

AGENDA ITEM NO:

Report to: PLANNING COMMITTEE

Date: 24 April 2008

Report from: Borough Planning Officer

Application Address: **Marline Fields, Queensway, St
Leonards-on-sea**

Proposal: **New buildings, associated infrastructure &
car parking to provide B1 accommodation
comprising offices & light manufacturing,
together with energy centre.**

Application No: **HS/FA/07/00966**

Recommendation: **Grant permission**

Ward: ASHDOWN

File No: QU90050T

Applicant: Hastings & Bexhill Renaissance Ltd (T/As Sea
Space) per R H Partnership Architects 15
Bond Street Brighton East Sussex BN1 1RD

Interest: Owner

Existing Use: Vacant

Policies

Hastings Local Plan 2004: No Conflict

County Structure Plan: No Conflict

Conservation Area: No

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 3

Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

Summary

This application is for a 9,971 square metre development providing offices and light manufacturing (Use Class B1) on the western side of Queensway opposite the Castleham Industrial Estate. The site is allocated in the Hastings Local Plan 2004 as employment land, but directly abuts the Marline Valley Site of Special Scientific Interest (SSSI).

A previous application for a 16,060 square metre development was granted permission by the Council under reference HS/FA/04/00679. That proposal incorporated one main building some five storeys in height, towards the Queensway frontage, with a large area of surface car parking behind. The current proposal, whilst for the same general purpose in land use terms, is quite

different in terms of built form, being two storeys in height and with the development footprint distributed more evenly throughout the site. This follows the decision of the prospective occupier of the previous building not to locate here, and so the new proposals make provision for a number of smaller tenants, with more flexible workspaces. The overall amount of floorspace is lower than the previous approval, and the visual impact within the landscape is considerably reduced.

The only issue of real significance and some contention that has emerged out of the current application process, is the effect of the proposal on the SSSI, in particular with regard to hydrology. Natural England have raised general concerns about proximity to the SSSI, but the impact on hydrology is the main specific concern that has been raised. The current proposal has buildings closer to the boundary with the SSSI than the original application, but the original approval did have large areas of car parking almost right up to the boundary. Lengthy discussions have been held involving the applicants, their various specialists, and Natural England, and in response to these, additional technical information, including foundation depth and designs, has been submitted. The response of Natural England's Hydrologist to this information is currently awaited, but it is hoped that the most substantial elements of their concerns has been/can be addressed.

The Site and its Location

The site, known as Marline Fields, extends to approximately 3.35 hectares. It is situated on the western side of Queensway directly opposite the Castleham Industrial Estate and Napier Road. It comprises mainly open grassland with some areas of scrub and trees and slopes down towards the west. There are some mature trees on the Queensway frontage, mainly adjacent to the highway boundary. The site abuts the Marline Valley Woods Site of Special Scientific Interest (SSSI) which occupies the heavily wooded valley to the rear of the site. To the southwest of the site is woodland within the SSSI. Immediately to the north east of the site is woodland within the SSSI with open grassland beyond. The High Beech Chalet Park is some 350 metres to the north east of the site. The nearest housing at High Beech is some 700 metres to the north. A public footpath traverses the north eastern end of the site.

Details of the Proposal and Other Background Information

The proposed development is for eight new buildings to provide B1 accommodation comprising offices (approximately 35% of floorspace) and light manufacturing (approximately 65% of floorspace) with an overall gross external area of 9,971 square metres.

It is anticipated that this could potentially provide employment for up to 577 people, with around 462 people being on-site on a typical day upon full occupation of the development.

The current proposals are two storeys in height, compared to five within the extant approval. This has benefits in terms of shallower foundation depth, and therefore avoiding interference with the 'sandstone layer' which is sensitive from a hydrological point of view. This disaggregated building form also allows less significant engineering works, with less cut and fill.

The buildings have been orientated to take advantage of solar gain, and the walls of the buildings are to be constructed from carbon negative Hemcrete blocks, finished with lime render. Wind assisted natural ventilation and night time cooling is to be employed, thus avoiding the use of air conditioning units, with solar roof panels assisting in hot water delivery to each unit.

Another 'sustainable' element of the proposals is an energy centre which would be located to the north of the commercial units, housing two biomass boilers fueled by wood pellets which would heat the new buildings.

231 car parking spaces are proposed including 12 disabled parking spaces and 12 motorcycle spaces. Whilst this is less than the 400 proposed under the extant approval, it should be borne in mind that the gross floor space is much reduced from about 16,000 square metres to about 10,000 square metres. 65 covered, secure cycle stands are proposed, and each building will have changing and showering facilities.

Brown roofs are to be incorporated into the buildings in order to soften the visual impact and enhance biodiversity. Car parking areas will be softened by new planting including within the retaining structures.

The offices are of simple, almost minimalist design, with the attached workshop buildings having wavy roof forms, and being clad by translucent materials to maximise natural light.

The proposed access to the site is to the north east of the buildings and will form a staggered junction with Napier Road on the opposite side of Queensway. As with the previous application a package of measures will be needed on Queensway to slow down traffic. The geometry and size of the access road as approved under the extant consent has been retained.

The application is accompanied by an updated Environmental Impact Assessment (EIA), a Design Statement and various technical documents/annexes.

As before a Section 106 Agreement will be needed with the applicants. This will need to cover issues of hydrology and mitigation for the impact on the SSSI/LNR, together with a Local Sustainable Accessibility Improvement Contribution (LSAIC).

Previous Site History

HS/FA/04/00679 New buildings and car parking to provide B1 accommodation comprising offices and manufacturing.
Granted subject to conditions 3 June 2005

Details of Consultations

The **Borough Ecologist's** written comments are awaited, although he has been party to discussions held before and during the course of the processing of the application.

The **Highway Manager** has referred the application to East Sussex County Council (see below).

Environmental Health raise no objections.

East Sussex County Council as **Highway Authority** raise no objection, subject to the same package of off-site measures being secured as with the previous application. They comment that the parking provision appears to be 27 spaces in excess of the adopted maximum and they are unable to locate 'Goods Vehicle Spaces' on the site layout. Recommends conditions as with the previous application plus an LSAIC contribution (conditions 6 and 16).

Southern Water are requesting conditions requiring details of surface and foul water disposal and adequate capacity in the network being demonstrated prior to occupation of buildings (condition 7).

The **Environment Agency** comments that this does not appear to be a betterment from the previous design approved on this site from an ecology perspective. However, would not raise any objection as long as Natural England are happy with the proposal and associated mitigation, together with Sussex Wildlife Trust (conditions 21 and 22).

Natural England objected on the grounds that in their view as the submission presents a risk of damage to the special interest features of the Marline Valley Woods SSSI. However, additional information with regard to foundation design has been presented and a response with regard to the principal concern of hydrology is awaited.

Crowhurst Parish Council raises no objections, although it does have a slight concern over the amount of traffic joining Queensway from the development and how this will be managed on this fast stretch of road.

Sussex Wildlife Trust, who manage the adjacent SSSI on behalf of the Borough Council has submitted a very detailed objection to the proposal on biodiversity and ecological grounds and considers this to be an overdevelopment of the site, in an ecologically sensitive area.

Rother District Council does not wish to raise any objection to the proposal subject to Hastings Borough Council and the Highway Authority being satisfied that the junction to Queensway will not create highway dangers and that the development will not cause a significant increase in traffic on the A259, as well as an appropriate colouring scheme being agreed for the buildings.

Sussex Police raise no objections, subject to various suggestions, including traffic calming, lighting, and fencing around the energy centre.

Planning Considerations

With the exception of a triangular area in the north east corner, the site is allocated for employment use in the adopted Hastings Local Plan 2004, together with a second site further up Queensway. The Local Plan Inspector considered the site in his report. He took into account its proximity to the SSSI but concluded that the land west of Queensway was most suited for employment development. Policy E1 of the Local Plan states:-

"The following sites are identified for employment development. In each case, the amount of employment land available for development will be informed by a Planning and Development Brief or similar planning guidelines prior to any proposals for development being considered by the Council:-

...(b)Land west of Queensway (up to 5.7 hectares) (Use Classes B1, B2 and B8)..."

The area excluded from the employment allocation is where the new access is proposed, but no buildings are within that area as part of this application (an application is expected in that area in due course for an Innovation Exchange building, but that will be assessed on its own merits). Part of the habitat mitigation planting is also proposed in that area. I consider that the proposed development is, in principle, in accordance with the adopted Local Plan, as already established by the larger development already approved on the site.

The existing permission is a material consideration, and the current proposals should be assessed in light of current policies but also in terms of comparison with that consent.

The key issues are considered to be:

1. Layout, bulk and design of the proposal
2. Ecological issues and impact on the Marline Valley Woods SSSI
3. Traffic impact

1. Layout, bulk and design of the proposal

The site itself is not within any specially designated area and no planning/design brief has been issued for the site by the Council. Given this, together with the visually self-contained nature of the site, owing to its position between existing woodland and Queensway, a prescriptive approach should not be taken to design issues on this site. The proposed buildings are of a clean, modern design which is considered suitable to their function and acceptable in this location.

The current proposal is for 2 storey buildings distributed across the site, in contrast to the 5 storey building proposed under the extant consent. Therefore, the visual impact of the current proposals, including in wider landscape views, is considerably diminished in comparison with the existing approval.

The access arrangements are broadly the same as the original application, although parking is located in smaller areas associated with each building, rather than 1 large car park proposed previously.

2. Ecological issues and impact on the Marline Valley Woods SSSI

Since 1 October 2006, all local authorities and other public authorities in England and Wales have had a Duty to have regard to the conservation of biodiversity in exercising their functions. The Duty aims to raise the profile and visibility of biodiversity, to clarify existing commitments with regard to biodiversity, and to make it a natural and integral part of policy and decision making.

The Duty is set out in Section 40 of the Natural Environment and Rural Communities Act (NERC) 2006, and states that:

“Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”

The site contains a number of protected species: Dormice, which are protected by the European Habitats Directive; Common Lizard and Slow-worm, both of which are protected under the Wildlife and Countryside Act 1981. The presence of a protected species is a material consideration when a Local Planning Authority is considering a development proposal which would be likely to cause harm to the species or its habitat.

The following tests under the European Habitats Directive were considered in relation to the original application for development of this site, and remain pertinent to this proposal:

- (a) there is "no satisfactory alternative" to the licence proposals;
- (b) the proposals are *"not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range"*;
- (c) the proposals are *"in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment"*.

(a) Are there satisfactory alternatives

It was accepted previously that there are no other allocated employment sites in the Hastings Local Plan 2004, which could accommodate a development of this scale, and this still remains the case.

Whilst in theory there may be some increased risks to the SSSI arising from the distribution of buildings across the site, in terms of protecting existing predominantly sub-surface flow that currently provides water for the springs and small incised streams and Ghyls of the SSSI, the applicants are utilising shallow foundation designs in order to protect the sandstone layer below the 'clay cap' on site. Discussions have taken place with Natural England's hydrologist and it is hoped that these measures will minimise these concerns to an acceptable level, though their further response in this regard is awaited.

The less intensive nature of this development relative to that of the approved development will make more land available for enhancement than would have been the case originally, including enhancement of native scrub and woodland habitat and new planted areas, suitable for species which will help to support dormice.

In order to gain access to Queensway the existing break in the hedgerow along the road and in the hedgerow crossing the site, will be used.

(b) The maintenance of the population of the species

European protected species

Mitigation measures in respect of dormice have already been implemented under DEFRA license, however, there will be a need to ensure that areas set aside for the species are not affected by construction activity (which will be secured by planning conditions).

Other protected species

Habitats used by common reptile species have already been removed in connection with the consented approval, and animals transferred to a new site. No bat roosts are directly affected by the development. A small amount of badger foraging area has been removed, but the site design has ensured the retention of habitat and corridors that will be used by this and other species.

As discussed above, habitat enhancement will also be carried out and green/brown roofs can also provide biodiversity opportunities.

(c) Imperative reasons of overriding public interest, including those of a social or economic nature

The economic and social problems of Hastings are well documented. The Index of Multiple Deprivation 2004 ranks Hastings as the 39th most deprived area nationally (out of 354 Local Authority areas)

Unemployment is over twice the south east average. Hastings' problems have been recognised nationally by the setting up of the Hastings and Bexhill Task Force. The Task Force has adopted a Five Point Plan for the regeneration of the area, one of the themes of which is Business Support. Within the Business Support theme, the provision of sites and premises is a major objective, in order to encourage new business growth, to attract new investment and to allow existing firms to expand locally rather than be forced to move elsewhere.

There is very little space available in existing industrial estates in Hastings, and the town remains tightly constrained by the AONB designation which surrounds it. As can be seen from the latest statistics, which though a slight improvement, still show the acute level of need for economic development in the Borough and therefore the imperative reasons of public interest that were recognised in granting permission previously, are considered to remain now.

I therefore consider that the three tests of the European Habitats Directive have been, and are still met.

The Impact on the SSSI

Section 28G of the Wildlife and Countryside Act 1981, incorporated by the Countryside and Rights of Way Act 2000, requires public bodies to take reasonable steps in the exercise of their functions to further the conservation and enhancement of the features for which the site is of special interest. The Government expects public bodies to:-

- (a) apply strict tests when carrying out functions within or affecting SSSIs, to ensure that they avoid or at least minimise adverse effects;
- (b) adopt the highest standards of management in relation to SSSIs which they own; and
- (c) as owners or otherwise, take positive steps, wherever possible, to enhance the special interest features of an SSSI where their activities may be affecting it, or as opportunities arise in the exercise of their functions.

These requirements would apply to the determination of the present application.

The Marline Valley Woods are both an SSSI and a Local Nature Reserve. They comprise an important area of ancient woodland and unimproved grassland. The scientific interest of the site falls into three main categories:-

- (i) The bryophyte flora associated with the stream system is one of the "Atlantic" type, typical of Wealden gills and is particularly rich;
- (ii) The pendunculate oak-hornbeam woodland type that dominates the woods;
- (iii) The species rich unimproved grassland, a nationally declining habitat.

The SSSI contains European protected species, in particular dormice and three bat species. It also supports several nationally rare or scarce invertebrate species.

Hastings Local Plan 2004 policies NC2 and NC3 are relevant.

Policy NC2 - Sites of Special Scientific Interest

'Designated Sites of Special Scientific Interest (SSSI's) will be safeguarded and protected. Proposals for development within SSSI's, or likely to have an adverse effect on them directly or indirectly, will be subject to special scrutiny and will not be permitted unless:

- (a) *The need for development outweighs the national importance of the site for nature conservation and/or geological interest;*
- (b) *It is not possible to meet the need for the development on an alternative site; and*

- (c) *Any harm to the nature conservation and/or geological interest of the site is kept to a minimum.*

Where development is permitted, the Council may attach planning conditions and/or may seek to enter into legal agreement(s) to ensure the continuing protection and enhancement of the nature conservation and/or geological interest and to provide appropriate compensatory measures and/or site management."

Policy NC3 - Local Nature Reserves

"Areas designated or proposed as Local Nature Reserves (LNR's) will be safeguarded and protected. Proposals for development within Local Nature Reserves, or likely to have an adverse effect on them directly or indirectly, will not be permitted unless:

- (a) *The need for development outweighs the importance of the site for nature conservation; and*
- (b) *Any harm to the nature conservation interest of the site is kept to a minimum.*

Where development is permitted, the Council may attach planning conditions and/or may seek to enter into legal agreement(s) to ensure the continuing protection and enhancement of the nature conservation interest and to provide compensatory measures and/or site management."

The proposed development site abuts the SSSI boundary. Whilst therefore there would be no direct impact on the SSSI, there could be the following indirect impacts:-

- (i) physical incursion into the area, particularly during the construction stage;
- (ii) hydrology of the SSSI;
- (iii) noise and light pollution;
- (iv) additional use of the SSSI by employees;
- (v) dog fouling.

I deal below with each of these issues in turn.

(i) Physical incursion into the SSSI

A protective fence has already been installed on site, 2m in from the boundary with the SSSI. This together with a Construction Management Plan should prevent physical incursions during construction. On completion of development the buffer zone would be heavily landscaped and fenced to preclude access to the SSSI. The applicants have also increased the distance from two of the buildings to the SSSI boundary; the closest building (I) is now 7m from the boundary, compared with 3.5m originally; building E (now D) is 13m rather than 12m from the boundary.

I consider that these measures will adequately protect the SSSI in this regard.

(ii) Hydrology of the SSSI

Natural England expressed concerns about the impact of the development on the hydrology of the SSSI. This is because the maintenance of the water quality in the Marline Stream is critical to the health of the bryophyte flora for which the SSSI is particularly known. In response to this further discussions have taken place with the applicants and Natural England, and following

this, further information has been presented with regard to foundation design, so as to minimise their depth, and to attempt to ensure they do not penetrate the 'sandstone layer', which lies below the clay cap on site. It is hoped that this information, together with planning conditions requiring further bore tests to be carried out, under supervision, and also allowing general monitoring of construction works on site, may be enough to substantially overcome the bulk of this concern. Updates will be provided at the Committee meeting.

(iii) Noise and light pollution

A Noise Assessment carried out by the applicants shows that at the construction stage the perceptible vibration predicted from piling would not cause annoyance within the SSSI, and with the current proposals there will be some improvement owing to the shallower foundations. During operation noise levels are predicted to be no higher than the extant approval and this is not unexpected as B1 uses by their very nature are relatively quiet.

Light pollution can cause problems for certain species, particularly bats. The full details of lighting can be controlled by condition, however, the design and access statement states that the 'lighting along the access road will be designed to avoid overlighting and to reduce unnecessary energy use and waste light production'.

(iv) Additional use of the SSSI by employees

Employment developments do not create anywhere near the same level of intrusion as residential developments. The walking of dogs and the dumping of rubbish is a rarity. Control of access to the SSSI and management measures will be dealt with in the Section 106 Agreement as before. As there is less floorspace in the current proposal, it is not expected that there will be any additional impact compared with the extant approval.

(v) Dog Fouling

As before, the Section 106 Agreement would require the provision of dog litter bins on the public footpath leading to the SSSI.

A contribution to the enhancement of the SSSI/LNR via the Section 106 Agreement, will minimise the impact of the development on the SSSI and will provide positive enhancements to the area. I therefore consider, that as far as is possible with a development of this nature within an allocated employment site, and subject to receipt of clarification on the hydrology impacts from Natural England, the Council has met its obligations under Section 28G of the Countryside and Rights of Way Act 2000 to minimise adverse impacts and to further the conservation and enhancement of SSSIs in carrying out its function as Local Planning Authority.

3. Traffic issues

Owing to the reduced floorspace associated with the current proposals compared with the previous approval, the overall number of traffic movements is expected to be reduced. However, the access arrangements are as previously approved, including a package of measures within Queensway aimed at slowing traffic and providing a safe access. This includes gateway features with coloured surfacing and central reservations at the southern and northern approaches to the site; a central island incorporating bollards for the whole length between the gateways; a signalized pedestrian crossing to the south of the Napier Road Junction giving access into the site; a right turning facility into Napier Road; the closure of the slip road into Napier Road from the north; and build-outs and pedestrian crossing facility to the north of the site access to link with the public footpath into the SSSI.

Evidence of community involvement

A series of consultation events were held in October 2007 including a public exhibition, a youth workshop, and presentations to Councillors, Council officers, special interest groups and businesses. The applicants Statement of Community Involvement, submitted with the application, explains this in more detail and states that 44% of those who took part supported the proposals, with less than 1% not supporting. 27% had concerns and 17% said they would like to have more information.

Conclusions

As with the previous scheme, I consider that this is an important development for Hastings which will bring real economic benefits. The sustainability measures to be adopted in the design, construction and running of the buildings are particularly welcome, as is the reduced scale of the buildings which will lessen the visual impact. This reduction in visual impact does have a cost in that there is a reduced buffer from the buildings to the SSSI (although car parking would have been constructed almost up to the site boundary under the previous scheme). Whilst the SSSI can be protected from physical incursions during and after construction, the main residual risk is with regard to groundwater conditions. The applicants have made significant efforts to minimise foundation depths in order to address this issue, and the further comments of Natural England are awaited in this regard. However, the minimal buffer between development and the SSSI does make the control and monitoring of the construction phase on site all the more critical, which will need careful control by condition and supervision at crucial stages.

On the basis that the concerns regarding hydrology can at least be substantially reduced, I recommend approval with an appropriate legal agreement and planning conditions.

The Human Rights considerations have been taken into account fully in assessing this proposal.

Recommendation

- (A) That the Borough Planning Officer be authorised to issue planning permission on the completion of an Agreement under Section 106 of the Town and Country Planning Act 1990 to provide for a surface water management plan for the site, a Local Sustainable Accessibility Improvement Contribution (LSAIC), a commuted sum to assist with conservation of the Marline Valley SSSI, the provision of dog litter bins approaching and/or within the SSSI, and the provision of public art.**
- (B) Subject to (A) above grant permission subject to the following conditions:**
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 2. No development shall take place until full details of the hard landscape works have been 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.).

3. 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 a programme agreed with the Local Planning Authority.
4. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme. The details shall include specifications for the green/brown roofs.
5. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Prior to the occupation of any of the buildings, a green travel plan, with the objectives of reducing car-borne traffic to and from the site and promoting other travel modes, shall be submitted to the local planning authority and on approval shall be implemented to the satisfaction of the authority when the first building is brought into use. The green travel plan shall include details of those responsible for promoting and monitoring the approved travel plan measures, as well as methodologies for the collation of baseline data and monitoring, including identifying appropriate targets. The results of monitoring shall be periodically reported to the Council at an interval to be agreed within the travel plan.
7.
 - i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water, and on approval in writing by the Local Planning Authority shall be implemented prior to the occupation of the buildings. The surface water scheme shall incorporate a Sustainable Surface Water Drainage System (SuDS).
 - iii) No occupation of any of the buildings hereby approved shall occur until the Local Planning Authority is satisfied in consultation with Southern Water, that the necessary infrastructure capacity is available to adequately service the development.

8. No development shall take place until a Wildlife Protection Plan for Construction has been submitted to and approved in writing by the Local Planning Authority. The plan shall include:
- (i) An appropriate scale plan showing 'wildlife protection zones' where all construction activities are restricted and where protective measures will be installed or implemented.
 - (ii) A detailed scheme for the conservation of existing habitats affected by the development. Such a scheme will detail issues such as enhancement of habitats, protection during development, long-term management and monitoring.
 - (iii) Details of wildlife features of importance such as ancient woodland, Sites of Special Scientific Interest and protected species, especially as they relate to reptiles and dormice. Such details will include identified buffer areas from the SSSI and details of the protection and retention of all important features such as hedgerows.
 - (iv) Details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction. These to include measures such as siting and timing of all operations; training and awareness; information/warning signs; protective fences; supervision; temporary management of wildlife features; refueling protocols; contingencies for incidents; the safeguarding of wildlife habitats; responsible persons and lines of communication.
 - (v) A timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed, such as the bird nesting season, European protected species hibernation and activity times, and other wildlife breeding seasons, such as reptiles.
 - (vi) Named persons responsible for:
 - (a) Compliance with legal consents relating to nature conservation;
 - (b) Compliance with planning conditions relating to nature conservation;
 - (c) Installation of physical protection measures during construction;
 - (d) Regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
 - (e) Provision of training and information about the importance of 'wildlife protection zones' to all personnel on site.
 - (f) Species monitoring in accordance with the specific condition for surveying and monitoring outlined below.

This list to be updated whenever necessary to keep the contact list current and shall be lodged with the Local Planning Authority. All construction activities shall be implemented in accordance with the approved details and timing of the plan unless otherwise approved in writing by the Local Planning Authority.

9. No development shall take place until permanent fencing and warning signs have been erected on site in accordance with the approved 'Wildlife Protection Plan for Construction' submitted in accordance with condition 8 above. All permanent fencing and warning signs will be maintained in accordance with the plan, unless otherwise approved in writing by the Local Planning Authority.
10. Development shall not begin until a notice of the date for commencement of development has been served upon the Local Planning Authority. The notice shall be served at least 21 days in advance of the intended commencement date. Thereafter at least 7 days advance written notice shall be served on the Local Planning Authority, regarding the commencement date for each building hereby approved. Access shall be made available to representatives of the Local Planning Authority at all times during the construction works.
11. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme for monitoring all important and protected species found on site, such as dormice, bats, and reptiles, and for species associated with the special features for which the SSSI has been notified, such as bryophytes. Surveying and monitoring are aimed to show the effects of the scheme during construction and for a period of five years after the completion of all development and works associated with the development site. The scheme shall include:
 - (i) A clear statement of the proposed aims and objectives, targets, performance standards and indicators of monitoring habitats and species;
 - (ii) Details and justification for selection of baseline data and any changes or thresholds that, if occurring or reached, will trigger detailed remedial measures;
 - (iii) Details of positive conservation targets along with any associated performance standards or success criteria that will indicate that targets have been reached;
 - (iv) Details of the important and protected species and their places of shelter such as hibernation sites and key food sources, that are to be monitored;
 - (v) Methods for sampling and analysing, including the timetable and location for field survey;
 - (vi) Details of any legally required licences obtained from statutory agencies for the duration of the period of the construction and any changes to those licences which may be necessary during and post construction;

- (vii) Submission of a report on the monitoring to the Local Planning Authority at intervals to be agreed after the commencement of construction works, or as otherwise approved in writing by the Local Planning Authority, including a report on actual or anticipated changes in communities or populations, the reasons for the changes and any remedial measures considered to be necessary to modify the changes;
- (viii) Provisions for the management in perpetuity of all identified buffer habitat important to protected species and other wildlife, hedgerows used for foraging, and reptile hibernacula.
- (ix) Procedures to be put in place to enable the monitoring reports to be considered by the Local Planning Authority in consultation with the developer and English Nature.

Should the Local Planning Authority consider that remedial measures are necessary as a result of considering the monitoring report and any consultation responses under the above clause they shall give written notice to the developers. Within one month of receiving such written notice from the Local Planning Authority the developers shall submit a scheme of remedial measures which shall include (but should not be limited to) the further mitigation and/or changes to any approved mitigation schemes and/or changes to working practices and programme of implementation for the approval of the Local Planning Authority. The approved remedial measures shall be implemented in accordance with the approved scheme and programme unless otherwise approved in writing by the Local Planning Authority.

12. A habitat management plan shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The plan shall include:
- (i) Description and evaluation of the features to be managed;
 - (ii) Ecological trends and constraints on site that may influence management;
 - (iii) Aims and objectives of management;
 - (iv) Appropriate management options for achieving aims and objectives;
 - (v) Prescriptions for management actions;
 - (vi) Preparation of work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
 - (vii) Personnel responsible for implementation of the plan;
 - (viii) Monitoring and remedial/contingencies measures triggered by monitoring.

The plan shall be carried out as approved, unless otherwise approved in writing by the Local Planning Authority.

13. A detailed site investigation for the presence of contaminants, methane and carbon dioxide in soil shall be submitted to and approved by the Local Planning Authority prior to the commencement of construction works on site. Details of the investigation shall be approved by the Local Planning Authority prior to investigative works commencing. Such investigation and assessment should be carried out by suitably qualified personnel in accordance with current Government, Environment Agency and British Standard Guidance. Should any significant risks be identified by such an investigation, a remediation scheme, including suitable monitoring and verification methodologies shall be agreed in writing by the Local Planning Authority.
14. The remediation scheme required by condition 13 above, as agreed by the Local Planning Authority, shall be fully implemented before any part of the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. The remediation scheme is to include considerations and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval.
15. On completion of the works required by condition 13, the developer shall provide written confirmation that all works were completed in accordance with the agreed details.
16. No part of the development shall be brought into use until the on site highway works and hardsurfacing (including car parking) indicated on drawing BRL 1 100 15, and off site highway works agreed under the Section 278 Highways Agreement, including:
 - gateway features with coloured surfacing and central reservations on the southern and northern approaches to the site;
 - a central island incorporating bollards for the whole length between the gateways;
 - a signalised pedestrian crossing to the south of the Napier Road junction giving access into the site;
 - a right turning facility into Napier Road;
 - the site access moved 10 metres to the north to provide a better stagger;
 - the closure of the slip road into Napier Road from the north to vehicular traffic;
 - build-outs and pedestrian crossing facility to the north of the site access to link with the public footpath

have been completed in accordance with the approved drawings and further details first approved by the Local Planning Authority, or such amended works as may subsequently be first agreed in writing, have been completed to the satisfaction of the Local Planning Authority.

17. Prior to the commencement of development, a detailed lighting scheme for the site, including the buildings, which shall as a minimum achieve the "rural" standard in BS5489 shall be submitted to the Local Planning Authority and

on approval shall be implemented to the satisfaction of the Local Planning Authority prior to any part of the development being brought into use.

18. A 2 metre buffer zone shall be maintained along all parts of the site boundary bordering the SSSI, within the site, both during construction and in perpetuity thereafter. No development shall take place within this area and on completion of construction it shall be landscaped in accordance with condition 4 above.
19. No development shall take place until samples of the materials and finishes to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
20. No machinery, vehicles or materials are to be used or stored within the boundary of the SSSI, or within the fenced 2m buffer area.
21. No development shall take place within 5m of any watercourse or waterbody on site. A naturally vegetated buffer strip shall be maintained between any development (including access) and any watercourse or waterbody on site.
22. No fill material shall be imported to site, unless with the prior written approval of the Local Planning Authority. If such approval is given, nothing other than clean uncontaminated fill materials shall be deposited on the site.
23. Prior to the commencement of the development hereby approved, a detailed Construction Management Plan, including measures to protect groundwater, and the SSSI from construction activity, together with details of contingency procedures and remediation should any accidents occur, together with person(s) (one of whom shall be on site at all times), responsible for ensuring compliance with the approved measures, shall be submitted to and approved in writing by the Local Planning Authority. The construction works shall thereafter be carried out strictly in accordance with the approved details.
24. No development shall take place until further adequate site investigations, and soils report, in particular to establish the depth of strata in those parts of the site within 40 metres of the boundary with the SSSI has been submitted to the Local Planning Authority and work shall not proceed until and unless measures deemed to be necessary by the Authority as a result of such report have been incorporated in the development proposals.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory form of development in the interests of the visual amenity.
3. To ensure a satisfactory form of development in the interests of the visual amenity.

4. In the interests of the health of the trees and to protect the visual amenity.
5. To ensure a satisfactory form of development in the interests of the visual amenity.
6. In order to reduce the use of private motor vehicles to gain access to the site.
7. In the interests of public health.
8. To protect features of recognised nature conservation importance.
9. To protect features of recognised nature conservation importance.
10. To protect features of recognised nature conservation importance.
11. To ensure the survival and protection of important species and those protected by legislation that could be affected adversely by the development.
12. To protect features of recognised nature conservation importance.
13. In order to ensure that any contamination on site is properly dealt with.
14. In order to ensure that any contamination on site is properly dealt with.
15. In order to ensure that any contamination on site is properly dealt with.
16. In the interests of highway safety.
17. In order to protect the area from light pollution.
18. In order to protect the adjacent SSSI.
19. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
20. In order to protect the SSSI from damage.
21. In order to protect features of nature conservation importance.
22. To protect the groundwater quality in the area and the adjacent SSSI.
23. In the interests of the hydrology of the SSSI and to protect the features of the SSSI.
24. In order to protect the hydrology of the site and that of the SSSI.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

The reason for granting this permission is:

1. Having regard to structure plan and local plan policies and to all other material considerations, with particular regard to Article 3(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and taking account of comments and objections from local residents (and other interested parties) the proposed development is considered to be acceptable. The bulk of the application site is allocated for employment purposes in the adopted Hastings Local Plan 2004, and the scale and form of the development is compatible with this location. All issues related to protected species and the impact on the adjacent SSSI, particularly its hydrology, have been mitigated as far as is possible and the proposed access arrangements have been agreed by the Highway Authority.
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Officer to Contact

Mr C Sampson, Telephone 01424 783263

Background Papers

Application No: HS/FA/07/00966 including all letters and documents



HASTINGS
BOROUGH
COUNCIL

Proposed units
with parking
between

Energy Centre

QUEENSWAY

NAPIER ROAD

HASTINGS
BOROUGH
COUNCIL

Marline Fields,
Queensway,
St.Leonards-on-Sea.

(New buildings, associated infrastructure & car parking to provide B1 accommodation comprising offices & light manufacturing, together with energy centre)



REGENERATION AND PLANNING
DEPARTMENT

Borough Planning Officer:

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Date: April 2008

Scale: 1:3000

Application Nos:

HS/FA/07/966