The application is supported by the following documents:

- Design and Access Statement (HMY, September 2020)
- Planning Statement (KLW, September 2020)
- Air Quality Assessment (RF Environmental, September 2020)
- Arboricultural Report and AIA (The Mayhew Consultancy Ltd, September 2020)
- Archaeological Desk Based Assessment (RPS, July 2020)
- Desk Study and Ground Investigation Report (GEA, September 2020)
- Flood Risk Assessment (GTA Civils, September 2020)
- Amended Flood Risk Assessment (GTA Civils, March 2021) - Amended
- Overland Flow Technical Report (GTA Civils, March 2021)
- Preliminary Ecological Appraisal (Corylus Ecology - August 2020)
- Bat Survey and Mitigation Report (Corylus Ecology, September 2020)
- Ecological Impact Assessment (Corylus Ecology, January 2022)
- Transport Assessment (GTA Civils, September 2020)
- Transport Assessment Addendum (GTA Civils, April 2021)

Relevant planning history

None

National and local policies

Hastings Local Plan - Planning Strategy 2014

Policy DS1- New Housing Development

Policy FA2 - Strategic policy for Central 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 EN1- Built and Historic Environment
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 CI1 - Infrastructure and Development Contributions
Policy CI3 - Children's Play Provision
Policy T3 - Sustainable Transport
Policy T4- Travel Plans

Hastings Local Plan - Development Management Plan 2015

Policy LP1 - Considering Planning Applications
Policy LP2 - Introduction to Site Allocations
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy DM6 - Pollution and Hazards
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
Policy HN7 - Green Infrastructure in New Developments
Policy HN8 - Biodiversity and Green Space

Other policies/guidance

- National Design Guide
- National Model Design Code
- Sussex Air Quality and Emissions Mitigation Guidance 2021
- Hastings Walking and Cycling Strategy May 2014
- ESCC Guidance for Parking at New Residential Development October 2017

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy).

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 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- a) approving development proposals that accord with an up-to-date development plan without delay; or
- b) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities

and transport networks; and

- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

3. Consultation comments

Sport England - **no objection subject to the imposition of a condition (Condition 8)**

Applied the Exception Test and determined that subject to the relocation of the playing field and new stadium at the reciprocal application site (Tilekiln), the development is acceptable.

Natural England - **no objection**

Does not consider the development to have a significant adverse impact on statutorily protected nature conservation sites.

Forestry Commission - **no comment**

Refer to standing advice for the determination of the application.

Environment Agency - **no objection subject to the imposition of a condition (Condition 20)**

Recommend measures for dealing with unsuspected contamination.

Southern Water - **no objection subject to the imposition of conditions (Conditions 9, 37 and 38)**

Require drainage conditions to be included to protect public sewers and enable reinforcements.

East Sussex County Council (Section 106 Team) - **no objection subject to the receipt of financial contributions through a Section 106 Legal Agreement**

Require financial contributions towards library infrastructure.

East Sussex County Council (Archaeology) - **no objection**

Do not consider that any significant archaeological remains are likely to be affected by the proposals.

East Sussex Council (Highways) - **no objection subject to the imposition of conditions and a Section 106 Legal Agreement (Conditions 11-17)**

Consider access arrangements and cycle/car parking arrangements to be sufficient, and can be accommodated within the site.

East Sussex County Council (SUDS) - **no objection subject to the imposition of conditions (Conditions 9-10)**

Consider that surface water can be sufficiently managed within the site, without increasing the risk of flooding elsewhere.

NatureSpace - **no objection**

Do not consider there to be an impact on Great Crested Newts.

Hastings Borough Council (Environmental Health) - **no objection subject to the imposition of conditions (Conditions 16, 18-22)**

Require the imposition of conditions relating to land contamination, air quality, Construction Environmental Management Plan and details for fixed plant, lighting etc.

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

Have no comments on the application.

Hastings Borough Council (Housing) - **no objection subject to a Section 106 Legal Agreement**

Require 25% affordable housing to be secured through a Section 106 Agreement.

Hastings Borough Council (Arboriculturalist) - **no objection subject to the imposition of conditions (Conditions 6, 25)**

Notes that the outline scheme retains the majority of existing trees and that the buffer between the trees and proposed development is sufficiently large. Conditions relating to soft landscaping imposed.

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

Does not consider any harm to be caused to designated heritage assets.

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

Consider waste storage and collection can be adequately accommodated within the development site.

Hastings Borough Council (Natural Environment and Resources Manager) **no objection subject to the imposition of conditions (Conditions 25-28)**

Considers that the ecological impacts can be satisfactorily mitigated.

4. Representations

In respect of this application; consultation letters were sent to neighbouring residents, site notices were displayed around the perimeter of the site and a press advert was issued in the local newspaper.

115 letters of representations in total were received from 100 different properties. Of the 112 objections, these raised the following concerns:

- Proposed development would increase vehicular traffic on local road network, including unadopted roads;
- Lack of parking provision;
- Loss of community facility;
- Infrastructure for utilities in the area not capable of supporting additional residential units;
- Development will negatively impact local services which are already over stretched;
- The development has a high density which is inappropriate;
- The development would result in the loss of green space and encroaches upon wildlife zones;
- The development would result in significant tree loss on the site;
- The development would have negative impact on neighbouring residential amenity in terms of outlook and restricted views;
- Concerns raised about the true affordability of the proposed dwellings;
- The development is not in keeping with the character of the area;
- Overdevelopment on the social club site;
- Increase in crime and anti-social behaviour;
- Risk of contamination at the site;
- Increased discharge of surface water affecting nearby properties;
- The development should be carbon neutral;
- Loss of space for dog walking;
- Negative impact on waste services;
- Loss of natural barrier between Pilot Field and Lyndhurst Avenue.

Comments received not material to the determination of the application were the impact of the development on property values in the area and that the development could be somewhere else other than the chosen location.

In addition, a petition has also been received which sets out the following concerns and observations:

- The proposal offers nothing to compensate for the loss of the Sports and Social Club and the football club;
- The proposal offers inadequate drainage of water and sewage;
- The proposal underestimates the volume of traffic;
- The proposal does not provide adequate parking;
- The proposal lacks sufficiently detailed plans to protect local ecology.

3 neutral comments were received which noted the following:

- Would like reassurance that the existing woodland is to be preserved
- Relocation of sporting facilities should be considered in conjunction with this application
- Need to ensure there is adequate drainage on site

5. Determining issues

The main considerations regarding this development are the principle of the development, the loss of the existing use and community facility, layout, the impact on the character and appearance of the area, impact on neighbouring residential amenities, highway matters, the impact on trees, ecology, contamination, drainage, provision of market and affordable housing and other financial contributions to supporting necessary infrastructure.

a) Principle of development

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

b) 5 year housing land supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The NPPF advises that permission should be granted for new housing development unless (i) the application of policies in this Framework that protect areas or assets of particular importance (including 'habitat sites', 'heritage assets' & areas at 'risk of flooding') provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

At present the Government identified need for additional housing in Hastings is 481 dwellings per annum. From 1 April 2022 the 5-year requirement is 2,405 (481 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 to 2,886.

The Housing Delivery Test figures published in January 2022 confirm the Council has met only 42% of the delivery test requirement.

Housing supply figures have been updated for Local Plan Monitoring Report purposes and there is insufficient supply of deliverable housing sites to meet the 5-year housing land supply at this time.

This 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 this case, the site is in a sustainable location, the constraints of the application site can be successfully mitigated and there are no objections from statutory consultees. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

c) The loss of existing use

Justification for relocation

In support of the application, the applicant has submitted both a Sporting Needs Assessment and a statement by email that seeks to provide justification why Hastings United cannot

continue to play at the Pilot Field, supporting the move to the reciprocal site at Tilekiln. Ultimately, the applicant argues that due to the need for expansion, the site is no longer fit for purpose, both from a practical and economic perspective. The site itself is constrained and cut into a steep hillside, which inhibits the ability of the club to expand its facilities to provide for wider community use, subsequently limiting the potential to develop additional and reliable income streams outside of match days to support its future. In addition, it is argued that the existing facilities are in need of significant upgrading and replacing to serve modern football. It is envisaged by that applicant that within a few years the club will be expending so much on maintenance and safety compliance it would have to consider playing matches to a very limited capacity, and therefore it would not be a viable option to continue to operate the Football Club in its current form. The re-development proposals for the Pilot Field are said to be critical to enabling the provision of a state-of-the-art facility at Tilekiln to the benefit of the whole community of Hastings, and beyond.

Playing fields

The Pilot Field is a long-established sports and leisure facility in the St Helens Ward of the Borough. Such facilities are protected by local policies within the Local Plan and for the purpose of this application Policy CI2 of the Hastings Planning Strategy is of relevance. This policy relates to the provision of sports and leisure facilities and whilst foremost seeking to protect and preserve such facilities, does also allow for development under certain criteria such as where the facility is of a low quality, surplus to requirements or where it would be reinstated elsewhere. The policy criteria specifically states:

"Playing fields and sports pitches will be identified as part of the green infrastructure network (see Policy EN2), and planning permission for the reduction in size or number of playing fields or sports pitches will only be granted where:

- a) existing facilities are of a poor and unsustainable quality and surplus to requirements; or
- b) the proposal would serve to upgrade the sports facilities, or reinstate them elsewhere on the site; or
- c) the proposed development is necessary to meet an important national, regional or local need and alternative provision is made that enhances, or is equivalent to, existing recreational facilities; or
- d) in the case of an operating school site, the proposal is for educational purposes that are essential and cannot be satisfactorily accommodated elsewhere."

The local policy is supported by the NPPF at paragraph 99 where it is noted amongst other things that sports and recreational buildings including playing fields should not be built on unless it can be demonstrated that it is surplus to requirements; it would be replaced; or the benefit of the proposed use would outweigh their loss.

The proposed development would result in the total loss of the playing field, although the reciprocal application at Tilekiln Playing Fields (HS/FA/20/00669) would see its relocation, together with the development of a sports hall, gymnasium, 2 x 3G artificial pitches and a Multi Use Games Area (MUGA). The applicant has provided material evidence in support of the application informing the site as existing at Pilot Field is under utilised. Details provided include patronage figures which in the 2018/2019 financial year was declared as below 20% of overall site capacity.

The evidence provided in support of the application has been assessed by Sports England and found to be credible. The proposed loss of the sports field has also undergone the Sports England's Exceptions Test which concluded that subject to the successful outcome of the stadium development at Tilekiln; the development would be deemed acceptable. It is

imperative however, to ensure that the grass pitch is relocated, and the new stadium provided, prior to the development of the Pilot Field for housing. This will be secured by the imposition of Condition 8, should planning permission be granted.

Whilst the loss of the playing fields and open space may be regrettable, there is credible justification that the sports stadium is under utilised and can be successfully re-sited elsewhere with improved facilities at a different location within the Town. On this basis, it is not considered that a refusal of the proposal can be sustained on this point, given its compliance with both Local and National Planning Policy.

Community facilities (Sports and Social Club)

Policy HC3 of the Development Management Plan 2015 only permits the loss of community facilities through development where it can be demonstrated that the existing community use is no longer required, viable, or if there are proposals for its replacement.

The existing Hastings United Sports and Social Club formerly housed a private members club, but now operates under a premises licence with a function room available to hire. The reciprocal application at Tilekiln Playing Fields includes provision for a 152 capacity function room and bar with associated kitchen, which will also be available for hire. Should permission for that proposal be approved, a Community Use Agreement will be required (and secured by condition 23 of planning permission HS/FA/20/00669, if granted consent) that will ensure that these facilities are available prior to the first use of the grass pitch and stadium facilities, to compensate for the loss of the Social Club.

In addition, it is noted that Hastings United Football Club will provide a community coordinator who will liaise with the community and directly encourage the use of the facility by disabled, minority and disadvantaged communities. Their role will involve delegating how the facility is accessed and the specific hire fees relevant to these users, enabling disabled and disadvantaged communities to use the facility for reduced costs.

Taking the above into account, whilst the loss of a community facility in this location is regrettable, its re-provision and enhancement with the new football stadium is considered sufficient to ensure compliance with Policy HC3, subject to the implementation of the Community Use Agreement associated with the development at Tilekiln Playing Fields, considered under application HS/FA/20/00669.

d) Housing density

It is noted that some concern is raised by residents that the proposed development of 86 residential dwellings represents overdevelopment, and that the density of development should be decreased. Councillors are advised that Policy H1 of the Hastings Planning Strategy 2014 requires developments out of centre to reach a density of at least 30 dwellings per hectare, unless there are special local circumstances that require a different treatment.

The application as proposed provides for a development of 27 dwellings per hectare, slightly lower than the policy requirement. However, it is acknowledged that development in the vicinity is made up of larger homes rather than apartments or flats, where density is much lower than required both locally and nationally. Therefore, taking the character of the surrounding area into account, it is considered that this amounts to special local circumstances that result in a lower density development being acceptable in this location. No objection is therefore raised with regard to housing density.

e) Housing Mix

Policy H2 of the Hastings Planning Strategy 2014 requires a balanced mix of housing both within each site and across Hastings as a whole. Whilst the precise type and mix of housing is not considered in detail as part of this outline consent, the indicative mix of the following homes is considered appropriate for a site of this size and location.

- 6 x 1 bed apartments
- 24 x 2 bed apartments
- 11 x 2 bed houses
- 18 x 3 bed split level houses
- 23 x 3 bed houses
- 4 x 4 bed houses

This will however, be considered fully at the detailed design stage, following the receipt of a Reserved Matters application.

f) Impact on character and appearance of area

The site has no special architectural or historic designations, and given the distance, topography of the site and indicative building heights, it is not considered that the development will cause harm to the setting of the nearest designated heritage asset at Ore Place.

The positioning of the housing within the development itself is principally guided by the existing spine road into the site, which shows properties on well sized and generous plots looking into the site for natural surveillance which is considered generally acceptable. The site is also relatively self contained, and mature vegetation is to be retained on the site boundaries, therefore reducing the impact of the development when viewed from surrounding roads.

Although this application is in outline and concerns access only, (all other matters reserved to a later date), it does include an indication of the proposed house designs and materials. Whilst these are not matters for consideration under this current application, the applicant is advised to ensure that elements of local distinctiveness are incorporated into the designs, so that the established character of the immediate setting can be reflected in the residential redevelopment scheme. Condition 4 requires details of these materials to be submitted as part of the Reserved Matters application.

Taking the above into account, it is considered that the development will not cause harm to the character or appearance of the area, subject to details of appearance being assessed at the detailed design stage. Policy DM1 of the Development Management Plan 2015 is therefore complied with in respect of these outline proposals.

g) Impact on neighbouring residential amenities

Concerns have been raised by objectors regarding the potential impact of the development on the amenities of neighbouring properties. Being an application with all matters reserved except for access; the specific impact on existing and future residents in terms of overlooking and overshadowing cannot be considered at this time. However, the site is relatively self contained and retains extensive screening at its boundaries which will help to ensure that any impact in terms of site layout on neighbouring residents is minimised.

To the south eastern corner of the site, it is noted that a few existing residential properties along St Helens Down are set deeper within their plots bringing them closer to the boundary of the application site. Due to the generous nature of the site, it is considered that there are opportunities for the developer to achieve the 21 metre separation between facing adjacent habitable room windows during the detailed design stage and therefore this is not considered to be an issue at this time.

h) Layout

Specific arrangements for waste storage and collection will be considered at the detailed design stage, although the indicative layout shows sufficient space for such storage in the gardens of the proposed dwellings, with communal storage within the grounds of the proposed apartment blocks. As stated in section l) below, tracking drawings have demonstrated that the site is capable of accommodating refuse vehicles, therefore ensuring the minimum distances that residents/operators have to travel for collection will not be exceeded. The Council's Waste Management Team raise no objection to the proposal.

Policy DM3 of the Development Management Plan 2015 requires rear gardens to have a minimum of 10m in length. As with the waste storage and collection issues above, this is a matter for consideration at the detailed design stage. However, indicative layouts show that this can be accommodated for the most part within the site, with areas of deficiency incorporating additional side garden areas.

Therefore, although matters of layout are not to be considered pursuant to this consent, indicative drawings demonstrate that Policy requirements can be accommodated within the site in principle. Policies DM1 and DM3 of the Development Management Plan are therefore complied with in terms of layout at outline stage.

i) Ecology

The application is supported by an initial Preliminary Ecological Appraisal (Corylus Ecology - August 2020), Bat Survey and Mitigation Report (Corylus Ecology, September 2020) and a final Ecological Impact Assessment (Corylus Ecology, January 2022), which brings together all the findings of the surveys undertaken, together with the provision of mitigation measures to ensure protected species are not harmed as a result of the development.

The site is heavily wooded on its boundaries and lies partly within the Ochiltree Woods Local Wildlife Site, which envelopes a significant proportion of the existing football pitch and the eastern boundary of the site. The indicative layout indicates that development is steered away from this designated area, although a small proportion of the indicative built form falls slightly within its boundaries. However, the extent of this encroachment, and ultimately, whether it will be acceptable in terms of layout, will be for detailed consideration at the detailed design stage (Reserved Matters). The established woodland at the east of the site is to be retained as part of the development.

Potential impacts determined by the ecological surveys relate to deciduous woodland, unimproved grassland, outlier badger setts (secondary setts away from the main sett) and a bat roost. However:

- The woodland is being retained and a woodland buffer is recommended for the detailed design. A Woodland Management Plan and Sensitive Lighting Strategy will be required to form part of the detailed design in order to minimise impacts.
- The affected grassland area is being retained and will be protected and enhanced through a Grassland Mitigation Strategy.

All of the above mentioned strategies are required as mitigation measures as set out in the Ecological Impact Assessment, and therefore secured through the imposition of Condition 25.

A maximum of three outlier badger setts at the southern section of the site may require exclusion or interference dependent on the final layout at the reserved matters stage, which would need to be licenced by Natural England. Similarly, a licence from Natural England will also be required to lawfully disturb or destroy the bat roost identified within the existing Sports and Social Club.

Additional impacts identified are related to invasive plant species, reptile habitat, dormice habitat, hedgehog habitat and breeding bird habitat however these can be reduced to a negligible level through mitigation measures set out in the final Ecological Impact Assessment, secured by the imposition of Condition 25.

Great Crested Newts

The development falls within the amber Impact Risk Zone for Great Crested Newts. Impact risk zones have been derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber Impact Zone, there is suitable habitat and a high likelihood of Great Crested Newt presence.

The submitted ecological statements and reports have fully assessed the potential impact on Great Crested Newts. Given that the closest pond is located 450m north west of the site and that there is limited connectivity between the development and surrounding features in the landscape, there is not considered to be any impact on these protected species.

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.

j) Trees and soft landscaping

The application is supported by an Arboricultural Report (The Mayhew Consultancy, September 2020), which identifies the level of tree loss required to facilitate the proposed development. This identifies that 8 individual trees, 7 groups of trees, and parts of a further 6 groups of trees would be lost if the proposal were to be implemented. There are no Tree Preservation Orders within the development site.

In its current form the site is densely vegetated on its site boundaries, and the proposal seeks to retain the majority of this, apart from some loss to facilitate the improved access, and some trees within the site itself. The existing woodland is to be retained. No tree loss would affect Category A trees within the site, with removal affecting Category B and C trees only.

Overall, it is considered that whilst with any development, tree loss is regrettable, this is necessary to facilitate the development, and will not cause harm to the visual amenity given

the expanse of coverage to be retained. Proposed Condition 6 will ensure that a robust and detailed soft landscaping scheme is submitted at the detailed design stage to ensure a good level of soft landscaping is provided which will assimilate the development into the surrounds appropriately.

k) Air quality and emissions

The proposed development falls within checklist 1 and checklist 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2021 produced by Sussex Air Quality Partnership. As such an Air Quality Assessment has been submitted as supporting information for the application process. Environmental Health has been consulted and has raised no objection to the content of the submission.

l) Highway safety/parking

Vehicular access

This application seeks to utilise the existing two vehicular access points from Elphinstone Road, one forming the main entrance to the site, and the second allowing access to the apartment blocks on the site of the existing Hastings United Sports and Social Club in the north east corner. Zones within the development itself will incorporate some shared surface arrangements, although this detail will be demonstrated at the detailed design stage (Reserved Matters).

As originally submitted the layout did not provide accesses to the site which were wide enough and had the appropriate levels of visibility splays. This has since been amended and offsite improvements including construction of the access, anti-skid surfacing, dropped kerbs and markings (including parking restrictions) will be secured as part of a Section 278 Agreement attached to this consent, should permission be granted. Refuse vehicles and emergency services can also be accommodated and tracking drawings have been provided to substantiate this.

The Highway Authority have been consulted on this proposal and have removed all objections subject to the imposition of conditions relating to access arrangements and visibility splays (Conditions 11 and 12). They also note that the trip generation calculated within the submitted Transport Assessment is accepted, and subject to the anti-skid surfacing mentioned above, the impact in terms of the highway network is acceptable. It is therefore considered that the applicant has demonstrated that safe access can be accommodated into, and within the site, in accordance with Policy DM4 of the Development Management Plan 2015.

Pedestrian access

As above, the application seeks to utilise the existing footway that runs along Elphinstone Road and connects to the southwestern and northwestern sections of the site. Whilst only indicative at this stage given that this application is in outline only, the layout shows the two sections of the site (the playing field and the Sports and Social club to the north), linked by a pedestrian ramp/step combination at both the north east and north west points. A central pedestrian footpath is also identified that runs north/south through the site, bringing the two zones together with a key route for both pedestrians and cyclists.

Car and cycle parking

Although the application is in outline form, the applicants have provided an indicative level of

parking provision. This proposes 96 allocated, and 56 unallocated parking spaces interspersed equally around the site. The exact parking requirement would be determined at the detailed design stage (Reserved Matters), which would in part be dependent on the number of bedrooms of the respective houses, but the indicative parking layout is considered to demonstrate that an adequate level of parking can be provided on site, to address the needs of the future residents, without resulting in 'over spill' into the neighbouring highways.

Cycle storage is provided in the rear garden areas of each dwelling, with communal storage areas provided in the grounds of the apartment blocks.

As with the access arrangements discussed above, the Highway Authority raise no objection to the proposed development in principle, in terms of car and cycle parking, subject to further detail regarding cycle and car parking areas being submitted at the detailed design stage. It is considered that adequate car and cycle parking can be accommodated within the application site without any significant impact upon highway safety, or upon the parking provision within the locality of the site. Policy DM4 of the Development Management Plan is therefore complied with.

m) Environmental Impact Assessment

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. An environmental impact assessment was therefore not a requirement.

n) Drainage and flood risk

Policy SC7 of the Hastings Planning Strategy states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere. This policy goes on to state that development proposals will need to be of flood resistant or resilient design and ensure the most vulnerable land uses are directed away from the areas at highest flood risk on a site where there is more than one flood zone.

The application site lies within Flood Zone 1 and as such is at low level of flood risk and therefore immediately satisfies the sequential test for development. However, given the scale of the development, a Flood Risk Assessment was required to be submitted, which demonstrates how foul and surface water flows can be safely accommodated within the development to ensure there is not a risk of flooding elsewhere following construction.

Foul water

It is proposed to discharge foul water to the existing sewer, which will be subject to a formal application to Southern Water. Southern Water have been consulted on this application and raise no objection, subject to the imposition of conditions relating to the protection of public sewers and required network reinforcements (Conditions 37 and 38).

Surface water

It is proposed to provide a large geo-cellular storage tank and permeable paving as sustainable drainage methods to serve the development. Surface water is to be discharged at specified rates into the existing watercourse that runs north to south through the site.

Numerous concerns have been raised by residents regarding the additional pressure surface water will have on the pre-existing problems encountered from flooding from the watercourse. These issues have been assessed in detail, with the Flood Risk Assessment also being supplemented by a Technical Overland Flow report, which looks at how best to manage surface water drainage, without exacerbating problems further downstream. The supporting documents are informed by 2-dimensional hydraulic modelling, at the request of the Lead Local Flood Authority, which has shown that surface water flows can be managed as part of the proposed development. However, further hydraulic modelling will still be required at the detailed design stage to inform the final layout, which does not form part of this outline planning application (Condition 9).

Subject to the submission and approval of these additional drainage details, it is considered that additional surface water flows can be accommodated within the development, without increasing flood risk elsewhere. Policy SC7 of the Hastings Planning Strategy is therefore complied with.

Notwithstanding the above, the level of concern raised by residents regarding the pre-existing problems with the existing watercourse is noted. Whilst the applicant is at no obligation to address such pre-existing problems as part of this planning application, they have been advised to consider further opportunities for this flow to be slowed by the careful introduction of engineered obstructions as part of the detailed design, to which they have agreed (Informative 14). This could include measures such as willow weave constructions, that when installed, will help slow the flow by mirroring what happens in a natural ghyll, to help alleviate elements of flash flooding that at times affects properties to the south of the application site.

o) Affordable housing and other contributions.

Affordable housing

Policy H3 of the Hastings Planning Strategy refers to affordable housing and requires that all residential proposals on previously developed land and comprised of 15 dwellings or more will provide at least 25% of the net units proposed as affordable where viable. This application proposes 86 new residential units on the site, and therefore is required to provide a minimum of 22 affordable housing units (rounded up from 21.5) to meet the policy requirements.

The applicant in their supporting Planning Statement has indicated that the full requirement of 22 affordable housing units will be provided to meet local housing needs. In compliance with policy requirements, these would be a mix of housing typologies which will be secured through a S106 Legal Agreement. Policy H3 of the Hastings Planning Strategy 2014 is therefore complied with.

Planning obligations/financial contributions

In addition to the affordable housing to be secured through a Section 106 Agreement, the following planning obligations and financial contributions will be required as a result of the development:

- Library services contribution £22,618 towards the cost of providing additional and more flexible library and information services to meet changing needs. Contribution made up of number of dwellings 86 x £263 per dwelling.
- Travel Plan and audit fee of £4500, securing the delivery and monitoring of the travel plan over a five year period, based on surveys at years 1, 3 and 5, commencing from after

- occupation of 25% of dwellings (when baseline surveys are carried out).
- Off site highway works at accesses (construction, anti-skid surfacing, dropped kerbs and markings), crossing point.
 - TRO administrative fee of £5000 to secure the Traffic Regulation Order (TRO) for Double Yellow Lines at the access points.
 - Unallocated/visitor parking areas are secured to remain as such and not sold to individual residential units as private parking.
 - The Highway Authority would require provisions in any s106 agreement to confirm that the estate roads would not be offered for adoption (if that is the case) at a later date and wording included to ensure that the carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate lit and that the works are appropriately certified from a suitably qualified professional confirming the construction standard.
 - Scheme for highway works under S278 Agreement highway works and public realm improvements.
 - S106 Agreement Monitoring fee of £500.

East Sussex County Council has confirmed that there is sufficient capacity in the educational facilities to accommodate the additional demand created in terms of Early Years Education, Primary school provision and secondary school provision. Therefore, no contributions are sought towards education provision.

q) Sustainable construction

Concern has been raised from residents that the development needs to be sustainably constructed and adhere to zero carbon development. Whilst these are matters for detailed design stage, the applicant has stated in their Design and Access statement that the "fabric first" approach will be adopted, in line with the hierarchy of requirements set out in Policy SC4 of the Hastings Planning Strategy 2014. Notwithstanding this, Conditions 29 and 31 require detail to be submitted regarding climate change mitigation and adaptation measures at the detailed design stage as well as the provision of Electric Vehicle Charging Points for all dwellings with dedicated on plot parking.

6. Conclusion

In determining the application, a number of material planning concerns have been carefully balanced. In this instance, the proposal, for the erection of residential properties within the site is in accordance with the adopted Local Plan, and the applicant has sought to address all concerns raised by statutory consultees. As set out above in the determining matters section of the report, there are no policy conflicts, and this weighs favourably for the proposal. Sports England has no objection to the loss of the sports field due to the reciprocal development at an alternative site in Tilekiln.

Indicative plans show a well-designed development that would respond positively to the character and appearance of the locality. The number of dwellings as shown would not give rise to any over-development of the site. The layout also shows the pattern of development is generally acceptable and adheres to the pattern and grain of development within the local area. The scale of development provides appropriate separation between the existing and proposed dwellings, which ensures there is no significant overshadowing on neighbouring dwellings nor will the development potentially result in a sense of enclosure.

There are no objections to the development in terms of the highways impact, with the two points of access considered to be appropriate by East Sussex County Council on highway safety grounds.

In respect of biodiversity and ecology; existing trees will be retained where appropriate around the perimeter of the development site and the wildlife corridor on site is not compromised in the development process.

The proposal is therefore considered to be an acceptable scheme. Planning balance is tipped in favour of the development and subject to planning conditions and a legal agreement; the recommendation is for approval. The proposal therefore complies with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

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

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

7. Recommendation

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 contribution of £263 per dwelling, towards library provision in the locality (£22,618)**
- **A minimum of 25% affordable housing units (22 dwellings)**
- **Travel Plan and audit fee of £4,500 securing the delivery and monitoring of the travel plan over a five-year period, based on surveys at years 1, 3 and 5, commencing from after occupation of 25% of dwellings (when baseline surveys are carried out)**
- **TRO contribution of £5,000 to secure the Traffic Regulation Order for Double Yellow Lines at the access points**
- **Unallocated parking spaces to remain as such**
- **Provision to confirm that estate roads not to be offered for adoption at a later date (if that is the case), and also to ensure that carriageways, footways and parking areas are properly constructed, surfaced, drained and where appropriate, lit. Works will need to be appropriately certified from a suitably qualified professional confirming the construction standard**
- **S278 for a scheme of off site highways works at accesses (construction, anti-skid surfacing, dropped kerbs and markings), crossing point**
- **S106 Agreement Monitoring fee of £500**

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 31 September 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 Outline Planning Permission subject to the following conditions:

1. No development shall start until details of the:

- a) Appearance
- b) Landscaping
- c) Layout
- d) Scale

[hereafter called "the Reserved Matters"] have been submitted to and approved in writing by the Local Planning Authority. Application for the approval of the reserved matters shall be made within three years of the date of this permission. The development shall accord with the approved details.

2. 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.

3. The details referred to in the Reserved Matters to be submitted pursuant to the requirements of Condition 1 above shall be based on the following indicative drawing numbers:

0100 P1, 0101 P1, 0200 P3, 0201 P1, 0202 P1, 0203 P1, 0204 P2, 2000 P1, 2001 P1, 2010 P1 2011 P1, 10065/1170 P8, 10065/1190 P8, SJG1794 SHEET 3, SJG1794 SHEET 4, SJG1794 SHEET 5, SJG1794 SHEET 6 and SJG1794 SHEET 7

4. The details submitted pursuant to Condition 1 above, shall include full details of the materials to be used in the construction of the external surfaces of the development and all hard standing areas. Thereafter development shall be carried out in accordance with the approved details and the works shall be carried out prior to first occupation of any part of the development or in accordance with a programme agreed in writing by the Local Planning Authority.

5. 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.

6. The soft landscaping details submitted pursuant to Condition 1 above, shall include full details 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. All soft 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.
7. 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.
8. The development hereby permitted shall not be commenced until the grass pitch and stadium facilities permitted by planning permission HS/FA/20/00669 have been constructed in accordance with the approved plans and made available for use.
9. 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.

The detailed drainage design referred to above shall include details of:

- The outfall of the proposed attenuation tank and how it connects into the sewer, to include cross sections and invert levels
- How surface water flows exceeding the capacity of the surface water drainage features will be managed safely
- 2-dimensional hydraulic modelling and calculations
- Responsibilities of each party for the implementation of the SUDs scheme
- A timetable for implementation
- A Management and Maintenance Plan for the entire drainage system for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Surface water discharge rates for the development should not exceed 5.3 l/s for all rainfall events, including those with 1 in 100 (+40% for climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations as listed above) should be submitted with the detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features and the modelling shall support the proposed diversion of the existing surface water overland flow route through the development. This shall clearly demonstrate that the expected surface water depths upstream and downstream of the

development will not be increased. The diverted surface water flow shall have safe flood depths and hazard within the application site.

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

and,

no occupation of any of the dwellings or flats hereby approved 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.

10. Prior to the occupation of any part of the development, evidence (including photographs) should be submitted and approved in writing by the Local Planning Authority, showing that the drainage system has been constructed as per the agreed detailed drainage designs.
11. The development shall not commence until technical details of the layout of the reconstructed site accesses and the specification for the construction of the access which shall include details of the parking restrictions, surface treatment, road markings and street lighting have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority; and any part of the development shall not be occupied until the construction of the accesses have been completed in accordance with those technical details.
12. No part of the development shall be first occupied until visibility splays of 2.4 metres by 56 metres have been provided at the proposed site vehicular access onto Elphinstone Road in accordance with the approved plans. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
13. Car parking spaces shall measure 2.5m by 5m (with an extra 50cm on either dimension when adjacent to a wall or fence).
14. The proposed garages shall measure at least 3m by 6m (measured internally).
15. The details required by Condition 1 shall include details of safe, covered and secure cycle parking areas to serve the development. The areas shall thereafter be retained for that use and shall not be used other than for the parking of bicycles.
16. 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 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:

- 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 routing 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 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 Construction Management Plan.

17. 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 in consultation with the Highway Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
18. Prior to the commencement of development, a detailed Remediation Scheme 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 must be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the

intended use of the land after remediation.

19. The approved Remediation Scheme must be carried out in accordance with its terms prior to commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks prior written notification of commencement of the Remediation Scheme works. Following completion of measures identified in the approved Remediation Scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
20. In the event that contamination is found at any time when carrying out the approved development, that was not previously identified, it must be reported in writing immediately to the Local Planning Authority.
21. Prior to occupation of any part of the development, details of any lighting such as security lighting, together with 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 and light sensitive receivers, shall be submitted to and approved in writing by the Local Planning Authority. The approved lighting scheme shall be implemented prior to occupation of any part of the development.
22. 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.
23. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - Measures to manage flood risk both on and off the site during the construction phase.

Development shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.

24. Prior to the commencement of development, details of measures to protect the public water supply main shall be submitted to and approved in writing by the Local Planning Authority.
25. No development shall take place until the measures outlined in the submitted statements and reports listed below have been fully implemented, unless the scheme(s), or programme(s) of measures contained within the statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority. The submitted statements and reports are:
 - Arboricultural Report and AIA (Mayhew Consultancy Ltd, September

2020)

- Archaeological Desk Based Assessment (RPS, July 2020)
- Desk Study and Ground Investigation Report (GEA, September 2020)
- Preliminary Ecological Appraisal (Corylus Ecology, August 2020)
- Bat Survey and Mitigation Report (Corylus Ecology, September 2020)
- Ecological Impact Assessment (Corylus Ecology, January 2022)
- Air Quality Assessment (RF Environmental, September 2020)

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. 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 CEMP: Biodiversity. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.

27. No development shall take place (including any demolition, ground works, site clearance) until a Method Statement for works close to badger sets has been submitted to and approved in writing by the Local Planning Authority. The content of the Method Statement shall include the:

- a) purpose and objectives for the proposed works;
- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) persons responsible for implementing the works;

- f) initial aftercare and long-term maintenance (where relevant);
- g) disposal of any wastes arising from works.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

- 28. 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) required by Condition 26. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
- 29. The details required by Condition 1 shall include details of Electric Vehicle Charging Points in the development hereby approved. Each individual dwelling shall thereafter not be occupied until a minimum of one electric vehicle charging point has been installed on each of the houses with dedicated 'on plot' parking, and shall thereafter be retained for that purpose.
- 30. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre-based broadband.
- 31. The details required by Condition 1 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy. The development shall be carried out in accordance with the approved details.
- 32. The details required by Condition 1 above shall include a minimum of 2% of all of the residential units constructed within the application site being designed in such a way to be fully wheelchair assessable.
- 33. 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.
- 34. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person, for example, an Ecological Clerk of Works or an on-site Ecologist, have been submitted to and approved in writing by the Local Planning Authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
- 35. A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to

occupation of the 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 Annual Work Plan will be secured by the developer with the management body(ies) responsible for its delivery. The Annual Work 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 Annual Work Plan will be implemented in accordance with the approved details.

36. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved in writing by the Local Planning Authority, detailing the containment, control and removal of Japanese Knotweed on site. The measures shall be carried out in accordance with the approved scheme.
37. Prior to the commencement of development, the developer must agree with Southern Water the measures to be taken to protect the public sewers. Such detail must be submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.
38. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reasons:

1. The application is in outline only and to comply with Section 92 of the Town and Country Planning Act 1990.
2. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.

3. In order to ensure a satisfactory access, site layout, scale, appearance to the development in the interests of the visual amenities, character and appearance of the locality and the amenities of the neighbouring occupiers.
4. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
5. In the interests of the visual amenity of the area.
6. In the interests of the visual amenity of the area.
7. In order to secure a well planned development and protect visual and residential amenities of the area.
8. To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Policy C12 of the Local Development Plan.
9. To prevent increased risk of flooding in compliance with Policy.
10. To prevent increased risk of flooding.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. 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.
14. 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.
15. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
16. 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.
17. In the interests of highway safety and the amenities of the area.
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 and any future occupants from potential landfill gases and soil contamination.

20. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
21. To safeguard the amenity of adjoining and future residents.
22. To safeguard the amenity of adjoining and future residents.
23. To ensure a satisfactory standard of development.
24. To prevent increased risk of flooding.
25. To protect features of recognised nature conservation importance.
26. To ensure that any adverse environmental impacts of development activities are mitigated.
27. To protect habitats and species identified in the ecological surveys from adverse impacts during construction.
28. Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme.
29. To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the objectives of the NPPF.
30. To ensure the development complies with Policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy 2014.
31. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014
32. In the interests of a balanced and inclusive communities.
33. To ensure badgers are not trapped and harmed on site and to prevent delays to site operation.
34. To ensure adequate professional ecological expertise is available on site during construction to assist those implementing the development to comply with statutory requirements, planning conditions and any relevant protected species licences.
35. 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.
36. It is an offence under the Wildlife and Countryside Act 1981, as amended, to

introduce, plant or cause to grow wild any plant listed in Schedule 9, Part 2 of the Act. Japanese Knotweed is included within this schedule. All Japanese Knotweed waste (the plant itself or material containing its rhizomes) is classed as a controlled/special waste and therefore needs to be disposed of in accordance with the Environmental Protection Act 1990 and the Environmental Protection Act Duty of Care Regulations 1991.

37. To prevent increased risk of flooding.
38. To prevent increased risk of flooding.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. This permission which covers part of a wider development is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
6. Formal applications for connection to the public foul sewerage system and connection to the water supply are required in order to service this development. Please read the New Connections Services Charging Arrangements documents at <https://beta.southernwater.co.uk/infrastructure-charges>
7. Should any sewer be found on site during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW.
8. 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.

9. The applicant will be required to obtain a permit for any highway works in accordance with the requirements of the Traffic Management Act, 2004. The applicant should contact East Sussex Highways (0345 60 80 193) to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the permit being in place.
10. 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.
11. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.
Address is:
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
SGN personnel will contact you accordingly.
12. Reference should be made to Southern Water publication "A Guidance to Tree Planting near Water Mains and Sewers" with regard to any landscaping proposals.
13. Underground and above ground badger fencing must be installed as per mitigation measures set out in the submitted ecology reports.
14. The watercourse that passes through the Pilot Field site is characteristic of a High Weald deeply incised ghyll or stream which at times flows rapidly. The East Sussex County Council SUDS team advises there are opportunities for this flow to be slowed by the careful introduction of engineered obstructions. The Local Planning Authority would therefore request inclusion of such techniques within the detailed drainage design as part of the Reserved Matters consent, which would incorporate small scale measures such as willow weave constructions, mirroring what happens in a natural ghyll.
15. Trees and scrub are likely to contain nesting birds between 1 March and 31 August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

Officer to Contact

Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/OA/20/00673 including all letters and documents