

Report to: PLANNING COMMITTEE

Date: 20 October 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: Land On South Side Of, Victoria Avenue, Hastings

Proposal: Outline application for a residential development of 31 houses and 4 flats with garaging, car spaces and community amenity facilities.

Application No: HS/OA/13/00600

Recommendation: REFUSE

Ward: TRESSELL
File No: VI20015T/136V/OR6000
Applicant: Hollyberry Holdings Ltd per Innerdale Hudson Architects 25 Lushington Road Eastbourne East Sussex BN21 4LG

Interest: Freeholder
Existing Use: Woodland

Policies

Conservation Area: No
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: DS1, FA5, SC1, SC2, SC3, SC4, SC7, EN2, EN3, EN5, H1, H2, H3, CI1, CI3 and T3
Hastings Local Plan
Development Management Plan: LP1, DM1, DM3, DM4, DM5, DM6, DM7, HN7, HN8 and HN10

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Original Letters of Objection: 594
Original Petitions Received: 2
Original Letters of Support: 3

Application Status: Not delegated - petitions of objection received and application originally referred to Planning Committee by Cllr Peter Chowney

Update & Summary

Members may recall that this planning application was previously brought before Planning Committee on 25 February 2014 and was resolved to be approved subject to conditions and a legal agreement. At that time the site was allocated in the local plan for residential development. Following the committee decision the progression of the legal agreement was not straightforward and was delayed due to issues relating to land ownership. Because the agreement has not been signed, no decision notice has been issued.

The delay in the completion of the legal agreement coincided with the progression of the Hastings Local Plan: Development Management Plan (DMP). By February 2015 the legal agreement had still not been completed and the DMP had progressed so much that by this time the Inspector had published his preliminary findings. This moment was a key turning point in considering this proposal as part of the Inspector's preliminary findings included the suggested deletion of the application site as a housing allocation and a proposed requirement that it be subsumed within the adjoining proposed Local Green Space designation - known locally as Speckled Wood.

Given this significant change in the status of the site the Council sought legal advice on whether the application should be reconsidered by the Planning Committee given the significant proposed change in planning policy. Counsel advised that the application should be redetermined by the committee as the proposed changes to the DMP were a significant material consideration.

Since this legal advice was received the Inspector has published his final report and the DMP was adopted as part of the development plan by the Council on 23 September 2015. I can confirm that the adopted DMP now shows the application site as part the Local Green Space designation and any development on this site is now subject to policy HN10. As discussed below this policy protects the land from development unless it can be demonstrated that the site no longer has any value or can be compensated with an area of equivalent size in the local area. The policy states:

"Policy HN10 – Amenity Green Spaces

The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development which would result in the loss of an identified amenity green space in the following circumstances:

- a) It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or
- b) An area of equivalent size and value is provided in the locality in compensation. "

The committee now needs to take into account this new policy consideration.

As explained previously the application site relates to an area of woodland at the northern end of the Ore Valley.

The applicant wishes to develop the site with 35 new houses and flats. This is an outline application and full details would be submitted as part of a reserved matters application were this application to be approved. Because of this, the level of information submitted at this

stage is limited but the applicant has supplied a layout plan indicating how the development may work on site. The application is also accompanied by other supporting documentation.

There has been substantial objection to this application from local residents, particularly regarding the loss of the trees and impact on wildlife. The applicant has previously been able to demonstrate that the impacts on protected species could be mitigated against and that the development would complement and add to the local mix of housing whilst providing a good place to live. However, the change in the designation of the site from housing to Local Green Space cannot be ignored and the applicant has been unable to provide any convincing supporting documentation to outweigh policy HN10 of the DMP. A letter was received on 04 September 2015 from the applicant's solicitor but it does not adequately address the policy nor does it provide any material considerations that are considered to outweigh the requirements of policy HN10.

The proposal clearly will result in the destruction of land that provides visual relief and amenity value to the local area. The land is privately owned but it is known to be used recreationally and although the applicant demonstrated that impacts on protected species could be adequately mitigated, the proposal will nonetheless lead to some habitat destruction. There is no justification for this loss or proposals to provide compensation elsewhere.

Although the proposed development presents an opportunity to provide housing within the town this is not considered sufficient to outweigh policy HN10 of the DMP and I recommend that planning permission be refused.

The Site and its Location

The application site relates to a section of woodland at the northern end of the Ore Valley. The site is known locally as part of a larger wooded area called 'Speckled Wood'.

The site is bounded to the west by Church Street, which is an unmade track providing access to the rear of properties on Greville Road. There used to be houses fronting Church Street, which were demolished in the 1960s.

The site is bounded to the north by Victoria Avenue and to the east by residential dwellings and an un-made lane which serves various dwellings and commercial properties in Old London Road.

To the south of the site is a large similarly wooded area.

There is a mixture of development in the surrounding area, which is typically made up of Victorian semi-detached and terraced dwellings between 2-4 storeys. Some more modern flats and houses are found directly opposite the site from Victoria Avenue. A local shopping centre, Ore Village, can also be found to the east of the site.

The site itself is mainly characterised by its wooded nature and the steeply sloping gradients from the west, north and east, which result in the formation of a natural 'bowl'. The site otherwise has a watercourse flowing from north to south, which is culverted at the northern end.

The site forms part of a much larger designation to protect the land as Local Green Space. Policy HN10 of the DMP applies.

Details of the Proposal and Other Background Information

This is an outline application for the erection of 35 new dwelling units as a mix of 31 houses and 4 flats. All matters are reserved as part of this application which means the applicant is only seeking approval for the principle of the proposed development. If approved, details such as the scale, design, access, landscaping and layout of the development would be submitted as part of a reserved matters application.

To support the proposal, the applicant has submitted an indicative layout of the development, which shows the quantum of development and the access. The application is also supported by ecology reports and other documentation.

As mentioned above, the site is now designated as Local Green Space. The site has had planning permission granted in the past with 51 units approved in 2008. This permission was then extended in 2011, and was still "live" when the current application was submitted in 2013. The principle of development at this site had previously been established by the history of permissions and previous allocation as housing but as the site is now designated as Local Green Space the development of the site for housing is not considered to be acceptable in principle.

Previous Site History

HS/FA/10/00719 Extension of time limit for implementation on planning permission
HS/FA/06/00663 - 51 residential units with 37 garages, 4 car ports and
10 car parking spaces plus 14 visitors' car spaces, enclosed children's
play areas and community amenity area
Granted subject to conditions 07 January 2011

HS/FA/06/00663 51 residential units with 37 garages, 4 car ports and 10 car parking
spaces plus 14 visitors' car spaces, enclosed children's play areas and
community amenity area
Appeal allowed 17 January 2008 (Appeal against non-determination)

Details of Consultations

The **Public Art Officer** has stated that the development requires a public art contribution.

The **Waste and Streetscene Services Officer** has raised no objection. He comments on the access requirements for refuse vehicles and refuse storage for the dwellings which will form part of any future reserved matters application.

The **Local Highway Authority** has raised no objection and provides comments that should help with any future reserved matters application.

The **Environment Agency** (EA) has raised no objection. EA commented on the previous applications at this site and provided an extensive list of conditions which have been carried forward to this application to protect watercourses, groundwater and ecology.

Southern Water has raised no objection subject to conditions and informatives.

The **Environment & Natural Resources Manager** has raised no objection subject to conditions as a result of negotiations and additional information provided by the applicant.

The **Borough Arboriculturalist** has raised no objection.

The **County Council's Strategic Economic Infrastructure Team** states that the development should provide for financial contributions towards primary schools and libraries.

The **Housing Needs and Enabling Manager** states that a 40% affordable housing contribution is required. 14 Affordable housing units to be provided on site with a mix of 1, 2 and 3 bedroom accommodation. The units must be indistinguishable from other housing on site and distributed evenly across the site. Affordable units are expected to be transferred to a Registered Provider on completion and meet the Homes and Communities Agency's design and quality standards with the Code for Sustainable Homes Level 3 as a minimum.

There have been almost 600 objections to the scheme and two petitions. Some of the main concerns have included:

- Loss of the woodland
- Harm to wildlife and protected species
- Spread of Japanese knotweed
- Land stability
- Highway safety and access standards
- Insufficient parking
- No public consultation
- Insufficient information to assess the application
- Loss of space for public use
- Impact on neighbouring residential amenities

Three letters of support have also been received for the application.

Planning Considerations

As mentioned above this is an application for outline planning permission with all details reserved. The main issue to consider is whether the principle of the development is acceptable as details of the access, layout, scale, appearance and landscaping will be submitted at a later date if outline planning permission is granted.

The applicant has submitted an indicative drawing of the scheme in order to assess the principle and this includes the indicative layout of the houses and estate road. Details of possible parking, landscaping and play areas are also shown.

In order to assess the principle of the development regard should be had to the development plan. 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 main policies/guidance that apply are policies LP1, DM1, DM3, DM4, DM5, DM6, DM7, HN7, HN8 and HN10 of the Hastings Local Plan: Development Management Plan (DMP) and policies DS1, FA5, SC1, SC2, SC3, SC4, SC7, EN2, EN3, EN5, H1, H2, H3, CI1, CI3 and T3 of the Hastings Local Plan: The Hastings Planning Strategy (HPS). Others apply and are listed above. In order to assess the principle of the development the main issues to consider

are:

- planning policy and the principle of residential development;
- the impact on the character and appearance of the surrounding area;
- the impact on neighbouring residential amenities;
- ecology, trees and landscaping;
- highway safety matters; and
- affordable housing.

Planning policy and principle of development

The site forms part of a larger designation in the DMP as a Local Green Space. The application only applies to a portion of the current designation as aside from the separate ownership, the site is physically separated from the remainder of the allocation due to the topography of the valley and the position of the Ore Stream.

The site has previously been allocated in the now superseded Hastings Local Plan 2004 for housing. It also has a history of planning permissions. Although such a history would usually be an indication of the development of housing being acceptable in principle, the recent designation of the site as a Local Green Space, forces this assumption to be reconsidered.

Local Green Spaces are subject to policy HN10 of the DMP, which states:

The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development which would result in the loss of an identified amenity green space in the following circumstances:

- a) It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or*
- b) An area of equivalent size and value is provided in the locality in compensation.*

In this particular instance the applicant has not been able to demonstrate the land no longer has any visual, recreational, amenity or ecological value. The submitted ecology reports do explain how the impact on protected species can be mitigated but it does not demonstrate that the land has no ecological value. In fact, the opposite is true because of the use of the site by local wildlife. The objections to the application also demonstrate that, although it is privately owned, the site has significant visual and recreational value to the local community and as such is a community asset with a high amenity value.

The applicant has also not proposed to provide an area of equivalent size and value as compensation. In accordance with these two policy tests the applicant has been unable to justify an exception to policy HN10.

Therefore the development of the site is no longer considered acceptable in principle.

Impact on the character of the area

The previous permissions at the site were for mostly flatted developments but the road layout approved then is similar to that shown on the indicative plan. Despite the change to houses, the general layout of the scheme is also similar to the previously approved schemes.

When the application was previously considered it was concluded that there would be no significant impact on local character but this is because the land was not considered to have significant amenity value and the proposed housing would be compatible with the wider area. The designation of the site as Local Green Space has altered this perspective and the local community, through the plan making process and comments on the application, have been able to demonstrate that this site has a positive visual and amenity value as a natural undeveloped woodland.

Developing this space would significantly alter the landscape, especially when viewed from Victoria Avenue, and give the area a harder urban feel rather than being a valued green space acting as a visual break in a built up area. The scale of development would not be conducive to protecting the site's woodland nature which is important to its visual, recreational and ecological value.

Given that the proposed development would result in significant loss of the woodland that forms part of the designated Local Green Space, it is considered that the proposed development would be detrimental to the character of the area. It would conflict with policies DM1 and DM3 of the DMP and policies FA5, SC1, EN7 and EN8 of the HPS.

Impact on neighbouring residential amenities

Based on the information submitted the proposed development is not considered to cause any harm to neighbouring amenities. A final assessment can only be made once final details have been submitted as part of a reserved matters application but the indicative plans show that there will be good relationships with all existing properties and there will be no problems with overlooking, loss of light or overbearing.

The properties near to Church Street (Block A) will be more than 25m from the properties on Greville Road. There will be no conflict with existing properties because of this distance.

Block C will be positioned in-line with 7 and 9 Victoria Avenue so as not to cause harm.

One of the concerns from local residents is the relationship of the development with Arlington Cottages and Yew Tree Cottages. This is an outline application so the detail is limited, but the proposed development is likely to sit in-line with these properties or at a lower level than these properties and any windows in the proposed buildings will not cause direct overlooking to the existing houses. The applicant would have to consider the design of the proposed properties in relation to the existing houses (such as the use of obscure glazing) but I am satisfied from the information submitted that there would be no adverse impact on these existing neighbouring properties.

Ecology, trees and landscaping

When the application was previously considered it was stated that:

"Whilst the degree of tree loss that will result from the development is regrettable, given the density of tree cover, it is an inevitable consequence of development on this site. Given this, their loss has to be implicit in the decision to include the site as a housing allocation in the Local Plan, adopted in 2004 and proposed to be adopted again in the emerging Development Management Plan.

The levels within the site make retention of significant numbers of trees virtually impossible. There may be some scope for some retention on the lower slopes of the site, but the focus is likely to be on good quality and extensive new planting within the substantial area of open

space and other landscaped areas within the development. The provision of an attractively landscaped, open area, whilst reduced in area compared to the existing tree cover, will be a facility that can be enjoyed by the whole community, whereas the site, which is not a lawful public space, is at present seriously overgrown.

There is, likewise, sure to be a degree of impact on protected species, particularly in those areas where large amounts of spoil will need to be imported to make up the levels. However, the applicants have employed specialist consultants in this regard and most of the badger setts and activity is located outside the part of the site to be developed with buildings and roads. The applicant has also identified other works that should be carried out in respect of bats, breeding birds and Japanese knotweed.

The necessary arboricultural and ecological protection measures can be secured by conditions, which will allow careful monitoring of protected species within the site, as well as mitigation and enhancement measures to take place.

The loss of trees and the impact of development on local wildlife is the key objection to the development from local residents but I am satisfied that the applicant has addressed these issues and suitable soft landscaping and ecological protection and enhancement can be secured by condition."

Similarly to the considerations of the principle of the development and the impact of the development on the character of the area, the designation of the site as a Local Green Space, requires a reevaluation of the impact on trees and ecology. Whilst it was previously accepted that the loss of trees was inevitable given the planning history of the site and its allocation for housing, the designation of the site as a Local Green Space affords the woodland greater protection as the trees have a renewed amenity value to the local community.

In terms of ecology, although the applicant was previously able to demonstrate that harm to protected species could be mitigated against, they weren't able to demonstrate that the site has no ecological value. The new designation as a Local Green Space, sets the bar much higher when it comes to considering the development of this site, and it is not considered the applicant has provided any material evidence that the site no longer has any ecological value.

Given the impact of the development on the site's ecological value and the loss of trees that would occur as a result of the development the proposal is considered to be contrary to policies SC1, EN2, EN3, EN7 and EN8 of the HPS and policies DM1, DM3, HN7, HN8 and HN10 of the DMP.

Highway safety

The proposed development will clearly result in additional traffic on the highway but the County Council have run this development through their traffic database calculator and the scheme is comparable with the previously approved scheme which was acceptable from a highways perspective. In fact the proposed development is likely to produce a slightly lower level of traffic movement compared to the scheme approved in 2008.

Given the above the County Council as local highway authority do not consider that the proposed development will cause any highway safety concerns and raise no objection to the development. They otherwise provide some advice and guidance which the applicant should use to inform any subsequent reserved matters application.

There have been some objections to the development on highway safety grounds but none of the objections provide any substantive evidence to outweigh the views of the County Council.

Affordable housing

The proposed development would be subject to policy H3 of the Hastings Planning Strategy. This policy requires an element of affordable housing to be provided as part of the new development. In this instance, the requirement for affordable housing would be 40% of the whole development - 14 units. As the development is in outline form only there is no indication of which unit types are to be intended for affordable housing, as the layout and type of development are not final, but this can be discussed as part of the detailed submission when it is made. The applicant will have to ensure that there is an appropriate mix of affordable housing, that it is pepper-potted through the development, and that the affordable housing is indistinguishable from the rest of the development.

Other Matters

It is acknowledged that the site is steeply sloping but as shown by other development proposals throughout the town, details of land stability mitigation measures could be secured by condition, if permission were to be granted, particularly as this is an outline application.

The previous applications at this site identified the close proximity of a historic landfill site. This could also be dealt with by condition.

A number of objections refer to the recreational use of the site by local residents. Although the site is privately owned I understand that it is also managed by a local community group who provide improvements to aid accessibility and increase enjoyment of the space. Evidence of this use supports the designation of the site as a Local Green Space that should be protected. I afford significant weight to these representations and they way they justify the protection of the site from development.

The development would be subject to a number of development contributions including affordable housing, public art, children's play space and open space.

Conclusion

Although the development of the site would provide for new housing and could be accommodated without harm to neighbouring residential amenities or impacts on highway safety, the proposal will result in the loss of a protected Local Green Space. The applicant has been unable to demonstrate that the objectives of policy HN10 and other policies which relate to protecting local character and green infrastructure should be set aside. These proposals are not considered to comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I therefore recommend that the application be refused.

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

Recommendation

Refuse for the following reasons:

1. The proposed development will result in the loss of part of an identified amenity space (shown as Local Green Space on the Hastings Local Plan - Development Management Plan Policies Map). The applicant has been unable to demonstrate that the land no longer has any visual, recreational, amenity or ecological value nor have the provided an area of equivalent size and value in the locality as compensation for the identified loss. Because of this loss the proposal is contrary to policy HN10 of the Hastings Local Plan - Development Management Plan, which states:

Policy HN10 – Amenity Green Spaces

The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development which would result in the loss of an identified amenity green space in the following circumstances:

- a) It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or*
- b) An area of equivalent size and value is provided in the locality in compensation.*

2. The proposed development would result in the loss of part of the Local Green Space. The loss of part of this asset will harm the appearance and the character of the area due to the loss of a natural visual break which contributes positively to the townscape and streetscene by providing relief between the otherwise hard urban form of development in the area. The area also provides an opportunity for recreation which if diminished would further harm local character. The proposed development would be contrary to policies FA5 parts (g) and (k), SC1 parts (i) and (k), EN7 and EN8 part (c) Hastings Local Plan - The Hastings Planning Strategy and policies DM1 parts (a) and (e) and DM3 parts (c) and (d), which state:

POLICY FA5: Strategic Policy for Eastern Area

...

In Eastern Area we will also:

- c) protect, manage and enhance the green network of nature areas and open spaces that include Hastings Country Park Nature Reserve and associated national and international designated wildlife areas such as Hastings Cliffs Special Area of Conservation and Hastings Cliffs to Pett Beach Site of Special Scientific Interest and other significant open spaces at the Ore Valley Development site, the Seafront, Hastings Country Park and West Hill*
- k) encourage local communities to access areas of open space*

POLICY SC1: Overall Strategy for Managing Change in a Sustainable Way

Growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:

- i) requiring high quality distinctive architecture and urban design which adds to local character and sense of place*
- k) providing an accessible greenspace network and protection and enhancement of biodiversity*

POLICY EN7: Conservation and Enhancement of Landscape

The Council will protect and enhance the town's landscape including:

- the distinctive landscape setting of the town, particularly the structure of ancient gill woodlands, open spaces and the relationship and clear division between the unspoilt coastline of Hastings Country Park Nature Reserve, the surrounding countryside and the built-up area*
- the High Weald Area of Outstanding Natural Beauty*
- the undeveloped coast*

The Council will have regard to the High Weald Area of Outstanding Natural Beauty Management Plan as a method of protecting and enhancing the Area of Outstanding Natural Beauty, and will work with Rother District Council to improve access to and management of urban fringe areas, in line with the shared vision for Hastings and Bexhill.

POLICY EN8: Open Spaces – Enhancement, Provision and Protection

The strategic policy direction for the provision and management of the town's open spaces is set out in the Parks and Open Spaces Strategy (2006). The Planning Strategy supports implementation of the Parks and Open Spaces Strategy by:

- c) the protection and enhancement of existing open spaces that are of town wide significance through the green infrastructure network (see Policy EN2). These are: Alexandra Park, BOS Field, Church Wood, Gensing Gardens, Hastings Cemetery, Hastings Country Park, Old Roar Gill (part of Alexandra Park), Ponds Wood, St Leonards Gardens, St Helen's Wood, Warrior Square, West Hill, Ore Valley, Summerfields Woods, Tilekiln Playing Fields, Combe Valley Countryside Park, all pedestrian-only streets, the Seafront, Bexhill Road recreation ground, Horntye Park, William Parker Sports College, Sandhurst Recreation Ground and the beach.*

Private open spaces and allotments will be identified in the Development Management Plan as part of the green spaces network and will be protected from development which would lead to loss of their open character, biodiversity or accessibility.

Open space provision will be monitored in line with the Natural England Accessible Natural Greenspace (ANGst) standards, and results will be published in the Local Plan Monitoring Report.

Policy DM1 – Design Principles

All proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- a) protecting and enhancing local character; and*
- e) an assessment of visual impact, including the height, scale, and form of development that should be appropriate to the location, especially given the complex topography of the Borough and the need, in some instances, to consider the visual effect from key viewpoints. This is particularly important when there are potential impacts upon areas of heritage and/or landscape value as outlined in the Planning Strategy (this could include a landscape assessment where appropriate).*

Supplementary Planning Documents provide further detail to this policy.

Policy DM3 – General Amenity

In order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:

- c) there is a means of landscaping that contributes to crime prevention; a permeable and legible green infrastructure network of routes and spaces to create a public realm that is attractive, overlooked and safe; and*
- d) considerate design solutions for the spaces between and around buildings are shown. This should respect the character of the surroundings; a well-designed scheme in terms of private, semi-private and public open space, to include, where appropriate, the provision of public art.*

3. The proposed development would result in the loss of part of the Local Green Space. The loss of part of this asset will result in the loss of woodland and natural space that contributes to the Borough's green infrastructure network. The proposed development would be contrary to policies FA5 part (g), SC1 part (k), EN2, EN3 parts (b), (d), (f) and (g), EN7 and EN8 part (c) of the Hastings Local Plan - The Hastings Planning Strategy and policies HN7, HN8 and HN10 of the Hastings Local Plan - Development Management Plan, which state:

POLICY FA5: Strategic Policy for Eastern Area

In Eastern Area we will also:

- e) protect, manage and enhance the green network of nature areas and*

open spaces that include Hastings Country Park Nature Reserve and associated national and international designated wildlife areas such as Hastings Cliffs Special Area of Conservation and Hastings Cliffs to Pett Beach Site of Special Scientific Interest and other significant open spaces at the Ore Valley Development site, the Seafront, Hastings Country Park and West Hill

POLICY SC1: Overall Strategy for Managing Change in a Sustainable Way

Growth and change will be managed so that development meets sustainability objectives, avoids significant vulnerability to the impacts of climate change, improves the quality of the natural environment, supports the diverse needs of communities and provides vibrant, safe, healthy and inclusive places where existing and future residents want to live and work. This will be achieved through:

- k) providing an accessible greenspace network and protection and enhancement of biodiversity*

POLICY EN2: Green Infrastructure Network

By properly valuing nature and the benefits that arise from our natural environment and green spaces, we will establish and protect a green network comprising open space and nature conservation areas, to conserve and enhance priority natural areas, and the connections between them.

The green network will ensure that everyone has access to natural, semi-natural and managed open space, and will maximise opportunities to conserve and enhance biodiversity. New development will contribute to this network.

The extent of the network will be established in the Development Management Plan, and will be clearly shown on the Policies Map

POLICY EN3: Nature Conservation and Improvement of Biodiversity

The town's biodiversity and geological resources will be protected and enhanced. Priority will be given to:

- b) ensuring development contributes to the national objective of no net loss of biodiversity by requiring developers to show how their proposals will contribute positively to the natural environment, avoid harm to biodiversity, adequately mitigate for unavoidable damage, or as a last resort, compensate for unavoidable damage.*
- d) improving the integrity and biodiversity of the green infrastructure network,*
- f) meet our obligations to halting the loss of biodiversity and work with our partners to create opportunities for enhancing biodiversity both in and outside the town*
- g) protecting woodland, particularly ancient woodland and veteran trees*

Potential adverse effects on the Hastings Cliffs Special Area of Conservation arising from levels of new development set out in the Planning Strategy will

be mitigated through improvements to the existing Broomgrove Local Wildlife Site, Combe Valley Countryside Park and the green spaces network as a whole.

POLICY EN7: Conservation and Enhancement of Landscape

The Council will protect and enhance the town's landscape including:

- the distinctive landscape setting of the town, particularly the structure of ancient gill woodlands, open spaces and the relationship and clear division between the unspoilt coastline of Hastings Country Park Nature Reserve, the surrounding countryside and the built-up area*
- the High Weald Area of Outstanding Natural Beauty*
- the undeveloped coast*

The Council will have regard to the High Weald Area of Outstanding Natural Beauty Management Plan as a method of protecting and enhancing the Area of Outstanding Natural Beauty, and will work with Rother District Council to improve access to and management of urban fringe areas, in line with the shared vision for Hastings and Bexhill.

POLICY EN8: Open Spaces – Enhancement, Provision and Protection

The strategic policy direction for the provision and management of the town's open spaces is set out in the Parks and Open Spaces Strategy (2006). The Planning Strategy supports implementation of the Parks and Open Spaces Strategy by:

- c) the protection and enhancement of existing open spaces that are of town wide significance through the green infrastructure network (see Policy EN2). These are: Alexandra Park, BOS Field, Church Wood, Gensing Gardens, Hastings Cemetery, Hastings Country Park, Old Roar Gill (part of Alexandra Park), Ponds Wood, St Leonards Gardens, St Helen's Wood, Warrior Square, West Hill, Ore Valley, Summerfields Woods, Tilekiln Playing Fields, Combe Valley Countryside Park, all pedestrian-only streets, the Seafront, Bexhill Road recreation ground, Hornty Park, William Parker Sports College, Sandhurst Recreation Ground and the beach.*

Private open spaces and allotments will be identified in the Development Management Plan as part of the green spaces network and will be protected from development which would lead to loss of their open character, biodiversity or accessibility.

Open space provision will be monitored in line with the Natural England Accessible Natural Greenspace (ANGst) standards, and results will be published in the Local Plan Monitoring Report.

Policy HN7 – Green Infrastructure in New Developments

Where appropriate, good quality green infrastructure should be integrated into the design of new developments. Development will be permitted where opportunities for green infrastructure and landscaping have been incorporated into the proposals.

New green infrastructure provided as part of a development scheme should create safe links for the community and connectivity for biodiversity should be provided as far as practical, within the existing Green Infrastructure Network.

Biodiversity and green space

Policy HN8 – Biodiversity and Green Space

Development should result in no net loss of biodiversity or designated green space as defined on the Policies Map. The weight given to the protection of sites will be proportionate to their position in the hierarchy of internationally, nationally and locally designated sites.

Development that would affect a designated site will only be permitted where there is an adverse impact on ecological, geological or biodiversity interests of the site if it can be demonstrated that;

- a) the need for the development would outweigh the nature conservation interests;*
- b) adverse impacts can be satisfactorily minimised through mitigation and compensation measures.*

An Ecological Constraints and Opportunities Plan (ECOP), completed by a suitably qualified professional, will be required to support planning applications where on-site or nearby ecological constraints are known, or where further information on potential ecological issues is required. This assessment should include:

- a) information of existing on-site ecology;*
- b) opportunities for connectivity between spaces and improved accessibility to them;*
- c) green space and biodiversity improvements on and off-site as appropriate;*
- d) opportunities for the retention or creation of green infrastructure;*
- e) measures for the protection and management of ecology, where appropriate;*
- f) an arboriculture assessment.*

Policy HN10 – Amenity Green Spaces

The Council will protect Private Open Space, Allotments and Local Green Spaces used and/or managed by the local community, as identified on the Policies Map. Planning permission will only be granted for development which would result in the loss of an identified amenity green space in the following circumstances:

- a) *It can be demonstrated that the land no longer has any visual, recreational, amenity or ecological value; or*
- b) *An area of equivalent size and value is provided in the locality in compensation.*

Note to the Applicant

1. 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.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/OA/13/00600 including all letters and documents