

Report to: PLANNING COMMITTEE

Date of Meeting: 26 July 2023

Report from: Planning Services Manager

Application address: Land Adjacent, 777 The Ridge, (East of Harrow Lane), St Leonards-on-sea

Proposal: Erection of 71 dwellings together with access, open space, parking and landscaping.

Application No: HS/FA/23/00016

Recommendation: Grant Full Planning Permission

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

Applicant: Park Lane Homes (SE) Ltd per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green HAILSHAM BN27 4QU

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - General Interest
Neighbour Letters:	No
People objecting:	7
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

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

1. Site and surrounding area

The application site constitutes a 1.86ha greenfield site on the outskirts of Hastings, in the northwestern part of the Borough. It is bordered by The Ridge (B2093) to the north and Harrow Lane to the west. The site adjoins development sites that are allocated in the Hastings Local Plan 2011-2028, which now have planning permission - Holmhurst St Mary (208 units) directly to the east, and Harrow Lane Playing Fields (140 dwellings) to the south.

The site has a slight south-easterly slope and was undeveloped, however, work has now commenced on site to implement the extant planning permission, as is the case on the adjoining allocated sites and at the nearby site of the former Ashdown House.

It is a roughly rectangular plot except for development in the northern corners (Harrow Lane Stores and community building in the north-west corner; and, 777 and 779 The Ridge at the north-east corner (both outside the development site area)) which interrupt the rectangular form. The site was an open field with densely planted hedgerows with mature trees on its boundaries. The High Weald Area of Outstanding Natural Beauty (AONB) extends as far as The Ridge, which borders the site to the north. The setting of the site within close proximity to the AONB, and the visual landscape links are important considerations to this site, given its raised position and current undeveloped character.

The site is in an elevated position in relation to the north and western boundaries with Harrow Lane and The Ridge. There is a footpath (Public Right of Way (PROW) 143) which wraps around the south and eastern boundary of the site and connects to PROW 144 and PROW 142.

The primary access point to the site is currently on the south-west corner of the site off Harrow Lane, which can accommodate vehicular access. Pedestrian access is also available from a public footpath from The Ridge. However, the site is currently out of bounds, enclosed by Heras fencing, construction having recently commenced on-site.

Residential development in the surrounding area is primarily two storey in scale with pitched roofs. Development recently approved on adjoining sites is of a similar scale, with some buildings extending to three storey where land levels and setting allow for an increase in height.

Policy LRA3 of the Hastings Planning Strategy allocates the site for residential development, with an identified capacity of 50 dwellings. This allocation is carried through into the draft Local Plan, however the identified capacity has increased to 98 dwellings and the requirement for open space within the site is removed. As such, the proposed number of houses will sit between the two identified capacities. The application site had outline planning permission for up to 50 dwellings (reference HS/OA/17/00645). Subsequently, full planning permission for 67 dwellings was granted at appeal, which constitutes the extant permission on the site (reference HS/FA/20/00970) as varied by HS/FA/22/00906.

Constraints

- Buffer zone of the SGN High Pressure Pipeline (pipeline runs north to south in Harrow Lane)
- 250m buffer zone of a historic landfill site
- Archaeological Notification Area
- SSSI Impact Risk Zone
- The site lies near and is visible from the High Weald AONB

2. Proposed development

The applicant seeks full planning permission for the erection of 71 dwellings with a vehicular access from Harrow Lane, open space, parking and landscaping. This is as an alternative to the 67 dwelling scheme granted at appeal, which constitutes the extant permission on the site (reference HS/FA/20/00970) as varied by HS/FA/22/00906, to provide an additional 4 dwellings (plots 24A, 26A, 28A and 30A). The house layout changes relating to the additional dwellings are within the central and south eastern parts of the site, and the additional dwellings would integrate into an existing building line on the approved scheme. Generally, in all other respects the development remains largely as previously approved by the most recently approved permission HS/FA/22/00906, with a few exceptions including alterations to the housing mix by changing the house types on some plots, summarised below. The minor changes to the original consent, to some of the house type drawings, such as slight adjustment to door positions and aligning windows and the external material finishes have already been approved in principle under planning reference HS/FA/22/00906.

The proposed revised housing mix is:

- 46 x 2 bed houses
- 5 x 2 bed houses with Home Office
- 18 x 3 bed houses
- 2 x 4 bed houses

The proposed changes in the current application from planning reference HS/FA/22/00906 are:

No changes to the plots on the approved layout of HS/FA/22/00906 other than:

- Plots 23-30 change from 4 pairs of 4 bed houses; to 4 terraces of 3x 2 bed houses (which will include the additional plots 24A, 26A, 28A and 30A)
- Plots 31 & 32 change from a pair of 4 bed houses; to 2x 2 bed houses and 1x 3 bed house
- Plots 33 & 35 change from terrace of 3x 4 bed houses; to 2x 4 bed houses

The application is supported by the following documents:

- Planning, Design and Access Statement
- Arboricultural Impact Assessment and Method Statement
- Landscape and Visual Appraisal
- Ecological Enhancement, Management and Mitigation Plan
- Preliminary Ecological Assessment
- Flood Risk and Drainage Assessment
- Transport Statement
- Travel Plan
- Air Quality Assessment
- Ecological Air Quality Assessment
- Preliminary Ground Contamination Risk Assessment
- Archaeological Strip, Map and Sample Report
- Heritage Statement
- Viability Report
- Waste Management Plan
- Schedule of Submitted Drawings
- Ground Gas Risk Assessment
- Construction Method Statement
- Sustainability Statement
- Statement of Community Involvement

Relevant planning history

HS/OA/17/00645 – Outline proposal, with all matters reserved for future approval in respect of the residential development of the site for approximately 50 dwellings – Granted 10.05.2019

HS/FA/20/00970 - Erection of 67 dwellings together with access, open space, parking and landscaping -Granted (at appeal) 31.10.2022

HS/FA/22/00906 - Variation of condition 2 (approved plans), condition 15 (landscape drawing) and deletion of condition 19 (apartment building) of Planning Permission HS/FA/20/00970 granted on appeal APP/B415/W/21/3285744 (Erection of 67 dwellings together with access, open space, parking and landscaping) - Amendment to proposed housing mix and housing types including minor alterations to landscaping, elevation treatments and fenestration.– Resolved to be granted

22.03.2023 (subject to legal agreement)

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 SC6 - Renewable Energy Development
Policy SC7 - Flood Risk
Policy EN1 - Built and Historic Environment
Policy EN2 - Green Infrastructure Network
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN5 - Nature Reserves
Policy EN6 - Local Wildlife Sites
Policy EN7 - Conservation and Enhancement of Landscape
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 T1 - Strategic Road and Rail Schemes
Policy T2 - Local Road Improvements
Policy T3 - Sustainable Transport
Policy T4 - Travel Plans

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering Planning Applications
Policy LP2 - Overall Approach to Site Allocations
Policy LRA3 - Land adjacent to 777 The Ridge site allocation (50 dwellings)
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy DM6 - Pollution and Hazards
Policy HN7 - Green Infrastructure in New Developments
Policy HN8 - Biodiversity and Green Space
Policy HN9 - Areas of Landscape Value
Policy HN10 - Amenity Green Spaces

Other policies/guidance

AONB Management Plan 2019-2024
National Design Guide 2019
Air quality and emissions mitigation guidance for Sussex (2020)
The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)

The Hastings Local Plan Consultation Draft (Regulation 18)

Policy HL3: Land Adjacent to 777 The Ridge

National Planning Policy Framework (NPPF)

Paragraph 8 of the NPPF 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 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- 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:
- 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
- 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 58 of the NPPF states that where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Paragraph 130 of the NPPF requires that 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 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.

3. Consultation comments

- ESCC Highways – **No objection**
- ESCC Flood Risk Management – **No objection**
- ESCC Contributions - Financial contributions required from the proposed development would amount to £20,377
- ESCC Archaeology - **No objection**
- HBC Waste Services - **No objection**
- HBC Housing Officer – **No objection**
- HBC Arboricultural Officer – **No objection**
- HBC Parks & Open Spaces - Financial contributions required from the proposed development would amount to £33,000
- HBC Environmental Health - **No objection**
- HBC Conservation - **No objection**
- HBC Ecology - **Have not provided comments**
- Southern Water - **No objection**
- Natural England - **No objection**
- National Highways - **No objection**
- Environment Agency - **Have not provided comments**
- High Weald AONB Unit - **Have not provided comments**
- Climate Change Team – Note lack of low or zero carbon heating and power

4. Representations

In respect of this application four site notices were displayed and an advert placed in the local paper. One notice was posted on Harrow Lane adjacent to the footpath entrance; one on The Ridge opposite the footpath entrance; one on The Ridge opposite the entrance to Beaulieu Gardens; and, one on the turning head of Beaulieu Gardens.

17 letters of objection (10 from one person) have been received from 7 different households raising the following concerns:

- Development will increase traffic congestion on The Ridge
- Gross overdevelopment of the site/surrounding area
- Housing mix conflicts with Policy H2
- Loss of architectural features
- Lack of sustainability features
- No affordable housing
- New application needs to be judged on its own merits [**Officer note: the extant permission is the fallback position which is a material planning consideration**]
- Work has started on site [**Officer note: the site has an extant planning permission**]

- Viability Reviews not public **[Officer note: these are commissioned subsequent to receipt of an application and publicised as soon as they become available]**
- S106 agreement not public **[Officer note: legal agreements are not generally completed prior to an application being considered by planning committee, where one is required if planning permission is granted the decision is not issued until the agreement is completed]**

5. Determining issues

a) Principle

Given the extant planning permission and the site being allocated for residential development in the Local Plan, the principle of residential development on the site has already been accepted. Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014), and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other Local Plan policies.

b) Background

The site has an extant permission for 67 dwellings; reference HS/FA/20/00970 as varied by HS/FA/22/00906 (subject to completion of legal agreement). The current proposal seeks approval for an additional 4 dwellings, to take the total to 71.

Therefore, the purpose of this application is not to revisit the principle of developing the site for housing, nor whether the site can accommodate 67 dwellings, as this has already been established. As such, the scope of this appraisal is limited to assessing whether the site can accommodate the additional dwellings over and above those already approved, without resulting in material planning harm; as well as assessing the impact of changes to the approved scheme to accommodate the additional dwellings, such as the changes of house types on some plots and the addition of some new house types.

Policy LRA3 of the Hastings Planning Strategy allocates the site for residential development, with an identified capacity of 50 dwellings, however, the site now has an extant permission for 67 dwellings, so it is accepted that the site can accommodate 67 units. It is also of note that the site allocation is carried through into the draft Local Plan, with the identified capacity proposed to increase to 98 dwellings. As such, a case can be made that the proposed number of houses the site can accommodate could be somewhere between these two identified capacities. This report will assess whether the addition of 4 extra houses to the previously approved scheme would cause material harm, so as to result in a different planning outcome.

c) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. It is considered that the additional dwellings proposed would positively contribute to the Council's housing stock, in-line with the NPPF which seeks that available housing sites make efficient use of land to boost housing supply, which is particularly pertinent in Hastings due to the housing land supply shortfall. However, this positive of the scheme needs to be weighed against any harm identified in this assessment.

d) Proposed housing mix

The revised housing mix proposed by this current application is:

- 46 x 2 bed houses
- 5 x 2 bed houses with Home Office
- 18 x 3 bed houses
- 2 x 4 bed houses

The revised scheme (including the 4 additional units) would result in fewer 4 bedroom units, down from 13 to 2 in this current proposal. These in turn would be replaced by more 2 & 3 bed units. There would be 14 additional 2 bed units compared to the most recent scheme (HS/FA/22/00906), 1 additional 3 bed unit and the number of 2 bed units with home office would remain the same. The application states this is partly due to changed housing market conditions since the original scheme was submitted, where according to the applicant demand remains strong in the local market for 2/3 bed units, but demand has fallen for larger units. Furthermore, the change in housing mix facilitates the four additional units, making more efficient use of the land to boost housing supply in the Borough. The provision of more 2 & 3 bedroom units ensures the development continues to provide a good range of different housing options to meet local housing demand, and there is no specific policy requirement to include 4 bed units on the site as part of a market housing development.

The proposed amendments are considered acceptable in this regard, and as such meets the Council's aims of providing mixed and balanced communities. Therefore, the proposal is considered to be in accordance with Policy H2 (Housing Mix) of the Hastings Local Plan.

e) Layout, Design, Character and Appearance

The general layout, design, character and appearance have already been approved on two separate occasions, with development well underway on-site. Therefore, the purpose of this appraisal is not to re-visit the appropriateness of the general layout and design of the scheme, as acceptance of this has been established through the previous planning application processes.

The housing layout changes as a result of the additional dwellings proposed by this current application are within the central and south eastern parts of the site, with the new plot numbers 24A, 26A, 28A and 30A comprising the additional 4 units. This is achieved in the main by the respective semi-detached Type D 4-bed houses in the original approved layout, being replaced by terraces of three Type A3/4 2-bed houses.

There are also minor changes to the house type drawings from the original approved scheme(s), but it should be noted that since this application was submitted, these have been accepted by the resolution to approve planning application HS/FA/22/00906. Also, as with application HS/FA/22/00906, this application would remove the block of flats from the original scheme and replace them with 2-bedroom houses, which have also been accepted by the previous resolution to approve.

Whilst it is acknowledged that the additional 4 units would increase the density of the development in the central and south eastern parts of the site, as demonstrated by the submitted rendered street scene drawings this would not materially negate the previous positive assessment of the layout and design, and would not detrimentally impact on the character and appearance of the overall scheme. The revised proposal retains the approved layout concept of a central public open space area, with the site retaining good connectivity with the public rights of way network and adjoining new housing sites.

The additional four dwellings would not fundamentally change the character of the development, nor discernibly alter the appearance of the completed development, either within the site or from the wider area outside the site. In fact, the additional units would have a more modest visual impact, as they would form a row of two storey dwellings as opposed to the three storey dwellings in the equivalent central area of the site, on the previously approved layout. As such, whilst the density would be greater, the visual impact would be marginally diminished. It is also noted that the side elevation of plot 35 which is viewed from the site entrance on Harrow Lane, will remain as approved, to maintain the appearance of the scheme from the public domain, as approved.

Therefore, in the context of the housing development in its entirety the proposed additional dwellings over and above those already approved, as well as the minor changes to the approved scheme(s) to facilitate the 4 additional dwellings, would not result in any material planning harm on the general

character and appearance of the proposal. As such, when compared to the approved scheme(s) for 67 units, which have already been deemed as acceptable, and retain the fallback position given the extant permission(s), it is considered that the revised development as proposed continues to comply with the NPPF policies and Local Plan Policy DM1 of the Development Management Plan 2015.

f) Impact on High Weald AONB and Heritage Assets

The High Weald Area of Outstanding Natural Beauty (AONB) boundary is on the northern side of the Ridge, as is the Grade II listed Baldslow Windmill. As stated above, the main changes proposed in this current application are in the central and south eastern part of the site and as such, are well away from the designated countryside and the closest above ground heritage asset. As such, there will be no additional harm to these nationally designated assets arising from the additional 4 dwellings over and above the previous two 67 unit schemes, and therefore, they would not additionally exacerbate the visual impact on the wider area outside of the development site. As such this revised scheme for 71 units, would have a 'neutral' additional visual impact, preserving the special qualities of the nearby High Weald AONB thereby complying with NPPF policies and Local Plan Policies DM1, DM3, and HN9 of the Development Management Plan 2015, Policy EN7 of the Hastings Planning Strategy 2014.

Furthermore, the same applies to above ground heritage assets referred to above, and as a comprehensive archaeological investigation has already been undertaken as part of the original consent it is considered that heritage impacts have been appropriately considered, and that the development is acceptable in terms of Policy EN1 of the Hastings Planning Strategy and Policies HN1 and HN4 of the Development Management Plan.

g) Impact on neighbouring residential amenities / Future residential amenities

The site borders existing residential areas on the fringes of the urban area, as well as allocated housing sites at Harrow Lane Playing Fields and Holmhurst St Mary. However, the proposed additional dwellings would be within the central part of the site and will not affect occupiers of existing or new residential units outside of the site whatsoever. In terms of the inter-relationship with the rest of the development on the site, as referred to in this report, the additional dwellings would integrate into an existing building line within the central part of the site, and as such will remain within acceptable limits in terms of privacy, loss of light and overbearing impact for future occupiers, as already deemed acceptable in the earlier consents. Furthermore, all the proposed dwellings (including the additional 4 dwellings) will continue to comply with Nationally Described Internal Floor Space Standards in terms of room sizes; and, the external amenity space is also policy compliant. Taking the above into account, it is not considered that the proposed revised development will result in any harm to existing or future residential amenities. As such, the proposal complies with Policy DM3 - General Amenity of the Development Management Plan.

h) Ecology

Ecological enhancement, management and mitigation form part of the extant permission overseen by the Council's Ecology Manager. Any conditions to secure these measures would be carried forward to any new permission. It is considered the proposed changes in the current application, would have no greater ecological impact.

Natural England were consulted, and they have no objection to the development.

Given this, it is considered that the proposed revised development complies with the NPPF Policies, and Policy HN8 and Policy LRA3 c) of the Hastings Development Management Plan 2015, and Policy EN3 of the Hastings Planning Strategy 2014.

i) Landscaping, Trees and Open Space

The extant permission features a central open space as the focal point of the development, this remains integral to the current proposal. The proposed landscaping scheme is substantially the same as the approved scheme, and the changes proposed by this current application, specifically the additional four dwellings, would have no material impact on the previously approved landscape arrangement. The additional dwellings have been added to an existing building line within the

approved layout, and as such they would not impinge on the open spaces within the development. Equally, the proposed changes do not affect the existing trees and hedgerows on the various boundaries. The Council's arboriculture officer has reviewed the revised landscaping plan and raises no objection.

j) Air quality and contamination

Air quality assessment forms part of the extant permission, where impact of the development during construction was deemed 'not significant' and traffic emissions from the development were predicted to be 'negligible'. Overall, it was assessed that, the development of the site would not adversely impact on air quality and that air quality factors were not considered a constraint to the development. HBC Environmental Health officers raise no objection to the current application, and it is considered that the addition of four dwellings would not change the outcome of the original assessment.

k) Highway safety, access and parking

This application is to increase the approved quantum of dwellings (67) to and a new total of 71. This small increase in units equates to a 4% increase in trip generation. This increase to 71 units has been assessed within a supplementary Technical Transport Note, accompanying this application.

The internal road layout remains the same as approved, and the current proposal would provide 119 vehicle parking spaces (one more than the approved scheme). The aforementioned reduction in 4-bed units means only one additional parking space is required for the proposed parking provision to remain in accordance with the Council's adopted parking standards.

ESCC Highways officers have reviewed the submitted plans and Technical note and raise no objection (subject to conditions). They point out that the proposed revised housing mix with an increase in 2/3 bed and reduction in 4 bed units, justifies a revised lower trip rate being calculated. Recalculating on this basis indicates trip rates over and above those previously agreed of just 4% which is acceptable in relation to the overall proposals, with ample spare capacity within the proposed access junction.

Given this, it is considered that the development of 71 units is acceptable in highway terms, proposes an acceptable vehicular access, and can provide acceptable onsite car parking for future users. As such the revised development complies with the provisions of Policy DM4 of the Hastings Development Management Plan 2015 and the East Sussex County Council residential car parking guidance 2017.

Furthermore, the site is in a sustainable location with good access to services and public transport, and provision is made for cycle storage. The current application also maintains the footpath connections to the public rights of way network, providing pedestrian access to services and adjacent housing sites.

Highways officers have recommended planning conditions and confirmed the provisions of the original s106 agreement to be carried forward to the new permission. Where works have already started, the wording of the conditions / legal agreement can be varied accordingly.

l) Drainage

The drainage strategy has already been approved by ESCC Flood Risk Management officers and Southern Water had already confirmed there was sufficient capacity to accommodate the development. The drainage drawings have been updated to reflect the layout changes to accommodate the additional dwellings, but the proposed changes will have no material impact on the approved drainage arrangement.

m) Affordable housing

Policy H3 of the Hastings Planning Strategy 2014 and Policy LRA3 a) of the Hastings Development Management Plan 2015 requires developments of this size to provide 40% affordable housing on site, unless a submitted viability report demonstrates that this will not be appropriate.

The current application is accompanied by a Viability Report which has been appraised by an independent consultant commissioned by the Council.

The background to the affordable housing for this site began when outline permission HS/OA/17/00645 was granted permission in May 2019 subject to a s106 agreement securing 30% (15) onsite affordable housing units. Subsequently, a further planning application for full planning permission was submitted (HS/FA/20/00970). Prior to planning application HS/FA/20/00970 being considered by planning committee, the applicant agreed to provide 40% (26 units) affordable housing units onsite and indicated a willingness to enter into a legal agreement to secure this. Consequently, the application was progressed on that basis and presented to the committee members with a recommendation for approval. However, members resolved to refuse planning permission on the grounds of overdevelopment of the site. As such, affordable housing did not form part of the Council's reasons of refusal, as the proposal was policy compliant in that regard, and the applicant's stated position on viability at the date of the Committee meeting was such that it was not a reason for the Committee's decision to refuse.

The applicant appealed the refusal of planning permission. Viability did not form part of the appeal, as it was not relevant, given that there were no grounds of refusal on affordable housing to appeal. However, at around the same time that the Planning Inspectorate (PINS) were considering the appeal the applicant elected to return to a dialogue with the Council about affordable housing and raise viability as an issue. The Viability Report submitted to the Council at that time was subject to a review on behalf of the Council, by an independent viability consultant, which concluded that the development was unable to support the provision of any affordable housing or any other alternative contribution towards affordable housing. The Planning Inspectorate were made aware of these discussions and acknowledged in the decision that the Council in the light of the independent review, accept that the development could not support a contribution for affordable housing. As such, when the appeal was allowed, no affordable housing was required by the Planning Inspectorate in their granting of planning permission.

Following the granting of planning permission in October 2022, housing market conditions had worsened, and construction costs increased since the application was first submitted. Thus, when planning application HS/FA/22/00906 was submitted to amend certain aspects of the approved scheme (as carried forward to the current application) in November 2022, the application was supported by an Addendum Viability Study (Turner Morum) to demonstrate that the revised scheme remained unviable were it to provide affordable housing as part of the proposal. The submitted Addendum Financial Viability Assessment was subject to a further review by an independent viability professional, which made some adjustments to the applicant's open market values and build cost assumptions. Having made these adjustments, the independent review downgraded the applicant's suggested deficit of £-863,294 to £-205,153. Nevertheless, the conclusion of the independent review was that the scheme as amended remained unviable were it to provide affordable housing. As such, with the viability independently verified as not being able to provide a surplus for the delivery of affordable housing, the application was granted a resolution to approve planning permission with no affordable housing onsite, nor a commuted sum for affordable housing elsewhere in the Borough.

The current application, now being considered, also has a supporting Viability Study, with the assumptions adjusted to take account that the proposal is now for 71 units, as opposed to 67 units in the extant permission(s). The Viability Study (Turner Morum (December 2022)) submitted contends that the situation would remain the same, even with 4 additional dwellings provided onsite, in that the development would not be viable were it to include affordable housing. It concludes there would be a deficit of £-115,000 and it should be noted that this included an offer from the applicant to provide a £50,000 commuted sum towards affordable housing.

As is normal practice, and as was the case with the previous applications for this site, the Council commissioned a viability consultant, to provide an independent review of the submitted Viability Study. All Council's depend on independent advice on viability, as it is a specialised discipline. The resultant Financial Viability Assessment (March 2023) identified that a surplus of £440,921 was available to provide affordable housing, via a commuted sum payment.

This divergence from the applicant's own assessment was down to the review not agreeing with some of the applicant's assumptions, particularly regarding the Open Market Values the housing units would achieve, which were upgraded; and, the Build Costs which were downgraded, based on the

evidence provided in the review. When allowing for these adjustments, contrary to the viability assessment provided by the applicant, the review demonstrated that the scheme could viably provide a contribution towards affordable housing.

In the interests of fairness, the applicant was given the opportunity to respond to the viability review undertaken on behalf of the Council. Representing the applicant, Turner Morum challenged the assumptions made by the Council's appointed consultant, with particular reference to the open market revenues that could be achieved. Based on a Market & Revenue Update (McLaren Clark Consultancy (March 2023)), the applicant's consultants downgraded their previous Gross Development Value (GDV) to demonstrate that in their view the scheme could not support affordable housing.

The Council then referred back to its appointed independent consultant, for a view on the applicants revised assumptions. The verdict was that the applicant's case did not stack up, as the evidence provided for market analysis, was not based on a like-for-like locational equivalent. As such, the Council's viability consultant, reaffirmed its position on the open market values which could be achieved, in a FVA Response (April 2023), which remained at £22,931,396, £341,396 above the original assumptions made by the applicant. Thus, when taking account of the additional evidence provided by the applicant, the conclusion based on the revised inputs was that £465,495 could viably be provided for affordable housing as part of the current application.

The applicant submitted a further challenge from their consultant, opposing some of the inputs and calculations used to reach the revised surplus. The Council's appointed consultant accepted some of the points raised, including elements of how the build costs are calculated, and adjusted its build cost assumption accordingly. Thus, the amended conclusion set out in the revised FVA Response (June 2023) for the 71 unit development proposed by the current application, is that a contribution of £404,750 could viably be sought for affordable housing.

The review does also make reference to an alternative provision, in that 3% of the units (2 x 2 bed houses) could be provided for affordable rent on site, alongside a £50,550 contribution for offsite affordable housing. However, all parties, including the Council's Housing Manager agree this is not achievable, as no Registered Provider would realistically be interested in taking on just two homes on the site. Therefore, in this instance, it is accepted that an offsite contribution in the sum of £404,750 is appropriate.

In the light of the above, it is considered that a robust and fair viability assessment process has been undertaken, to get to the point that a contribution of £404,750 could viably be provided for much needed affordable housing in the Borough, which will go some way towards helping the Council support local housing need.

Whilst there are still some differences of opinion on the viability assessment, the applicant has agreed to a contribution of £404,750 which will be secured by a s106 Legal Agreement to ensure the contribution is ringfenced for Affordable Housing in Hastings.

As has been set out in this report, there are minimal changes to the overall scheme, over and above those already approved as amendments to the original scheme under planning reference HS/FA/22/00906, the main difference being the inclusion of 4 additional dwellings, which are assessed in this report as not materially harming the overall development, with the added benefit of providing additional much needed housing stock.

As such, securing a contribution of £404,750 towards affordable housing, is a significant consideration in the planning balance. Given, the additional four dwellings would not result in any identified planning harm, and given the fallback position that the extant permission could be built out without any affordable housing contribution being required, the aforementioned contribution now proposed, is considered to be a significant benefit to the Council.

n) Other contributions / obligations

Policy CI1 of the Hastings Planning Strategy 2014 requires development proposals to provide infrastructure or services that are necessary to mitigate impact created by additional pressures on community services or infrastructure as a result of the development.

A s106 legal agreement was completed to secure a number of obligations and contributions in relation to planning application HS/FA/20/00970. As part of the appeal process, the planning inspector queried the 'reasonableness' of some of the obligations and whether they would meet the

relevant CIL Regulations tests. As such, the original agreement is in the process of being varied to remove the obligations PINs deemed unreasonable. These were a Travel Plan Audit Fee, Condition of Estate Roads clause, and an affordable housing Viability Review. As such, these will not be carried forward to the new agreement.

This current application will require a new s106 agreement to secure the affordable housing contribution of £404,750 discussed above, and to secure ESCC contributions (as revised to take account of the additional 4 dwellings), and to secure the other previous obligations PINs deemed appropriate.

East Sussex County Council was consulted on this application and they advise that they request increased contributions of £18,673 (for 71 dwellings) towards library facilities, and £1,704 (for 71 dwellings) towards improvements to the Public Rights of Way network in the surrounding area.

As with the previous application East Sussex County Council have confirmed that the current early years, primary and secondary school provision, has capacity to accommodate the additional demand generated by the proposed development. Therefore, no contribution towards school places are required.

It is noted Parks & Open Spaces have requested £33,000 towards improvements to play facilities in the surrounding area. However, as this does not form part of the extant permission for 67 units, and it would be unreasonable to introduce this now for just 4 additional dwellings.

The local infrastructure services as requested by East Sussex County Council will be secured via the new s106 Agreement. As such, it is considered that the development as proposed complies with the NPPF policies, Policy CI1 of the Planning Strategy 2014, the East Sussex County Council's adopted Supplementary Planning Guidance, "A New Approach to Development Contributions" (the SPG), and the Community Infrastructure Levy Regulations 2010 - as amended (the CIL Regs).

Highways officers have confirmed the highways obligations secured as part of the extant permission are appropriate. Where works have already been scheduled or started, the wording of the legal agreement can be varied accordingly. As such, the new legal agreement would continue to secure the necessary highway improvement works, which include highway contributions towards a crossing point on Harrow Lane and a financial contribution towards sustainable transport measures identified to enhance The Ridge. In addition, a TRO is required for setting up parking restrictions and these will attract a fee of £5,000. Furthermore, a Travel Plan has been submitted with the application and the s106 will secure the proposed incentives including a £100 green travel voucher per unit redeemable towards public transport tickets and cycle equipment, a residents' information pack providing details of bus timetables, local routes to reach local amenities with walking/cycle distance and times, a Travel Plan coordinator contact, and a mechanism to redeem travel vouchers. As such, it is considered that the development as proposed complies with Policies DM4 and LRA3 k) of the Development Management Plan 2015.

Therefore, the s106 Legal Agreement will secure the following:

- Commuted sum of £404,750 as a contribution toward affordable housing
- Provision and retention of the open space
- £18,673 towards library provision
- £1,704 towards improvements to the Public Rights of Way network in the surrounding area
- £161,470 towards sustainable transport improvement measures on The Ridge
- £5,000.00 towards setting up parking restrictions on Harrow Lane
- Travel Plan measures including:
 - £100.00 green travel voucher per unit redeemable towards public transport tickets and cycle equipment; a residents information pack providing details of bus timetables, local routes to reach local amenities with walking/cycle distance and times, Travel Plan coordinator contact, and mechanism to redeem travel voucher
- Section 278 Agreement for highway works off-site to include pedestrian crossing point to allow connectivity to A21 Sedlescombe Road North, and road markings to protect the proposed access junction (double yellow lines)
- Section 278 Agreement for highway works on-site for creation of the vehicular access

o) Waste

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and its removal. HBC Waste Services have previously reviewed the proposal and are satisfied that there is an appropriate turning area for a waste lorry on entry, and they also advise that they are satisfied with the location of bins for collection. They have no objection to the current amended proposal.

p) Sustainable construction

The current application is accompanied by a Sustainability Statement which details the sustainability measures that will be incorporated into the development and how the proposed development will promote sustainable design, which has been accepted in the extant permissions. As such, the proposal is considered to achieve the objectives of Planning Strategy Policies SC3 and SC4.

q) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "'Screening' is a procedure used to determine whether a proposed project is likely to have significant effects on the environment. It should normally take place at an early stage in the design of the project. However, it can also occur after a planning application has been made or even after an appeal has been made. A developer can choose not to seek a screening opinion for a Schedule 2 development, and proceed to prepare and submit an Environmental Statement.

The Local Planning Authority (or the Secretary of State as the case may be) should determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations:

- if it is listed in Schedule 1 an Environmental Impact Assessment is required in every case;
- if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria."

The National Planning Practice Guidance further advises that:

"The more environmentally sensitive the location, the more likely it is that the effects on the environment will be significant and will require an Environmental Impact Assessment. Certain designated sites are defined in regulation 2(1) as sensitive areas and the thresholds and criteria in the second column of the table in Schedule 2 are not applied. All developments in, or partly in, such areas should be screened. These are:

- Sites of Special Scientific Interest and European sites;
- National Parks, the Broads and Areas of Outstanding Natural Beauty; and
- World Heritage Sites and scheduled monuments."

The proposed 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.

r) Conditions

It is noted that some statutory consultees have requested pre-commencement conditions. However,

work has already commenced on site and many of the details reserved by condition have already been submitted and approved. Therefore, conditions will only be carried forward to this permission, where relevant. Nor is it reasonable to introduce new conditions at this stage unless they specifically relate to the 4 additional dwellings.

6. Conclusion

The site is located within a sustainable location with easy access to services; and, the principle of residential development has been accepted by the extant permissions and a site allocation in the local plan under Policy LRA3. The proposed revised development accords with the key provisions of this policy.

There are minimal changes to the overall scheme, over and above those already approved as amendments to the original scheme under planning reference HS/FA/22/00906, the main difference being the inclusion of 4 additional dwellings, which are assessed in this report as not materially harming the overall development, with the added benefit of maximising the efficient use of land to provide much needed additional housing stock.

The addition of four dwellings, as set out in this report would not exacerbate the impact of the development on visual amenity, residential amenity, or the local highway network, nor result in harm to any other identified planning consideration.

As such, the addition of 4 dwellings tipping the balance to secure a contribution of £404,750 towards affordable housing, is a significant consideration in the planning mix. Given, the additional four dwellings would not result in any identified planning harm, and given the fallback position that the extant permission could be built out without any affordable housing contribution being required, the aforementioned contribution now proposed, is considered to be a significant benefit to the Council, so as to warrant recommending the application for approval, when applying a balanced planning judgement.

Affordable housing contributions, financial contributions towards highway improvements, and financial contributions towards ESCC infrastructure provisions as detailed herein will be secured by a s106 Legal Agreement.

Furthermore, it is material that as the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged.

Given the above, it is considered that these proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states: "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

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:

- **Commutated sum of £404,750 as a contribution toward affordable housing**
- **Provision and retention of the open space**
- **Contribution of £18,673 towards library provision**
- **Contribution of £1,704 towards improvements to the Public Rights of Way network in the**

surrounding area

- Contribution of £161,470 towards sustainable transport improvement measures on The Ridge
- Contribution of £5,000.00 towards setting up parking restrictions on Harrow Lane
- Travel Plan measures including:
 - £100 green travel voucher per unit redeemable towards public transport tickets and cycle equipment; a residents information pack providing details of bus timetables, local routes to reach local amenities with walking/cycle distance and times, Travel Plan coordinator contact, and mechanism to redeem travel voucher
- Section 278 Agreement for highway works off-site to include pedestrian crossing point to allow connectivity to A21 Sedlescombe Road North, and road markings to protect the proposed access junction (double yellow lines)
- Section 278 Agreement for highway works on-site for creation of the vehicular access

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. In the event that the Agreement is not completed or the viability issue is not resolved by 31 December 2023 that permission be refused on the grounds that the application does not comply with the relevant policies of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Subject to the above:

Grant Full Planning Permission subject to the following conditions:

Grant Full Planning Permission subject to the following conditions:

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

6695/P/71/LBP; 6695/P/200/A; 6695/P/201/A; 6695/P/202/A; 6695/P/203/A; 6695/P/204/A; 6695/P/206/A; 6695/P/300/A; 6695/306/A; 6695/P/110/E; 6695/P/111/C; 6695/P/112/C; 6695/P/113/E; 6695/P/214/A; 6695/P/215/A; 6695/P/216/A; 6695/P/217/A; 6695/P/118/C; 6695/P/119/C; 6695/P/120/C; 6695/P/121/D; 6695/P/122/D; 6695/P/123/D; 6695/P/124/C; 6695/P/126/C; 6695/P/127/C; 6695/P/130/B; 6695/P/131/B; 6695/P/132/A; 6695/P/133/B; 6695/P/225/A; 6695/P/230/A; 6695/P/231/A; 6695/P/234/A; 6695/P/236/A; 6695/P/140/A; 6695/P/141/B; 6695/P/164/B; 6695/P/166/B; 6695/P/167/A; 6695/P/325; PLG/1725/22/A; 2020/5574/001/P7; 2020/5574/002/P7; 2020/5574/003/P4; P20970-HZL-00-DR-D-2204-S4-P1; P20970-HZL-00-DR-D-2205-S4-P1; P20970-HZL-00-DR-D-2220-S4-P4; P20970-HZL-00-DR-D-2221-S4-P2; P20970-HZL-00-DR-D 2219 S4-P1; P20970-HZL-00-DR-D-0252-S4-P1; P20970-HZL-00-DR-D-0253-S4-P1; and, P20970-HZL-00-DR-D-2243-S4-P1.

2. Prior to commencement of development above the slab level of any of the approved buildings, details including samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

3. Notwithstanding the submitted details, prior to commencement of development above the ground level slab of any new building, details of a scheme for hard surfacing across the site shall be submitted to, and approved in writing by the Local Planning Authority. Those details shall include finished levels, pedestrian access and circulation areas, and details of materials for driveways. The development shall be carried out in accordance with the approved details.
4. The development hereby approved shall be carried out in accordance with the approved land contamination measures in the documents titled 'Combined Geotechnical and Quantitative Ground Contamination Risk Assessment' prepared by Ashdown Investigation Ltd and dated December 2020, and 'Ground Gas Risk Assessment' by Ashdown Investigation Ltd dated March 2021. Any variation to the measures contained therein shall be submitted to and approved in writing by the Local Planning Authority in advance of those works being undertaken. The recommendations and measures in the above mentioned documents shall be adhered to in full.
5. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
6. The development shall be carried out in accordance with the ecological measures detailed in the report titled 'Ecological Enhancement, Management and Mitigation Plan' prepared by Greenspace Ecological Solutions and dated December 2020, and shall include hedgerow, shrub and species-rich grassland management, hedgerow planting, bat and bird boxes and hedgehog houses.
7. The development shall be carried out in accordance with the methodologies contained in Section 4: Sensitive Works Methodologies of the report titled 'Ecological Enhancement, Management and Mitigation Plan' by Greenspace Ecological Solutions dated December 2020, and those measures shall remain in place through the construction process.
8. No development shall take place until the protective fences to safeguard trees and hedges have been installed in full accordance with the Tree Protection Plan forming part of the report 'Arboricultural Impact Assessment and Method Statement, Revision A' by Greenspace Ecological Solutions dated December 2020. The trees and hedgerows identified as being retained by the report shall be protected in accordance with the protection measures detailed within the report for the duration of the construction period.

9. The development shall be carried out in accordance with the 'Construction Method Statement', Revision A, prepared by The Park Lane Group, dated March 2021.
10. With the exception of internal works to the buildings hereby approved, the development must be carried out within the following times: 08:00- 18:00 Monday to Friday, 08:00- 13:00 on Saturdays, and no working on Sundays or Public Holidays.
11. The underwater attenuation tanks shall be installed in accordance with the details approved under HS/CD/22/00879 and shall be so maintained in accordance with the approved details.
12. Prior to occupation of the development, evidence (including as built drawings and photographs) shall be submitted showing that the drainage system has been constructed as per the drainage designs approved under HS/CD/22/00879.
13. No part of the development hereby approved shall be occupied until the storage and collection points for refuse bins, and all cycle parking spaces shown on the approved plans have been installed in full. These shall be retained and be available for use as such at all times thereafter.
14. No external lighting shall be installed unless details have first been submitted to, and approved in writing by the Local Planning Authority. Those details shall include provisions for avoidance of 'light spill', and the external lighting shall be installed only in accordance with the approved details.
15. Details including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings), compressors generators or plant or equipment of a like kind, installed within the site, which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation.
16. No part of the development shall be occupied until minimum visibility splays of 43 metres by 2.4 metres have been provided at the proposed site vehicular access onto Harrow Lane in accordance with drawings P20970-HZL-00-DR-D 2219 S4-P1 & 2020/5574/001 P7. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
17. The measures detailed within the 'Travel Plan' by RGP, dated December 2020 shall be implemented from the first occupation of any part of the development and shall remain in place thereafter for a period of 5 years. The appointed Travel Plan Coordinator shall provide monitoring reports to the Local Planning Authority after 1, 3, and 5 years to be audited by the Highway Authority.
18. The development hereby permitted shall not be occupied until the construction of the access and off-site accessibility requirements have been

completed in accordance with the approved technical details of the new access, pedestrian crossing point and associated lighting (S278) and details of a Traffic Regulation Order for the parking restrictions.

19. The development shall not be occupied until car parking areas have been provided in accordance with plan 6695/P/200/A and the proposed parking spaces shall measure at least 2.5m by 5m (add an extra 50cm where spaces abut walls). The areas marked as 'allocated to a dwelling' and 'visitor' shall thereafter be retained for those purposes.

20. The scheme of soft landscaping for the site (PLG/1725/22/A) shall be implemented in full and not later than the first planting season following the first occupation of the development. If, within a period of 5 years from the date of planting, the tree (or any tree planted in replacement for it) is removed, uprooted, destroyed or dies or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same size and species as that originally planted shall be planted at the same place within the first planting season following the removal, uprooting, destruction or death of the original tree unless the local planning authority gives its written consent to any variation.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity of the area.
3. In the interests of the visual amenity of the area.
4. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
5. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
6. To protect features of recognised nature conservation importance.
7. To protect features of recognised nature conservation importance.
8. In the interests of the visual amenity.
9. In the interests of the visual amenity.
10. In the interests of amenity.
11. To prevent increased risk of flooding.
12. To prevent increased risk of flooding.

13. In order to secure a well planned development.
14. In the interests of the visual amenity.
15. In the interests of the visual amenity.
16. In the interest of highway safety.
17. To encourage and promote sustainable transport.
18. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
19. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
20. In the interests of the visual amenity.

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. This Authority's requirements associated with this development proposal will need to be secured through 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.
5. The applicant is advised to contact the Transport Development Control Team (01273 482254) to commence the process associated with the proposed Traffic Regulation Order. The applicant would be responsible for meeting all costs associated with this process which is a minimum of £5000. The applicant should note that the outcome of this process cannot be guaranteed as it is open to public objection.
6. 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.

7. 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 60 80 193)

 8. 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.
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Officer to Contact

Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/FA/23/00016 including all letters and documents