

**Report to:** PLANNING COMMITTEE

**Date:** 04 February 2015

**Report from:** Development Manager

**Application Address:** **Proposed Queensway Gateway Road (land between Queensway and Sedlescombe Road North), St Leonards-on-sea**

**Proposal:** **Construction of a new road linking Sedlescombe Road North (A21) with Queensway (B2092)**

**Application No:** **HS/FA/14/00832**

**Recommendation:** **Grant Full Planning Permission**

Ward: ASHDOWN

File No:

Applicant: Sea Change Sussex Innovation Centre  
Highfield Drive St Leonards on Sea TN38 9UH

Interest: Sea Change Sussex

Existing Use: Undeveloped

**Policies**

Hastings Local Plan 2004 (HLP): E2, NC6, NC7, NC8, NC9, NC10, NC11, L1, L2, DG1, DG2, DG4, DG26, DG27 and C6

Conservation Area: No

National Planning Policy Framework (NPPF): Sections 1, 4, 11 and 12

Hastings Planning Strategy (HPS): DS2, FA1, FA6, SC1, SC2, SC7, EN1, EN2, EN3, EN4, EN6, EN7, E2, T1, T2 and T3

Hastings Local Plan, Development Management Plan, Revised Proposed Submission Version (DMP): LP1, DM1, DM3, DM4, DM5, DM6, HN4, HN7, HN8 and HN9

**Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 371

Petitions Received: 1

Application Status: Not delegated - Petition received

## **Summary**

The application site relates to land between Sedlescombe Road North (A21) and Queensway (B2092). The applicant proposes to build a new road linking Sedlescombe Road North with Queensway – the Queensway Gateway Road (QGR).

The main issues to consider are the principle of the development, the transportation impacts and the environmental impacts, which covers matters such as noise and vibration, air quality, ecology and nature conservation, landscape and visual amenity, ground conditions, water quality and drainage, and heritage.

The principle of the development is supported in the development plan and its supporting documents. It provides for access to existing and emerging employment development sites which will benefit the economic and regeneration of the Borough and the surrounding area and it will benefit the strategic road network in line with other future road network improvements. The road is considered to have a range of environmental impacts but the submitted documentation shows that with mitigation these concerns can be overcome to make the road acceptable.

I recommend that planning permission be granted subject to conditions to secure an appropriately mitigated development.

## **The Site and its Location**

The application site relates to land between Sedlescombe Road North (A21) and Queensway (B2092). The site includes a car show room, existing road infrastructure, existing accesses to businesses, part of the planted bank along the northern boundary of Sainsbury's car park and undeveloped land. The undeveloped land consists of a mixture of open meadow/grassland, woodland and scrubland. The applicant has also identified Junction Road and Maplehurst Road as part of the application in relation to possible road closures.

The wider area has a very mixed character consisting of an industrial estate (West Ridge/Ashdown), several retail uses (Sainsbury's, Pets at Home, Dunelm Mill, McDonald's and the various car showrooms), residential development and undeveloped land.

The site crosses a local wildlife site (LWS), preserved woodland, an archaeological notification area and is close to an area of ancient woodland. The site also includes part of the designated Ridge West/Ashdown Industrial Estate allocated in the Hastings Local Plan (HLP) and allocations LRA7 and LRA8 which are employment development allocations in the emerging Development Management Plan (DMP).

## **Details of the Proposal and Other Background Information**

The applicant proposes to build a new road linking Sedlescombe Road North with Queensway – the Queensway Gateway Road (QGR). The QGR proposal includes 3 roundabouts – one at either end of the road where it would join the existing network and one in the middle which would allow for access to the allocated and emerging allocated land for employment development.

The proposal utilises the existing Whitworth Road alignment with a new section of road being proposed from the end of Whitworth Road to Queensway. No right turn left in and left out only junctions are proposed for the accesses to the existing businesses on Whitworth Road and a new left in and left out only junction is shown into the northern part of Sainsbury's car park.

The proposal includes shared footways and cycleways between the middle roundabout and Sedlescombe Road North, uncontrolled crossings and upgrades and diversions to existing Public Rights of Way.

The proposed QGR has materialised in an attempt to realise the development potential of allocated and emerging allocated employment land (as shown in the HLP and DMP policies LRA7 and LRA8). Funding and support for the road is available from the South East Local Enterprise Partnership (SELEP).

The proposed QGR also intends to perform a strategic role in linking the A21 with the Hastings and Bexhill 'growth corridor' - comprising Queensway and its various employment allocations, the Bexhill to Hastings Link Road (BHLR), and the North Bexhill development area. It is intended that this development will help Hastings and Rother to realise their housing and employment requirements, increase connectivity in the area and avoid congestion along The Ridge.

With regard to its strategic benefit there has been reference to the 'Baldslow Link' – a proposal for a direct link between Queensway and the A21 further north of this site.

Whilst this proposal will be assessed on its own merits, it is considered that the QGR can provide for many of the benefits anticipated by the 'Baldslow Link', and is considered of strategic importance. The road can therefore be seen in a similar vein to the 'Baldslow Link' and is generally supported by documents such as the Hastings Planning Strategy (HPS) (policies FA1, T1 and T2) and ESCC's Local Transport Plan 2011-2026 (LTP).

The proposed development is considered to fall within the scope of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 following a screening and scoping opinion requested in 2013. An Environmental Impact Assessment (EIA) has been carried out and this has been summarised in an environmental statement (ES) submitted with the planning application.

## **Previous Site History**

The existing developed parts of the application site – such as the industrial estate and surrounding retail uses – have had various planning permissions in the past although none are considered to relate to major infrastructure like this.

The undeveloped land has not received many proposals since major permissions (references HS/OA/87/00670, HS/DS/88/00362 and HS/DS/88/00504) were granted in the late 1980s for industrial development on land allocated for development at the time and intended to be carried forward under policy LRA8 of the emerging DMP.

Planning applications were submitted in the early 1990s (reference HS/FA/93/00023 and HS/FA/93/00340), mostly to extend the life of the permissions granted in the 1980s, but due to concerns about how development at this site may impact upon the construction of A259 Bexhill and Hastings Western Bypass these were refused. It is important to note that the applications submitted in the early 1990s were otherwise considered acceptable and in retrospect, given that the bypass proposals were cancelled, those applications could have been approved.

As mentioned above the proposals are otherwise associated with the BHLR which has been approved by East Sussex County Council and is currently under construction.

## Details of Consultations

The **Local Highway Authority (East Sussex County Council)** has raised no objection subject to conditions. The recommended conditions include:

- A requirement to enter into a s278 legal agreement to ensure that works to the existing public highway are supervised and controlled by the LHA.
- A requirement to enter into a s38 legal agreement to ensure the road is constructed to an adoptable standard as it will form part of the strategic public highway.
- A Construction Traffic Management Plan prior to the commencement of works.
- The stopping up of Junction Road at both ends to prohibit use by motor vehicles.
- Modifications to the northern end of Maplehurst Road to ensure it is no longer a through road – except for Emergency Services.

The **Senior Rights of Way Officer (East Sussex County Council)** has raised no objection subject to a condition securing diversion orders for the affected footpaths and that the new footpaths are created to adoptable highway standards with a view to those footpaths being adopted under a s38 legal agreement by the LHA.

The **Director of Transport & Environment at East Sussex County Council** has raised no objection.

**Rother District Council** has supported the proposed development on the basis it will improve transport linkages, providing Rother, and particularly Bexhill, with a higher level of access to jobs and services as well as generally improving connectivity in the region.

The **County Archaeologist** has raised no objection subject to conditions relating to archaeological investigations.

The **Forestry Commission** has raised no objection.

The **High Weald AONB Unit** has raised no objection.

The **Hastings & Rother Building Control Partnership** has raised no objection.

**Sussex Police** has raised no objection.

The **Head of Environmental Services** commissioned a consultancy to review the environmental information that had been submitted in relation to noise, air quality and ground conditions. As a result of this work no objection is raised but a number of conditions are suggested in order to ensure that there is no harm in relation to these matters.

**Natural England** has raised no objection to the development in relation to the nearby Marline Valley Wood Site of Special Scientific Interest (SSSI). They provide no comments on landscape amenity, protected species and locally designated wildlife site. They advise that advice on these matters is sought from other specialists.

**East Sussex Fire & Rescue** has raised no objection.

The **Environment Agency** has raised no objection subject to a condition requiring surface water drainage details to be submitted that are in accordance with the submitted Flood Risk Assessment (FRA). They also ask for an informative notifying the applicant of the need to

contact the Lead Local Flood Authority (LLFA) should there be any flow control structures or culverting of an ordinary watercourse

**Southern Water** has raised no objection. Their correspondence includes various requirements and pieces of information as follows:

- The position of drainage and water supply infrastructure needs to be determined before the layout of the proposed development can be finalised. It is considered that this detail can be dealt with as part of the drainage scheme recommended by condition.
- The drainage infrastructure should be protected during construction works.
- No excavation, mounding or tree planting should be carried out within 5 and 6 metres of the public water trunk and distributing mains respectively without consent from Southern Water.
- No excavation, mounding or tree planting should be carried out within 3.5 and 3 metres of the public surface water and foul sewers respectively without consent from Southern Water.
- Following changes to legislation on 01 October 2011 other sewers not previously known to exist, which could now be deemed to be public, may cross the site. The applicant should contact Southern Water should such a sewer be found during construction.
- Advice is given about the use of Sustainable Drainage Systems (SuDS). These can be incorporated into the drainage details recommended by condition.
- Consent will be required from the Local Highway Authority for discharge into the highway drain.
- Comments from Building Control, the Lead Local Flood Authority or other technical staff will be required for the adequacy of soakaways or discharge into ordinary watercourses. Such comments can be sought as part of any details submitted in accordance with the recommended drainage condition.

The **Environment & Natural Resources Manager** has raised a number of concerns with the ecology information submitted although he does not object to the mitigation measures proposed specifically in relation to this application. The concerns raised include:

- The submitted information only references policies in the HLP. There is no reference to relevant policies in the adopted HPS or the emerging DMP.
- There is no explanation of how compensatory measures will be managed into the future and how those will be funded. These are usually secured through s106 but there is no explanation about how it will be secured in this instance.
- The cumulative impacts of the development should be assessed and a strategic view of the long term viability of the northern part of the LWS developed as this area could be rendered unviable as a biodiversity area.
- The application should consider biodiversity offsetting where there is a loss in biodiversity habitat.
- Since his initial comments the Environment & Natural Resources Manager has recommended a number of conditions / planning obligation requirements that could be used in this instance.

The **Borough Arboriculturalist** has raised no objections. He recommends that consideration be given to the ancient woodland in accordance with Natural England standing advice but notes that the submitted landscape master plan is sufficiently robust in order to mitigate the loss of existing trees.

The **Highways Agency** has not raised an objection. They raise concerns about the possible impact upon the A21/A28 junction but are developing plans to alter this junction and will be in further discussions with the applicant and the LHA about this. Although they

suggest that the Transport Assessment submitted with the application should be amended to make reference to contributions that may be required as the allocated employment sites that the proposed new road will serve are developed, this is not appropriate and such contributions, if required, can be sought from individual developments as and when they are developed.

In accordance with both statutory and Council procedures, the planning application was advertised in the local press, notices were erected around the site and letters were sent to properties in the surrounding area. As a result of this consultation, and at the time of writing this report, the following responses were received:

- A petition (21 signatories) against the development.
- 371 individual objections of which over 220 are in a standard format.

The correspondence sent in standard format includes an objection on the following grounds:

- That the development will harm the Hollington Valley Local Wildlife Site (previously known as a Site of Nature Conservation Importance) and there is no local need to outweigh the harm. The proposal will increase traffic congestion and the allocated sites do not need to be developed as other employment sites are yet to be developed.
- The development is contrary to the NPPF as significant harm is being caused which cannot be mitigated or compensated for.

Other concerns include:

- Traffic congestion will increase.
- The road will service new employment development land but no evidence has been provided that further land needs to be developed.
- The road will harm the designated Local Wildlife Site and the need for the road is not considered to outweigh the harm.
- Increased noise and pollution.
- Loss of informal amenity/recreation space.
- Employment uses will harm character and appearance.
- Inadequate pre-application discussions.
- Closure of Junction Road and restrictions to Maplehurst Road and impact on road network.
- Lack of on-street parking.
- No consideration of alternative routing.
- Disturbance and nuisance during construction.
- The road proposal should be considered in conjunction with proposals to develop allocated land so that appropriate ecological mitigation for the wider area can be considered.
- Inadequate consultation with local bodies and residents.
- Inadequate ecology information.
- Contamination of local watercourses.
- Poor highway and pedestrian safety.
- Details of footpath diversions.
- Unsustainable transport solution.

## **Planning Considerations**

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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 policies/guidance that apply are listed above. The main issues to consider are the principle of the development, the transportation impacts and the environmental impacts, which covers matters such as:

- noise and vibration;
- air quality;
- ecology and nature conservation;
- landscape and visual amenity;
- ground conditions;
- water quality and drainage; and
- heritage.

### **Principle of development**

It is considered that there is support in principle for this development. This support is twofold in that there is support for infrastructure improvements for better connectivity in the area and to better link the BHLR and A21. And there is support for further employment development in the town.

In terms of employment, the HPS makes it clear that up to 70,000m<sup>2</sup> of new employment floorspace is required to be developed in Hastings and St. Leonards between 2008 and 2028 (policy DS2) in order to help provide for the 6,470 jobs that will be required. This is evidenced by the Employment Strategy and Land Review (ESLR) which is a document that is part of the evidence base used to support the policies and the strategic vision for Hastings and St Leonards.

Although those objecting to the application state that other land is available for employment development, the evidence supporting the HPS is clear and all of the allocated sites will need to be developed in order to provide for the required amount of floorspace. The road proposed as part of this application would allow for access to an existing allocated site in the Hastings Local Plan and proposed to be taken forward in the DMP under policy LRA8, and an emerging allocated employment site (shown in policy LRA7 of the DMP), helping the Council to realise Objective 1 of the HPS to "achieve and sustain a thriving economy".

The DMP, although not adopted, recently underwent its examination in public and as such is very close to adoption. In accordance with paragraph 216 of the NPPF, I consider that great weight can now be afforded to the proposed allocations and any proposals which would support their delivery.

As discussed above the road has an added benefit in that it provides for a strategic benefit in linking Queensway with the A21. Such a connection has been sought for many years and in the past a link known as the 'Baldslow Link' was proposed – this was a new road proposed further north of this proposal connecting Queensway directly with the A21. It is considered that any references to the 'Baldslow Link' would strongly relate to this proposal, which provides similar benefits, and adds to the support in principle.

Objective 6a of the HPS states that the Council will provide for an efficient and effective transport system by "working at a local, county and national level to secure improvements in strategic transport infrastructure such as the Bexhill – Hastings Link Road and improvement to the A21 and A259 Roads." This development is considered strategic transport

infrastructure and is therefore supported by the HPS.

Policy FA1 of the HPS offers support. At paragraph (f) it states that the Council will “support the delivery of the proposed Bexhill – Hastings Link Road and A21 Baldslow Link improvements, and work to secure their timely provision”.

Policies T1 and T2 of the HPS offer further support, particularly policy T1 which identifies transport infrastructure projects of great importance and states:

*“The Council will seek the earliest possible implementation of the following road and rail schemes that will reduce peripherality, and support the regeneration of Hastings:*

*Bexhill – Hastings Link Road  
Wider improvements to the A21 and A259 corridor”*

Considering the above it is considered that there is both relevant and positive support for the QGR and it is therefore considered acceptable in principle.

### **Transport impacts**

The application is accompanied by a Transport Assessment and pre-application discussions have taken place with the LHA and the Highways Agency. Neither the LHA nor the Highways Agency has an objection to the proposals.

Although the road is primarily intended to be an access to the allocated and emerging allocated sites, the LHA consider the proposed QGR of strategic importance to the road network. East Sussex County Council's Local Transport Plan 2011 - 2026 (LTP), identifies Hastings and Bexhill as a priority growth area and offers support to any proposal which connects the Bexhill to Hastings Link Road with the A21, strengthening the economic growth corridor and enhancing strategic connections with London, Kent, Eastbourne, Brighton and Gatwick.

Whilst the QGR itself will not generate any traffic, it has been designed to take into account the redistribution of traffic from the Link Road and The Ridge heading towards the A21, and has been designed to accommodate the traffic generated by the employment development it is intended to serve. The design includes measures to ensure steady traffic flow including turning restrictions at the accesses onto the road. The LHA are satisfied with this design approach.

The proposal includes partial shared footways and cycleways to encourage sustainable modes of travel. Suitably placed uncontrolled crossings and upgrades to existing Public Rights of Way have been proposed and the LHA consider that these measures will provide a realistic alternative to the private car for shorter trips. The Public Rights of Way Officer at ESCC is also satisfied that the upgrades to the footpaths are acceptable and recommends that appropriate diversion orders are secured via condition.

From a technical perspective all of the junctions proposed are designed to a satisfactory standard and the LHA consider that appropriate lighting can be installed. Lighting is also an issue in relation to protected species (especially bats) and full details of this will be required by condition.

As stated above the QGR is not a traffic generator but will result in the redistribution of traffic along the network. It is also acknowledged that the main purpose of the QGR is to open up land for further development. The impact of both of these matters on the wider network has



been taken into account by the applicant in their Transport Assessment and considered by the LHA.

The submitted Transport Assessment concludes that the junctions on the local highway network will be at or above operational capacity in both 2016 and 2028 but it is important to note that this issue will exist with or without the QGR.

It could be considered that as the road does not improve junctions it is not necessary, however, a strong case has been put forward in terms of the linkages and connectivity that the QGR will provide and what this means in terms of economic growth and regeneration. The Transport Assessment and the LHA also explain that the road cannot be considered in isolation and a package of other improvement measures are proposed or being investigated, which will offer improvements to the highway network in the longer term.

These improvements include:

- Closure of Junction Road (proposed as part of this application).
- Modifications to Maplehurst Road (proposed as part of this application).
- Improvements to the A21/A28 junction (Highways Agency are in discussions with Sea Change Sussex and the LHA about this).
- Complementary measures associated with the BHLR (including various improvements along The Ridge).
- Appropriate signage.

Although these changes to the road network have not yet occurred it is reasonable to consider that they will be realised in the longer term – given the comments of the LHA and the Highways Agency – and therefore the application should be considered in this context.

The LHA are satisfied that the QGR with the additional measures above will be benefit to the road network.

Many of the objections to the application have been concerned with the closure of Junction Road and the modifications to traffic flow to Maplehurst Road. The LHA explain both of these proposals fully in their consultation response and agree that they are necessary and will improve traffic flow in the area. They explain that although travel distance may be longer for some the travel time will not be significantly affected as the proposals will result in improvements to traffic flows. The improvements to traffic flow will improve highway safety, especially at the Junction Road junction with The Ridge, which has a high crash rate.

They continue to explain that matters such as the movement of emergency service vehicles will not be hampered – in fact the emergency services (Sussex Police, the South East Coast Ambulance Service and East Sussex Fire & Rescue) support the closure of Junction Road and will still be able to use Maplehurst Road as per the LHA suggestion.

In summary the QGR is considered to be suitable as an access to the allocated and emerging allocations for employment development. The road is positioned close to the existing network so will allow access to public transport, it will include cycleways to offer an alternative to car trips, and it will maintain Public Rights of Way to ensure the area is not cut-off for pedestrians forcing people to make vehicular trips. As mentioned above the QGR will not generate traffic so issues relating to the impact of development of the future allocations on the highway network will be dealt with as and when applications for those developments come forward.

The QGR will also offer increased connectivity which will benefit the economic development

and regeneration of Hastings and Bexhill as well as providing longer term benefits to the highway network along with other proposed highway improvements.

Considering the above the proposed development is considered to comply with relevant highway related policy and particularly policies T1, T2 and T3 of the HPS.

## **Environmental impacts**

An EIA has been undertaken in accordance with the relevant legislation. The scope of the EIA was agreed with the Local Planning Authority prior to the submission of the application. The application has been accompanied by an ES which summaries the overall effects of the development including the cumulative impact in association with the development of the allocated and emerging allocation sites. The findings are as follows:

- Major economic benefits. These benefits will be felt both during construction and post construction given that the development allows access to land to be developed for employment purposes and as such will create jobs.
- No significant transport and access effects during construction in terms of severance, fear and intimidation, and pedestrian and cyclist delay.
- Minor transport and access effects during construction in terms of driver delay and cyclist and pedestrian amenity although this effect will be temporary.
- No significant transport and access effects in terms driver delay, pedestrian and cyclist delay, and pedestrian and cyclist amenity once the road is operational.
- Minor transport and access effects in terms of severance once the road is operational due to the closure/change to existing roads.
- No significant transport and access effects in terms of fear and intimidation once the road is operational as the mitigation measures proposed, such as appropriate lighting and visibility, resolve concerns
- Moderate noise effects may be experienced during construction.
- No significant noise and vibration effects once the road is operational with appropriate mitigation measures in place, such as noise reducing surface materials and natural screening.
- No significant air quality effects during construction which will be helped by appropriate construction mitigation measures to reduce dust and particle escape.
- Moderate air quality effects on neighbouring residents once the road is operational and the additional sites have been developed.
- No significant effects in terms of biodiversity on the SSSI or ancient woodland.
- Moderate significant effects on biodiversity in terms of habitat loss and fragmentation during construction.
- Moderate significant effects on biodiversity in terms of dormice, bats and breeding birds during construction.
- Minor significant effects on biodiversity in terms of reptiles and badgers during construction.
- Overall effects on biodiversity during construction can be reduced from residual impacts to negligible impacts. For example this will include applying for the relevant licences, translocation of reptiles, ensuring construction site is safe to avoid protected species becoming trapped.
- Moderate and minor significant effect on biodiversity are expected once the road is operational, however, through various mitigation and compensation measures – such as habitat creation, a large oversized culvert and suitable monitoring – the proposed development is expected to have a minor beneficial effect in the longer term.
- No significant effects on designated landscapes such as the High Weald AONB and SSSI.

- Localised impact on landscape and visual amenity which will be reduced with mitigation during construction and once operational impacts will be further reduced with additional planting and diverted Public Rights of Way.
- No significant effects in terms of contamination during construction with mitigation.
- No significant effects in terms of contamination once the road is operational with mitigation.
- No significant effects in terms of controlled waters and ecology because of stabilisation works with mitigation.
- No significant effects in terms of instability during construction or operation with mitigation.
- No significant effects in terms of drainage and water quality during construction or operation with mitigation including appropriate filtration in drains.
- No significant effects in terms of archaeology with mitigation including further surveying and trench investigations.

Following consultation with statutory and non-statutory consultees I concur with the findings of the EIA. With appropriate mitigation being agreed and secured via conditions the proposed development will be acceptable and many of the issues remain uncontentious.

There are significant objections with regard to biodiversity from members of the public and local campaign groups. The Council's own ecology specialist (the Environment & Natural Resources Manager) has raised concerns. It should, however, be noted that the concerns from the Environment & Natural Resources Manager mostly relate to the cumulative impact and the lack of any information in relation to the further development of the allocated and emerging allocated sites. The Environment & Natural Resources Manager has no objection to the QGR or the mitigation measures proposed as part of this proposal specifically. Natural England also have no objection to the proposed development.

The development will have some impacts upon ecology but appropriate mitigation can be put in place to ensure that the effects of the road are not negative in the long term. These mitigation measures include:

- Appropriate lighting to protect bats and other nocturnal activity.
- A culvert to provide safe passage for wildlife
- Construction management plan to ensure good construction practice that won't harm protected species.
- Habitat creation to compensate for loss – e.g. loss of 1.15ha of dormice habitat but 1.18ha being created.
- Translocation of protected species.
- Provision of bats and bird boxes.

Despite the mitigation measures proposed the applicant had not sufficiently addressed the cumulative impact of further development as per the requirements of the EIA scoping opinion. They were asked to better address the cumulative impacts and recently submitted a statement effectively stating that further development is likely to cause harm – particularly in terms of fragmentation of the LWS – but it is entirely reasonable and conceivable that such matters can be mitigated for but such matters can be adequately explained as and when further applications come forward in the future.

Having considered the objections raised, the comments made by consultees and the evidence provided by the applicant, I consider that the road can be considered separately from the development of the allocated and emerging allocation sites. The mitigation measures proposed for the road are considered generally acceptable and can be further detailed and secured via condition. With this in mind the proposed development is also considered acceptable from a biodiversity perspective.

Notwithstanding the acceptability of the proposal in terms of biodiversity the proposed development will allow for further employment land to be developed and as such this public benefit to the economic development and regeneration of both Hastings and Bexhill is considered sufficient to outweigh any of the objections raised in respect of developing on a LWS.

## **Evidence of Community Involvement**

The applicant involved the local community in the following ways:

- A drop-in event for Maplehurst Road residents.
- A meeting for councillors.
- A Planning Forum was held in September 2014.
- Information was published on the applicant's website.
- The local paper was briefed about the proposals.

## **Conclusion**

The proposed development is considered acceptable in principle given the support for such a scheme in the HPS and other documents.

The QGR will adequately be able to cope with the development it intends to serve and will provide a strategic improvement to the local highway Network as part of a wider collective of road improvements.

The submitted ES explains that the development will have mostly no significant impacts and where potential harm has been identified this will be adequately mitigated with details of the mitigation and its implementation being secured via condition.

These proposals comply with the development plan, including policies DS2, FA1, SC1, EN2, EN3, EN4, EN6, E2, T1, T2 and T3 of the HPS, in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

## **Recommendation**

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

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
C600-015 S3, C600-016 S2, C600-025 S1, C100-025 S2, C100-026 S3, and C100-040 S6
3. Before each phase of development, in accordance with the phasing approved as part of condition 24 below, is commenced a Construction Environmental Management Plan (not including biodiversity) in accordance

with the approach outlined in the chapters of the submitted Environmental Statement shall be submitted to, and approved in writing by, the local planning authority. The approved CEMP shall be adhered to throughout the construction period. The CEMP shall provide for:

- the parking of vehicles of site operatives and visitors;
- i) loading and unloading of plant and materials;
- ii) construction traffic management;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) measures to control noise disturbance;
- viii) measures to investigate and remediate any land contamination;
- ix) measures to maintain land stability during construction;
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- xi) working hours.

4. The road must be built to an adoptable standard.
5. The road hereby approved shall not be brought into use until the stopping up of Junction Road to prohibit its use by motor vehicles has been completed.
6. The road hereby approved shall not be brought into use until modifications to the northern end of Maplehurst Road to control traffic behaviour have been completed.
7. Before the road hereby approved is brought into use a strategy for the monitoring of air quality once the road is operational, including an agreed timescale, shall be submitted to and approved in writing by the Local Planning Authority. The monitoring shall be carried out as approved.
8. A report describing the results of the monitoring strategy required by condition 7 above shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out any mitigation measures that may be required, to be agreed with the local planning authority, and then implemented.
9. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
10. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 9 above to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
11. The road hereby approved shall not be brought into use until the diversion of

the affected footpaths has been achieved under s257 of the Town and Country Planning Act 1990.

12. The newly created paths - as a result of the diversion of the existing Public Rights of Way - shall be constructed to an adoptable standard.
13. Before it is implemented a scheme of soft landscaping shall be submitted to and approved by the Local Planning Authority. It 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.
14. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the operation of the road, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
15. No development shall commence until details of how the development impacts upon existing drainage and sewerage infrastructure crossing the site has been submitted to and approved in writing by the Local Planning Authority. Details shall include measures for protection and diversion of the infrastructure where appropriate. The development shall be carried out in accordance with the approved details.
16. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.
17. The surface water drainage scheme above shall include:
  - xii) details of how the scheme shall be maintained and managed after completion;
    - details of specific measures to minimise the risk of deterioration in water quality of receiving watercourses and waterbodies downstream (for both the construction and operational phases of development);
    - details that are in accordance with the submitted Flood Risk Assessment (ref 11636 Rev D1 dated September 2014); and
    - details showing that the restricted discharge rates shall be in accordance

with chapter 6 "Development Proposals", pages 18 to 31 of the FRA.

18. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) shall be submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following;

- Risk assessment of potentially damaging construction activities.
- Identification of "biodiversity protection zones".
- 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).
- The location and timing of sensitive works to avoid harm to biodiversity features.
- The times during construction when specialist ecologists need to be present on site to oversee works.
- Responsible persons and lines of communication.
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the local planning authority.

19. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced a biodiversity monitoring strategy shall be submitted to, and approved in writing by, the local planning authority. The content of the Strategy shall include the following;

- Aims and objectives of monitoring to match the stated purpose.
- Identification of adequate baseline conditions prior to the start of development.
- Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- Methods for data gathering and analysis.
- Location of monitoring.
- Timing and duration of monitoring.
- Responsible persons and lines of communication.
- Review, and where appropriate, publication of results and outcomes.

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The monitoring strategy will be implemented in accordance with the approved details.

20. Before each phase of development (including demolition, ground works, vegetation clearance) in accordance with the phasing approved as part of condition 24 below is commenced an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration, shall be to and approved in writing by the local planning authority.

The Ecological Design Strategy shall include the following;

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

The Ecological Design Strategy shall be implemented in accordance with the approved details and phasing and all features shall be retained in that manner thereafter.

21. Before each phase of development, in accordance with the phasing approved as part of condition 24 below, is commenced full details of the hard landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include 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 (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
22. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
23. No development of each phase of development, in accordance with the phasing approved as part of condition 24 below, shall commence until an adequate ground stability investigation has been undertaken and suitable stability measures have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
24. Before each phase of development is commenced details of the precise



extent of that phase shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing.

**Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of:
  - maintaining highway safety in accordance with policy DG1 of the Hastings Local Plan 2004, policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM3 of the emerging Hastings Local Plan: Development Management Plan;
  - maintaining a tidy appearance during construction in accordance with policy DG1 of the Hastings Local Plan 2004, policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM1 of the emerging Hastings Local Plan: Development Management Plan;
  - protecting neighbouring residential amenities in accordance with policy DG1 of Hastings Local Plan 2004, policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy and policy DM3 of the emerging Hastings Local Plan: Development Management Plan;
  - minimising 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; and
  - protecting the natural environment in accordance with policy EN1 of the Hastings Local Plan: The Hastings Planning Strategy.
4. In the interests of highway safety as the road will be part of the strategic public highway in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
5. In the interests of highway safety and to ensure the free flow of traffic in the local highway network in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
6. In the interests of highway safety and to ensure the free flow of traffic in the local highway network in accordance with policy T3 of the Hastings Local Plan: The Hastings Planning Strategy.
7. In the interests of the amenity of the neighbouring residential occupiers in accordance with policy DG1 of the Hastings Local Plan 2004 and policy DM6 of the Hastings Local Plan: Development Management Plan and to protect biodiversity of recognised importance in accordance with policy EN1 of the Hastings Local Plan: The Hastings Planning Strategy.
8. In the interests of the amenity of the neighbouring residential occupiers in accordance with policy DG1 of the Hastings Local Plan 2004 and policy DM6 of the Hastings Local Plan: Development Management Plan and to protect

biodiversity of recognised importance in accordance with policy EN1 of the Hastings Local Plan: The Hastings Planning Strategy.

9. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
10. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
11. To ensure that Public Rights of Way are maintained.
12. In the interests of pedestrian safety.
13. In the interests of the visual amenity.
14. In the interests of the visual amenity.
15. To prevent increased risk of flooding and to ensure there is no damage to sewerage infrastructure.
16. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.
17. To reduce the risk of flooding, both on and off site, to improve and protect the water quality and improve habitat and amenity in accordance with the principles of the NPPF.
18. To protect features of recognised nature conservation importance.
19. To protect features of recognised nature conservation importance.
20. To protect features of recognised nature conservation importance.
21. In the interests of the visual amenity and to ensure mitigation measures suggested in the submitted Environmental Statement are realised.
22. In the interests of the visual amenity and to ensure mitigation measures suggested in the submitted Environmental Statement are realised.
23. To ensure adequate mitigation for land instability in accordance with policy DG21 of the Hastings Local Plan 2004 and policy DM5 of the emerging Hastings Local Plan: Development Management Plan.
24. In the interests of allowing the development to continue in a flexible but controlled manner.

#### **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 paragraphs 186 and 187 of the National Planning Policy Framework.
3. Erection of flow control structures or any culverting of an ordinary watercourse requires consent from the Lead Local Flood Authority which is East Sussex County Council.
4. Works to the existing highway will require a s278 legal agreement with East Sussex County Council.
5. The requirements of condition 4 and 12 above should be discussed with East Sussex County Council prior to the start of construction and completion of a s38 legal agreement.
6. The applicant is advised to contact Southern Water with regard to condition 15 above.

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### **Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

### **Background Papers**

Application No: HS/FA/14/00832 including all letters and documents