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DEVELOPMENT GUIDELINES

Introduction

- 9.01 This chapter is primarily concerned with general policies for design, servicing, location and setting of development. It aims to ensure that new development is properly integrated into the existing urban form of Hastings and that provision is made for any necessary infrastructure and services.
- 9.02 Other chapters in the Plan contain policies which need to be read in conjunction with those set out below. In particular, the Housing, Community Needs and Nature Conservation chapters contain policies which are closely related to development guidelines. Another key policy concerns the 'built up area' boundary and this is included in Chapter 8b 'Landscape'.
- 9.03 Achieving a high quality of design in the built environment is vital in meeting the Plan's objectives of urban regeneration and building sustainable communities. Good design is vital if new development is to be successfully integrated into the existing urban area without damaging the character of the town. The Council intends to produce further Guidance on urban design to support Policy DG1 and other relevant policies in the Plan. This guidance will be used to assist developers at the pre-application stage and will inform development control decisions.

GENERAL DESIGN PRINCIPLES

- 9.04 It is important that all planning applications are accompanied by sufficient information to allow a full assessment of the impact of development proposed in planning and design terms. Planning Policy Guidance Note 1 (PPG1), Annex A, states that applicants should, as a minimum, provide a short written statement setting

out the design principles adopted and suggests that more detail should be provided in relation to complex or large-scale development proposals, and those involving sensitive sites. In addition to this general advice, the Council intend to produce more detailed guidance setting out the amount and detail of information which applicants will be expected to submit in support of planning applications.

- 9.05 On larger sites or sites in prominent or sensitive locations, the Council will produce, or expect applicants to produce, detailed planning briefs to inform development. Such detailed briefs will generally be required where major development is involved or where the proposal is within an environmentally important area such as a Conservation Area or the seafront. Planning briefs will need to be prepared in consultation with the local community affected by the proposed development. Planning applications on sites elsewhere will be expected to be supported by evidence of conformity with general design principles which will be set out in the Guidance referred to above.

Development Form

- 9.06 The relationship of new buildings to surrounding development is of central importance in securing a satisfactory development and in determining other issues such as densities, and the intensity of use.
- 9.07 In general, new structures will be expected to be designed to complement surrounding development. In certain cases, however, development which provides a visually complementary contrast may be acceptable. In addition to the general design criteria set out in Policy DG1, development proposals should also, as far as possible, be designed to maximise energy efficiency, as set out in Policy DG24.

POLICY DG1

Development Form

In determining planning applications, the Council will have regard to the following considerations:-

- (a) The full and efficient use of land;
- (b) Sympathy with the appearance and character of the area and suitability in scale, massing, design, appearance, materials, layout and siting, both in itself and in relation to nearby buildings (including parts of buildings), spaces and views;
- (c) Respect for site levels and characteristics, potential for development and inclusion of good quality hard and soft landscaping, including the retention of trees or other features of importance;
- (d) Adequate space for private and public use (including children's playspace) and visual amenity;
- (e) Suitable layout and design features to ensure personal and general safety and security;
- (f) Protection of living conditions of existing and future occupants from, for example, noise, dominance and loss of outlook, light and privacy;
- (g) Sufficient information to ensure full assessment of the likely effects of the proposal; and
- (h) Safety and convenience on the public highway.

Access and Parking

- 9.08 All development should satisfactorily meet the access needs of all users and allow for balanced transport provision. Development which encourages unnecessary car use because it is poorly served by the transport network, lacks the necessary facilities, or is poorly designed will be unacceptable.
- 9.09 Maximum parking standards have been published by the County Council and adopted by the Borough Council for a range of broad classes and scales of development and locations, with the aim of restricting provision where accessibility by public transport, walking and cycling is good. The application of the standards will also take account of local circumstances, including the availability of existing parking and local traffic conditions. All development proposals should demonstrate how they will meet their operational requirements. (see also Paragraph 6.46 in Chapter 6 'Transport').
- 9.10 Development should fund those measures necessary to provide the appropriate quality of accessibility to prevent otherwise harmful transport impacts. This may include funding off-site measures, the preparation of green travel plans and the use of legal agreements.
- 9.11 Development should comply with relevant access and servicing design standards. These will be updated and new standards prepared, as necessary. All development should make appropriate provision for the mobility impaired.

POLICY DG2

Access and Parking

Development will not be permitted unless it is appropriately located in relation to the transport network and makes satisfactory provision for the access demands it generates. Development will be required to:-

- (a) Limit car parking provision to meeting those access demands not capable of being met satisfactorily by other means, taking account of local public transport, pedestrian and cycle accessibility, local circumstances and operational needs (see Policy TR8 in particular). Maximum parking standards and detailed guidance has been prepared using this general approach;
- (b) Make appropriate provision for access by public transport, cycling and walking, and any other necessary sustainable improvements to the transport network required to support the development, including through the provision of green transport plans (see policies TR6, TR7, TR9 and DG10 in particular);
- (c) Comply with relevant council and other appropriate standards for servicing, ingress/egress, visibility and other highway and vehicle access matters; and
- (d) Make appropriate provision for the access needs of disabled people and people with mobility difficulties, including parking.

Sunlight and Daylight

9.12 Adequate natural light for new development and adjacent buildings needs to be maintained. Where appropriate, the Council will assess development proposals against prevailing “best practice” advice regarding sunlight and daylight.

POLICY DG3

Sunlight and Daylight

The design and layout of new development should ensure that there is adequate natural light for the new buildings. In addition, development should not cause unacceptable loss of daylight, sunlight or outlook to neighbouring properties.

Noise

9.13 Wherever possible, measures should be taken to reduce excessive levels of noise from new development of an industrial, commercial or entertainment nature. This is particularly important where the amenities of adjacent properties would be affected. Furthermore, new dwellings located adjacent to a major road should be designed to overcome problems from noise. Measures which can be taken include double glazing, the correct orientation of buildings and the design of individual dwellings so that habitable rooms do not face the source of noise. The Government's Planning Policy Guidance Note 24 'Planning and Noise' draws attention to these issues and the importance of taking them fully into account in any new development. The Council will use the noise exposure categories set out in PPG24 in assessing planning applications for residential development.

POLICY DG4

Noisy Activities

Planning permission will not be granted for proposals likely to result in unacceptable levels of noise. Where practicable, the Council will seek measures to attenuate noise levels, including:-

- (a) Use of appropriate construction and insulating materials;**
- (b) Careful orientation of buildings and structures;**
- (c) Measures to control noise at source.**

Where development is permitted, conditions restricting operating hours and levels of noise emission may be imposed.

POLICY DG5

Noise Sensitive Development

Planning permission will not be granted for noise sensitive development (such as housing, hospitals, schools, nursing homes and residential homes) in areas which are, or are expected to become, subject to unacceptably high levels of noise, unless satisfactory attenuation measures can be achieved.

Where such development is proposed, applicants may be required to provide measurements of existing noise levels and other relevant information in support of their application.

Where permission is granted, the Council may attach planning conditions to minimise the effect of noise on the new development

External Lighting

9.14 Lighting in and around buildings and roads is important in crime prevention and community safety. External lighting or floodlighting is also widely used for outdoor recreation facilities and to illuminate key buildings or architecture. However, obtrusive or inappropriate lighting has a detrimental effect on the surrounding area. It can also create a dangerous distraction for highway users, and can cause physiological and ecological problems. 'Sky glow', glare and light spillage are forms of light pollution created by over-intense or poorly directed lighting. Where such light pollution occurs, this represents a waste of energy resources and contributes to unnecessary emissions of greenhouse gases.

9.15 The Council will therefore seek to ensure that external lighting schemes are well designed, appropriate to the surrounding area, and do not cause a hazard for road users. Where necessary, applicants will be required to submit a detailed design statement. In appropriate circumstances, the Council will use planning conditions to control the intensity and hours of illumination.

POLICY DG6

External Lighting

Planning permission will not be granted for proposals which include external lighting or floodlighting, unless:-

- (a) The spillage of light is minimized;
- (b) The level of light intensity is the minimum required to ensure safety and security;
- (c) It would not cause harm to living conditions or the character of the area;
- (d) It would not result in danger or inconvenience on the public highway; and
- (e) It would not disturb areas of high ecological value or wildlife.

High or Visually Prominent Buildings

9.16 In view of the hilly nature of Hastings, the location and form of high buildings and other visually prominent development requires careful consideration. Although such development can be intrusive if badly located, in certain situations it may enhance the quality of the townscape. It is important that any proposals for such development are accompanied by detailed design information – development will not be approved unless adequate supporting information is submitted. For large developments the submission of a model may be required. For the purposes of the policy, a high building is defined as a building exceeding the height of surrounding development. Such schemes of development should be accompanied by an analysis of the scheme's impact on the locality and wider area from where it may be viewed. Without such analysis and accompanying design information in support, such application may be refused. Further information on design requirements will be provided in the Guidance on urban design which is referred to in Paragraph 9.03.

POLICY DG7

High or Visually Prominent Buildings

Development involving high or visually prominent buildings will only be permitted where it meets the following criteria:-

- (a) It will maintain or enhance the visual quality of the surrounding area;
- (b) It will not harm a conservation area or areas of high landscape value;
- (c) It will not overshadow or detract from prominent landmarks or cultural buildings; and
- (d) It will not detrimentally overshadow adjacent residential property.

Any planning application for such development must be accompanied by a detailed design statement demonstrating its effect upon the surrounding area.

Protection of Views

9.17 The contrasting urban form and hilly nature of the town provides a series of both enclosed and distant views. There are views of the English Channel, the open countryside and features of prominent urban form.

9.18 Whilst planning policies cannot protect private views from individual properties, prominent landmarks and features of urban form contribute to the character of the town by helping to define various areas and activities.

9.19 The Borough Council considers that views from important viewpoints in the town should be protected.

POLICY DG8

Protection of Views

Planning permission will not be granted for development which would obstruct public views: –

- (a) Of local landmarks which contribute to townscape or “sense of place”; or
- (b) Of important urban or natural features; or
- (c) From public positions which provide an appreciation of the character, form or setting of the town.

Designing Out Crime

9.20 Sussex Police led the way nationally in preparing guidelines for developers aimed at creating a safe environment. The causes of crime and vandalism are complex, but it is accepted that environmental factors can play a part. Architecture or layout will not eliminate crime but it can have a role in prevention. Good layouts and careful design of houses can both protect and deter. Circular 5/94 ‘Planning Out Crime’ makes it clear that crime prevention is capable of being a material planning consideration which can justify refusal of planning permission.

9.21 In accordance with Policy DG1, the Borough Council will assess the layout and design of all development proposals with regard to safety and security issues. The Council refers to the Police Authority’s Crime Prevention Design Advisor for advice on all planning applications likely to raise security and crime prevention issues, including all licensed premises, larger housing and commercial developments, hot food take-aways, new shopfronts and security shutters (see also Policies DG14, DG15, DG17 and DG18). The Council also strongly supports the UK Police ‘Secured by Design’ initiative which is primarily aimed at encouraging the building industry to adopt crime prevention measures. Further advice on crime prevention will be included in the Council’s proposed Supplementary Planning Guidance on urban design.

RESIDENTIAL DEVELOPMENT

9.22 Policies for the distribution and location of new residential development are referred to Chapter 7a 'Housing'. The purpose of this section is to ensure that any new residential development is designed to a high standard and provides the inhabitants with a satisfactory living environment.

Residential Densities

9.23 The adoption of a general density standard is inappropriate in Hastings. This is due to the diverse nature of the urban form. The consideration of factors set out in Policy DG1 will determine the appropriate density for new housing sites, together with specific policy guidance set out in the Housing chapter.

Traffic Calming for New Developments

9.24 Traffic calming can contribute to the safety of drivers and pedestrians by reducing traffic speeds. This can be particularly successful in residential estates when it forms a fundamental part of the design concept. Good design should reduce the need for any additional traffic calming measures. In some cases, reducing traffic speeds by traffic calming can make it practical for vehicles and pedestrians to share the same space, reducing the overall amount of hard surfacing in a development, releasing more space for soft landscaping and providing scope for more imaginative designs and layouts.

9.25 Government guidance specifies the requirements on these matters and whilst the technical details are for the Highway Authority to deal with, it is important that this Council states its commitment to the concept of traffic calming in its planning policies.

POLICY DG9

Traffic Calming

New development, including new vehicular routes, should be designed so as to minimise the impact of traffic and to reduce traffic speeds. Where new development will have an impact, the formation of new roads or shared driveways should incorporate appropriate traffic calming measures, and include them as part of any planning application. Where new development will have an impact on traffic levels in surrounding areas, the Council will support the introduction of appropriate traffic calming measures in nearby streets as part of the development. This would be achieved through negotiations with developers and, where necessary, agreements under Section 106 of the Town and Country Planning Act (1990).

Retention of Existing Car Parking

- 9.26 It is normal practice in dealing with proposals for new development to ensure that adequate off-street parking is provided. Conditions are often attached to planning permissions requiring parking spaces to be provided as part of a development. However, once a development has been completed, garages can be used for storage, or sometimes converted into living accommodation without the need for a new planning application and, as a result, a serious shortfall in off-street parking can develop.
- 9.27 Where sufficient alternative parking is not available, and the retention of the off-street parking provided as part of a development is critical, a condition requiring the retention of off-street parking is justified. However, because such a condition would restrict a resident's 'Permitted Development' rights, the condition would only be attached where the circumstances make it reasonable and necessary.

Retention of Car Parking

In areas where the retention of sufficient off-street car parking is critical, planning permissions granted for residential development will be subject to conditions to ensure the future retention of an appropriate level of off-street parking.

Gardens

9.28 All family homes should have an adequate garden. In view of the many flats and houses in Hastings without gardens, the Council aims to ensure that all new housing developments for family occupation should provide adequate private open space.

POLICY DG11

Gardens

Planning permission will not be granted for dwellings intended for family use unless private amenity space is provided. As a general standard, new houses will be expected to incorporate rear gardens of at least 10 metres in length. In areas of regeneration, a more flexible approach may be adopted.

Two Storey Side Extensions to Residential Properties

9.29 Within established residential areas, applications for two storey side extensions are not uncommon. In nearly all cases, because of their volume or height, they require planning permission. They are normally visible to public view and because of this require careful consideration both in terms of design and their impact on the street scene.

9.30 Such extensions may be acceptable but there are cases, where house layouts are particularly close knit or where there is a regular pattern of development, when they would harm the character of the area or adversely affect neighbours. A “terracing effect” can occur in roads of evenly spaced semi-detached or detached properties which the Council is concerned to address.

POLICY DG12

Two Storey Side Extensions

Planning permission for two storey side extensions to houses will only be granted where they:-

- (a) Will not cause a significant loss of light or overshadowing to a neighbouring property, or be unduly overbearing;**
- (b) Will not lead to a terracing effect in the street, or an otherwise cramped form of development which would adversely affect the general character and appearance of the area; and**
- (c) Are designed with a roof in keeping with the property; e.g. a roof to match that of the original dwelling.**

Play Area Provision in New Housing Developments

9.31 New development of family dwellings (2 or more bedrooms) can create a demand for additional children's playspace. If insufficient provision is made for playspace on or near a new housing site, this can put additional strain on existing provision in the area, or it may mean that children will be without access to a suitable play area. Developers will, therefore, be required to provide children's playspace as part of new family housing developments.

9.32 The National Playing Fields Association (NPFA) recommend the provision of a range of playspace types offering play experiences for children in different age groups. The Council will use these as a basis for seeking playspace provision within new developments of family housing. Supplementary Planning Guidance Note 5 provides further details on the basic requirements set out below:-

- (i) Developments comprising 25 family dwellings or more will provide a Local Area for Play (LAP) within a 100m walking distance of every family dwelling;**
- (ii) Developments comprising 50 family dwellings or more will, in addition, provide a Local Equipped Area for Play (LEAP) within a 400m walking distance of every family dwelling.**

- 9.33 The playspace should be designed and located to ensure that it can be enjoyed by children, whilst respecting the amenities of nearby residents. The space should be an integral part of the layout and not be provided in spaces left over once dwellings and roads have been planned. Its position should allow informal supervision from nearby properties, be accessible from public footpaths and away from vehicular traffic.
- 9.34 The Council is keen to ensure a high standard of children's play space throughout the Borough. This will be achieved by providing more, and upgrading existing facilities. Material considerations in assessing the type, siting, extent and means of provision of playspace will include Supplementary Planning Guidance Note 5 and Circular 1/97. For larger schemes, a planning brief will be prepared in co-operation with the developer outlining the particular requirements.

POLICY DG13

Provision of Children's Playspace

The Council will require the provision of children's playspace in residential schemes that include 25 or more family dwellings. Where this cannot be included onsite the Council will seek to enter into a Section 106 Agreement with the developer for either its provision nearby or the improvement of a nearby existing playspace.

COMMERCIAL DEVELOPMENT

Shopfronts

- 9.35 The appearance of shops is an indicator of the quality, prosperity and image of a town. The design of shopfronts is an important

element in the streetscene both individually and in terms of collective impact.

- 9.36 Shopfronts composed of modern materials, if well designed, can contribute to the vitality and appearance of a shopping area. But, badly thought out and uncoordinated use of these materials can be garish, cluttered or just bland.
- 9.37 In conservation areas, standardised building components may not be acceptable; furthermore, a more traditional design approach may be called for.
- 9.38 The Council will seek a high standard of shopfront design, particularly for proposals in conservation areas and/or affecting listed buildings. Supplementary Planning Guidance Note 3 'Shopfront Design' sets out detailed design criteria which the Council will use when considering planning applications.

POLICY DG14

Shopfronts

Planning permission for new shopfronts or alterations to existing shopfronts will be granted where the proposal satisfies the following criteria:-

- (a) It would not result in the loss of a traditional shopfront or details of architectural or historic interest;**
- (b) It would be well related to and in sympathy with the form and character of the building of which it forms part;**
- (c) It would be in sympathy with the architectural style and materials of the building and/or the predominant architectural style and materials of the surrounding area;**

- (d) All the elements of the shopfront, (including shop shutters, blinds, advertisements and signs) form part of an integrated design;
- (e) It would allow access for everyone, including people with disabilities.

Security Shutters in Shopping Areas

9.39 Security shutters can make a shopping area unattractive and unwelcome outside shopping hours. Whilst the important security function of the shutters is acknowledged, the Council is opposed to the harsh and unfriendly effect they can have on the atmosphere of shopping areas. In many cases there is a more sensitive solution in the form of alternative security measures or less obtrusive types of shutter.

POLICY DG15

Security Shutters

Planning permission for security shutters will only be granted where:-

- (a) This does not detract from the vitality of the streetscene;
- (b) Internal or other security measures are not possible;
- (c) The shutters are either of an open lattice type or of a kind which allows an equivalent degree of visibility of the shop interior to be maintained, or are of a design appropriate to the historic character of the street or the individual property; and
- (d) The shutters are painted or otherwise coloured.

Outdoor Advertisements and Signs

- 9.40 The erection of outdoor advertisements and signs is controlled by the Advertisement Regulations which form part of the planning control system. Although many types of advertisement are excepted from detailed control or qualify for 'deemed consent', some categories do require the Council to grant specific consent. This includes, for example, most large scale posters, together with many illuminated signs, fascia signs and projecting signs on shopfronts. However, the Regulations state that the display of outdoor advertisements can only be controlled in the interests of "amenity" and "public safety".
- 9.41 The potential visual impact of advertisements and signs is a particular issue in conservation areas, where it is important that advertisements should be sensitive to the historic and architectural character of the area in which they are located. Most of the town's main shopping areas fall within designated conservation areas and, in these areas, it is considered reasonable to permit some form of advertising on the proviso that such proposals can be incorporated without detriment to the character of the building(s) affected or the surrounding area. Similar issues may arise in other sensitive locations, for example where the proposal would affect the setting of a listed building, historic park or garden, or the open countryside. Supplementary Planning Guidance Note 4 'Outdoor Advertisements and Signs' provides further advice and criteria which the Council will use in assessing applications for advertisement consent.

POLICY DG16

Outdoor Advertisements and Signs

Consent will only be given for new outdoor advertisements or signs provided that:–

- (a) They are not detrimental to the appearance of any building(s) affected and/or the surrounding area; and**
- (b) They would not result in danger on the public highway.**

Particular regard will be paid to the visual impact of proposals in conservation areas and other sensitive locations in respect of the character and appearance of the surrounding area.

Public Houses and Security

9.42 The Government's Circular 5/94 'Planning Out Crime' gives advice to local authorities, developers and designers about planning considerations relating to crime prevention. The Circular accepts that crime prevention is capable of being a material consideration in determining planning applications, and the council will take full account of this when considering development or change of use.

9.43 The Council is aware that the Police are concerned regarding the link between the possible proliferation of large public houses and increasing alcohol-related crime and disorder, and the problems of large drinking establishments which will adversely affect the amenities of an area. Any such proposal which in the view of the Police would have an adverse effect upon public safety and amenities will be refused.

POLICY DG17

Licensed Premises

The following factors will be taken into account when determining planning applications for licensed premises:–

- (a) The precise nature of the use proposed (which should be specified in the planning application) including opening hours;
- (b) The views of the Police particularly with regard to the difficulty of policing such establishments outside the existing locations in the town centre. New uses which would be out of character with the area or would contribute to an undesirable over-concentration of A3 uses in the town centre, district or local centres, will not be permitted if the use is dependent on the sale of alcohol – which is likely to result in alcohol-related disorder, late night disturbances or the congregation or large numbers of people on the street.

Hot Food Take-Aways

9.44 Hot food take-aways generate a significant number of vehicular journeys, characterised by a large number of short visits, from customers collecting food.

9.45 This use is suitable in a town centre location, but the particular nature of the activity means that it is important to exercise careful control over its location, having particular regard to the road conditions in the vicinity.

POLICY DG18

Hot Food Take-Aways

Planning permission for hot food take-aways will be granted provided that:-

- (a) The site is in an existing area of commercial activity;
- (b) The proposal would not cause harm to living conditions as a result of, for example, noise or smell;
- (c) The proposal would not, on its own, or cumulatively with other such uses in the area, be likely to result in problems of disturbance or public disorder;

- (d) Suitable off–street parking can be provided, or there is sufficient on–street parking; and
- (e) It would not cause inconvenience or danger on the public highway as a result of the additional stopping and manoeuvring of vehicles.

Commercial Development – Traffic

9.46 The majority of industrial and commercial activities are dependent on regular visits by vehicles making deliveries and collection of goods. This can lead to problems of traffic congestion in residential neighbourhoods, particularly where heavy goods vehicles are involved. Where appropriate, the Council will seek to attenuate such problems by the use of legal agreements and/or planning conditions.

POLICY DG19

Commercial Development – Traffic

Planning permission will not be granted for new industrial or commercial development, changes of use, or extensions to existing premises where the increase in traffic generated by delivery vehicles, particularly heavy goods vehicles, would cause an adverse impact on local residential amenity or cause undue traffic congestion or reduction in safety.

OTHER ISSUES

Public Art

9.47 Public art can play an important role in enhancing local distinctiveness and a sense of place. It can also benefit the local economy, by providing opportunities for local artists and local community involvement, and will also help to enhance the appeal of Hastings and St Leonards as a tourist destination.

- 9.48 The Council is producing a Borough-wide strategy for public art. This will include identifying suitable locations in the town where public art should be encouraged, and giving consideration to the provision of public art as part of Council-funded and other development schemes.
- 9.49 Where major developments are proposed, the Council will seek a contribution towards public art from developers. The nature of the contribution will be negotiated with the developer and will take the form, either of provision for works of art or artists' input to the building and its surroundings, or through a financial contribution towards public art works, arts facilities or events. The type of public art and level of contribution will depend on the nature of the development proposal, the characteristics of the site and its surroundings. However, a nationally acceptable guideline is that it will be around 1% of the construction costs.

POLICY DG20

Public Art

A material consideration in the determination of a planning application for a major development scheme will be the provision of public art. The Council will have regard to the contribution that would be made by any such works or effects to the appearance of the scheme and to the character of the area.

Development on Unstable Land

- 9.50 In the past, the soil conditions in Hastings have, on occasion, led to structural problems in buildings, and landslips have been known to undermine sections of the highway.
- 9.51 Planning Policy Guidance Note 14 'Development on Unstable Land' provides advice and guidance to local authorities in areas where unstable land may be an issue. Where the land is known to be

unstable, it is reasonable for the local authority to require an investigation of the site conditions and analysis of how potential stability problems would be addressed. That analysis should form part of a planning application. Where there is only a possibility of the land being unstable, it is more reasonable that this be dealt with by the imposition of conditions on any permission that may be granted.

- 9.52 Such reports should demonstrate an appreciation of ground and groundwater conditions and any other factors influencing stability, based on desk studies, site reconnaissance and sub-surface investigation, laboratory testing and monitoring as appropriate.

POLICY DG21

Development on Unstable Land

Planning permission will be granted for development on land potentially subject to instability (such as steeply sloping sites or in areas with a history of land instability) only where the applicant provides convincing supporting evidence that any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures.

Planning applications relating to such sites should include a report on the stability of the land, indicating how any problems would be overcome. Planning conditions relating to any consequent groundworks may be imposed where planning permission is granted.

Satellite Dishes

- 9.53 There is concern over the visual impact of satellite television receiving dishes – insensitive positioning can be intrusive in the historic areas of Hastings.
- 9.54 The following policy applies only to domestic premises where a planning application for a satellite receiving dish is required; the legislation and problems are different for their use in commercial situations.

POLICY DG22

Satellite Dishes

Where planning permission is required for satellite dishes or similar aerials, they will be required, where practicable, to be located on rear elevations or in gardens and, if at all visible, be of a colour that blends with the surroundings.

In the case of listed buildings or within a conservation area or similarly sensitive area, they will be required to be in locations that are not publicly visible.

In appropriate situations, the Council will require that a single communal dish or aerial is provided to serve more than one property.

ENERGY AND SUSTAINABLE CONSTRUCTION

Background

- 9.55 Energy is a new issue for the planning system to address. Government guidance states that development plans should have regard to the conservation of energy, including the exploitation of renewable energy sources.

- 9.56 The most important reason for reducing the use of energy is to minimise emissions of the gases that contribute to global warming. The main contributor is carbon dioxide produced principally from the burning of fossil fuels. The United Kingdom is committed to reducing emissions of carbon dioxide to the levels produced in 1990. The Government is urging all local authorities to play a part in this process.
- 9.57 The opportunities for Hastings to contribute to the use of renewable sources of energy and the conservation of energy are supported by the Borough Council and are an important part of Hastings Local Agenda 21. However, it must be acknowledged that these initiatives will have other environmental consequences. The benefits of energy conservation and renewable energy must be balanced against the possible impact of initiatives on environmental assets, such as the High Weald Area of Outstanding Natural Beauty, listed buildings and conservation areas.
- 9.58 Transport is closely linked with the issue of energy conservation as a major consumer of fossil fuels, and certain modes of transport make a significant contribution to the emission of greenhouse gases. Government guidance on transport emphasises the importance of the location of development in reducing the need to travel and encouraging the use of forms of transport that are more energy efficient than the car. This issue is dealt with in Chapter 6 'Transport'.
- 9.59 The Government has issued advice explaining the technical details of different forms of renewable energy sources from wind energy to the production of energy from crops and forestry. The significance of this has been increased by the Government Non-Fossil Fuel Obligation initiative, which obliges the 12 regional electricity companies to secure a specified capacity of their electricity supply from non-fossil fuel sources, including renewable energy.

Renewable Energy

- 9.60 The Energy Technology Support Unit (ETSU) of the Department of Trade and Industry has assessed the renewable energy resource of East Sussex.
- 9.61 The assessment indicates that wind speeds in parts of Hastings Borough may be sufficient to provide some renewable energy from wind turbines. Any proposals for the siting of wind turbines will be subject to locational considerations such as the possible impact on the High Weald Area of Outstanding Natural Beauty.
- 9.62 The potential energy savings from the use of passive solar design, active solar thermal systems and photovoltaics are acknowledged, but the practical implementation of these systems is likely to depend on economic factors, and the extent of their future contribution to energy saving is currently unknown.
- 9.63 In view of the general environmental benefits associated with harnessing renewable energy sources, the Council will support the development of renewable energy schemes provided that it can be shown that such development would not harm interests of acknowledged importance in the local environment.

POLICY DG23

Renewable Energy Schemes

Planning applications for renewable energy schemes, will be assessed against the following criteria:-

- (a) The immediate and wider impact of the proposed development on the landscape;**
- (b) The need to protect features and areas of natural, cultural, historical and archaeological interest;**
- (c) The measures that would be taken, both during and after construction, to minimise the impact of the development on local land use and residential amenity;**
- (d) The local and wider benefits that the proposal may bring; and**

- (e) Certain renewable energy resources can only be harnessed where the resource occurs.

Energy Efficient Development

9.64 Buildings account for almost half of the UK's total energy consumption and associated emissions of carbon dioxide, the main greenhouse gas causing climate change. The Borough Council wishes to encourage greater energy efficiency in the design and layout of proposed development. This will include, for example:-

- The siting and orientation of development with respect to micro-climate and to make best use of sunlight to achieve passive solar gain;
- The use of landscaping to create shelter and reduce heat loss through wind chill;
- The use of sustainable, recyclable and/or recycled materials in building construction; and
- The incorporation in development of energy efficient supply technology (e.g. combined heat and power (CHP) schemes) and renewable energy sources (e.g. solar panels).

9.65 Although some aspects of energy efficient design are controlled primarily through building regulations, planning policy can also play an influential role, particularly in relation to site layout and, to some extent, building design. The Department of the Environment, Transport and the Regions (DETR) publication 'Planning for Sustainable Development: Towards Better Practice' (1998) states that Local Plans should clarify the energy efficient measures that would be expected in developments. The policy below sets out considerations which should be incorporated into the design of all development proposals, alongside the general design criteria set out in Policy DG1 and other relevant policies in the Plan. The Council will produce more detailed guidelines on energy efficient development.

9.66 Many of the methods to reduce energy consumption can be incorporated into building design, but some will alter the traditional appearance of buildings. The desire to incorporate energy conservation measures must be balanced against other environmental considerations, most significantly to ensure that development is of a high quality of design and does not detract from the townscape. Therefore, any efficiency measures proposed should be in keeping with, and appropriate to, the historical and architectural value of the buildings and their locality.

POLICY DG24

Energy Efficient Development

Development should as far as possible be designed to be energy efficient in terms of:-

- (a) Site layout – use of land, location within site, orientation and landscaping; and**
- (b) Building design – building form and materials used.**

Particular support will be given to proposals incorporating or facilitating the use of energy – efficient supply technology and/or renewable energy resources.

Construction Industry Waste

9.67 The County Council is concerned that construction industry waste may rise faster than other wastes and may take up increasing space designed to accept more putrescible material. It is therefore considered important that new development and demolition of existing buildings should minimise the amount of waste going to landfill.

9.68 In order to minimise the amount of construction waste going to landfill and to accord with Policy WLP11 in the Draft East Sussex and Brighton & Hove Waste Local Plan, the Council will support:-

- (i) The selection of appropriate sites for new development which minimise the amount of excavation needed;
- (ii) The incorporation of waste arising into the design of new development (e.g. using excavated material for on site landscaping);
- (iii) The re-use of buildings and use of standards of design and construction which increases the life-span of development;
- (iv) The re-use of waste materials and use of recycled materials in new development; and
- (v) The salvage of materials arising from development.

Recycling Facilities as Part of Major Development

9.69 Policy WLP12 in the Draft Waste Local Plan encourages local planning authorities to ensure that proposals for major development, or development employing or attracting a large number of people, makes provision for the installation of recycling facilities as an integral part of the development.

9.70 The Borough Council therefore expects development of this nature to make provision for the installation of recycling facilities as an integral part of the development, including facilities for the public to recycle or compost waste.

INFRASTRUCTURE AND UTILITY SERVICES

9.71 In considering the infrastructure requirements of the utilities up to 2011 the Local Plan needs to take account of:-

- The requirements for land by the utilities to enable them to meet the demands that will be placed upon them.
- The environmental effects of these additional uses on the town.
- The relationship of infrastructure and utility services to new development in the town.

Infrastructure, Services and New Development

- 9.72 Where the effect of new development is to require additions or changes to infrastructure or utility services, either on site or off site, they need to take place in association with the development. In the case of roads and sewers, footpaths and play areas in a new housing area, this is self-evident and part of the established development process. Many new developments require changes to roads or other transport infrastructure, water supply, sewerage or sewage disposal and other utility services outside the site, for example to enable the system to cope with additional traffic or sewage. New housing developments may require the expansion of a school or other local facilities. Effective phasing of new development must be undertaken to ensure adequate infrastructure is available.
- 9.73 Where new development generates a need for new or improved infrastructure, it should provide or fund the necessary works and measures, in accordance with Government Circular 1/97 'Planning Obligations'. Such provision will normally be secured by planning obligation, conditions attached to planning permission, or through Section 278 of the Highways Act, as appropriate. The start-up and phasing of new development will be linked to the provision of required works and measures.
- 9.74 Contributions fairly related in scale and kind to the proposed development will be sought for the funding of all the infrastructure deemed necessary to provide for it. Examples of such infrastructure relate to education, libraries, access and transport, recreation, leisure, social and community facilities. Supplementary Planning Guidance Note 7 'Development Contributions' has been prepared to augment Circular 1/97 and the Highway Act Section 278. This will guide developers on such matters as the nature, scale and the means of provision of any reasonably required infrastructure.

POLICY DG25

Development Infrastructure

Development will not be permitted before the Borough Council is satisfied that any capital works directly required to service the development concerned has been or will be provided. New development should not be occupied or infrastructure utilised until identified necessary improvements or new works have been completed.

In operating this policy, the appropriate local authority will seek either the direct provision of capital works by developers or contributions by landowners or developers towards the cost in whole or part of works to be provided by others.

Liaising with Utilities

9.75 On major new development sites the Borough Council will seek to liaise with the relevant utilities involved to ensure co-operation to minimise the disruption to the area – possibly by the use of shared trenches. Using shared trenches can reduce the problems which can arise when one utility is seen to be excavating another’s newly-filled trench.

Water Supply

9.76 Water supply in the Borough is provided by Southern Water – coming from the Darwell reservoir at Mountfield and groundwater supply boreholes at Brede. Southern Water has completed a transfer pipeline from the larger Bewl Water reservoir to Darwell, enabling the Darwell reservoir to be supplied during periods of dry weather.

9.77 Southern Water anticipates that water resources will be sufficient to be able to supply new development in the Borough up to the year 2011 and beyond. Measures to reduce the demand for water

should be promoted, including water metering and the use of water efficient devices in new development wherever practicable.

Wastewater Treatment and Foul Sewerage

- 9.78 The existing foul sewerage system of the Borough is divided into two sewer catchments. The west of the town drains to the Combe Haven long sea outfall, whilst the eastern side drains to the Rock-a-Nore pumping station that transfers wastewater to a second long sea outfall at Bulverhythe Tower.
- 9.79 Under the EU Urban Wastewater Directive, Southern Water has undertaken a scheme to provide a new primary wastewater treatment works and sludge treatment centre at Pebsham, which treats and recycles the by-product of the wastewater treatment works. Wastewater is pumped to the new treatment works for an enhanced level of treatment before discharging through the existing long sea outfalls.
- 9.80 In addition, Southern Water has undertaken a major scheme to improve bathing water quality in Hastings by reducing stormwater overflows from the Rock-a-Nore catchment to the sea and reducing the risk of town centre flooding. This involved the construction of a large underground stormwater storage tunnel which stores stormwater that overflows during storms from combined sewers, and then pumps it back to the sewerage system. It is anticipated that this storage tunnel will reduce the frequency of stormwater overflows to bathing water from several times a year to once in every five years, on average, in extreme conditions.

Foul Sewerage and Surface Water Disposal

- 9.81 Much of the town is served by combined sewers which drain wastewater from homes and factories and surface water from older properties and paved areas. Most newer housing and commercial developments are provided with separate surface

water sewers which discharge to land drainage watercourses and culverts.

- 9.82 It is the policy of Southern Water that these separate foul and surface water systems be provided for all new development and this would be expected to be agreed at the planning application stage with the Borough Council and Southern Water.
- 9.83 In some areas, including the former Town Development Area on the north west side of the town, surface water run-off needs to be stored (or attenuated) either by balancing reservoirs like that at Wishing Tree or by onsite ponds or underground pipe storage. Such schemes are necessary to avoid flooding of downstream watercourses or surface water sewers where capacity is limited.
- 9.84 The requirement for attenuation is agreed at the planning stage in consultation with the Borough Council, the Environment Agency and Southern Water. It is necessary for developers to make arrangements with these authorities for long-term maintenance of the surface water system and storage facility, including land drainage.
- 9.85 Developers will be expected to construct main sewers serving new developments to standards suitable for adoption by Southern Water.
- 9.86 New development will be expected to be connected to the existing sewerage network where capacity exists – in some cases it may be necessary for sewers to be requisitioned by the developer from Southern Water.

Flood Risk

- 9.87 Development within areas at risk from river or coastal flooding poses a danger to lives and property and can also adversely affect environmental and associated eco systems by altering or interfering with natural processes. Flood risk is increased if:-

- Development is located in or includes the infilling of floodplains;
- Development jeopardises the integrity of, or the ability to maintain or improve, flood defences or river channels; and
- Additional surface water runoff discharged to a watercourse results in an unacceptable increase in flood flows.

Current predictions suggest that the frequency and intensity of flood events may increase in the future as a result of sea level rises and increases in storm severity and rainfall intensities resulting from global climate change.

- 9.88 Planning Policy Guidance Note 25 'Development and Flood Risk' (July 2001) requires local authorities to use their planning powers to guide development away from areas that may be affected by flooding. This is endorsed by the Environment Agency's document Policy and Practice for the Protection of Floodplains.
- 9.89 The Environment Agency has prepared indicative flood plain maps, showing areas potentially at risk from river and coastal flooding. In these areas and in areas where flood information is unavailable but it is considered that there is a risk of flooding, developers will be expected to evaluate flood risk and identify measures to mitigate such risks onsite and elsewhere.
- 9.90 Mitigation and flood protection measures may be considered for development in, or infilling of, a floodplain, subject to no increased flood risk elsewhere and no detriment to the conservation and recreation of the natural water environment, including river and stream corridors, wetlands and other water associated features. Such works must be funded and built by the developer. The future maintenance and possible improvement of any such mitigation works must be assured.
- 9.91 Development will be resisted in areas at risk from tidal flooding along the developed coastline, where a risk to life in the event of a breach or overtopping of a sea defence is identified.
- 9.92 In assessing any development proposal, the integrity of existing fluvial, tidal and sea defences and any river channel must be

assured if flood risk is not to be increased. Access must also be retained for maintenance or improvement works. No development or works should take place which in any way reduces the integrity of a flood defence or river channel, and hence adequate undeveloped margins must be retained between these and development.

POLICY DG26

Flood Risk

Planning permission will not be granted for new development within areas at risk from river or coastal flooding, unless environmentally acceptable flood mitigation and protection measures can be provided by the developer, to compensate for the impact of development.

Planning permission will not be granted for development which would be detrimental to the integrity of sea, tidal or fluvial defences or river channels or would impede access to and along these for future maintenance and improvements.

Surface Water Run-Off Management

9.93 In the case of major new development which could have a significant surface water impact downstream, surface water drainage and retention facilities will be necessary. In general, surface water drainage for new development sites should discharge to separate surface water sewers. Sustainable Urban Drainage Systems (SUDS) to attenuate flow and reduce pollution will be encouraged. These involve reducing the quantity of run-off from a site; slowing the velocity of runoff; settlement; filtering and infiltration; and providing passive treatment to collected surface water before discharge into land or a watercourse.

9.94 There is a need for special precautions to continue to be taken in the Marline Valley where English Nature has emphasised the need for care on the question of surface water runoff from development in the area. Open retention ponds are required to allow any

contaminated water to be quickly detected. The ponds enhance the nature conservation aspects of these areas as they frequently develop a flora and fauna of their own. These ponds will not be adopted by Southern Water as part of the public sewerage system.

- 9.95 No open pond should be utilised as a retention facility unless it is verified that a responsible body will maintain the pond. To this end, the Borough Council has prepared a Code of Practice covering the construction and future maintenance of surface water retention ponds and silt traps.

POLICY DG27

Surface Water

Planning permission for development that, as a result of increased surface water runoff, could increase the risk of flooding, will only be granted where the Council (in consultation with the Environment Agency) is satisfied that all appropriate alleviation and mitigation works (including the promotion of Sustainable Urban Drainage Systems) have been investigated, designed and constructed before the start of development. Proposals for the long-term management of these works must be submitted at or before the planning application stage. Temporary means of dealing with silt and run-off from development sites will be required during the construction phase to prevent pollution.

Telecommunications Installations

- 9.96 It is acknowledged that continuing advances in telecommunications can bring a number of economic, social and environmental benefits, particularly in helping to reduce the need to travel. However, controls need to be applied to the construction of telecommunications installations, such as radio masts and satellite antennae, in visually prominent or

environmentally sensitive locations. Since 1990 there have been 16 new telecommunications installations erected in the Borough for the utilities and mobile phone companies – although many have been installed on existing masts.

9.97 The rapid growth in the mobile phone business, together with the hilly nature of the Borough, is likely to lead to continued pressure for new masts – particularly along the high ground between Fairlight Church, North's Seat and Wychmour.

9.98 Planning Policy Guidance Note 8 (PPG8) 'Telecommunications' issued by the Government in 2001 advises local planning authorities that they may reasonably expect applicants' new masts to show evidence that they have explored the possibility of erecting antennae on an existing building, mast or other structure. High priority is given in the PPG to safeguarding Areas of Outstanding Natural Beauty. The effect of telecommunication masts on public health is a matter which does cause public concern. PPG8 does, however, make it clear that it is the Government's firm view that the planning system is not the place for determining health safeguards and that local authorities should not seek to implement their own precautionary policies for the siting of antennae.

9.99 In addition, telecommunications operators licensed by the Secretary of State for Trade and Industry under the Telecommunications Act 1984 are required by their licence conditions to take all reasonable steps to investigate the possibility of mast sharing.

9.100 Telecommunication code system operators do not require planning permission for smaller antennae and ancillary equipment. They are, however, required in certain cases to obtain prior approval from the local planning authority to siting and appearance of masts and the local authority can refuse such approval. Larger antennae require planning permission in the normal way.

9.101 Operators may be expected to provide evidence regarding the need for the proposed development. Any proposal in the High Weald Area of Outstanding Natural Beauty will be subject to special scrutiny. It must be sensitively designed and sited and the developer must demonstrate that there are no suitable alternative locations.

POLICY DG28

Telecommunications Installations

Prior approval for the siting and appearance of antennae will be given and full planning permission granted for telecommunications installations provided that:-

- (a) Matters of appearance, design and landscape have been adequately considered in order to minimise the effect upon the character and appearance of the locality; and**
- (b) Taking account of technical constraints, there is no realistic prospect of a visually less intrusive site or mast, a building or other structure, being available.**

Gas Supply

9.102 The residential sites west of Queensway will be served by the principal gas main from Battle Road. In the interest of public safety, and to ensure that access to the gas main is maintained, no new buildings will be permitted close to the existing trunk gas main in the area to the west of the Marline Stream. The Gas Undertaking requires a distance between the main and new buildings of 14 metres. This particular dimension is required by the Health and Safety Executive.

POLICY DG29

High Pressure Gas Main

No new building will be permitted within 14 metres of the existing high pressure gas main which extends from the junction of Battle Road and The Ridge West to Watergates Wood.

Overhead Power Lines

9.103 132kV pylon lines run through the Marline Valley on the west side of the Marline Stream and from Broomgrove in a northeasterly direction through part of Ivyhouse Lane industrial estate to the Borough boundary. Any new developments will be expected to take account of the electricity supplier's requirements from a safety standpoint.

POLICY DG30

Overhead Power Lines – Safety

Any new development within 25 metres of the existing 132kV overhead power lines must take account of any necessary restrictions set by the electricity supplier to avoid hazardous situations and maintain safety clearances and safe working practice.

9.104 Overhead power lines can be visually intrusive especially in conservation areas, Areas of Outstanding Natural Beauty and near listed buildings. The under grounding of lines is, however, considerably more expensive. The Council may insist on lines being placed underground when planning permission is required. Usually, however, permission is not required and in those cases where lines would be visually intrusive above ground, the Council will seek to persuade the statutory undertakers to place the lines underground.

POLICY DG31

New Overhead Power Lines

In visually sensitive locations where overhead power lines would be prominent and planning permission is required, the Council

will, subject to technological and operational constraints, seek their placement underground or along the least visually intrusive overhead route.

9.105 Appropriate safety clearance must be maintained by any development constructed close to overhead lines. Contact by people and or objects with electrical installations must be avoided. Safety clearances are the minimum clearance which has to be maintained and are specified for each voltage of line, outside of which normal operations and activities can take place.

9.106 The Government produced a draft Circular on Land Use Planning and Electromagnetic Fields in early 1999 which, whilst recognising public concerns on this issue, concluded that there is no compelling evidence of a causal link between exposure to electromagnetic fields and cancer. This was based on the National Radiological Protection Board's view that published human health studies do not provide a basis for advice on setting exposure standards – which was also the view of international bodies.

9.107 Whilst the Council understands that there is no convincing evidence to date of a casual link between exposure to electromagnetic fields (EMFs) and ill health, it recognises that there is some public concern about the possibility of health risks associated with overhead power lines. Therefore, the Council will have regard to the most recent advice of the National Radiological Protection Board when considering proposals for development close to existing high voltage overhead power lines.

Development Adjoining Railway Lines

9.108 Where new development is proposed adjoining existing railway track, Network Rail may require the developer to fence the line to a suitable standard. New developments near level crossings may mean that the crossing can no longer operate safely – necessitating its closure and replacement with a bridge. The Council will consult with Network Rail concerning any new foot or

vehicular bridges so that they can be accommodated in a safe manner.

POLICY DG32

Development Adjoining Railway Lines

Where development is proposed alongside existing railway lines, the Borough Council in consultation with Network Rail, may require developers to provide or fund enhanced fencing or changes to the means of crossing the line.

Environmental Pollution

9.109 The Environment Agency, together with Hastings Borough Council, is responsible for the control of pollution and is concerned that any development proposed should not have an unacceptable impact. A particular concern is that new development should not lead to increased air pollution within the Air Quality Management Area on the A259 Bexhill Road in the west of the Borough. The Borough Council will continue to monitor air quality and will develop policies and action programmes to maintain and, where necessary, to improve it.

POLICY DG33

Environmental Pollution

Planning permission will not be granted for development which would be likely to cause unacceptable pollution of air, water or land.

This includes development which will result in an unacceptable risk of pollution to the quality or potential yield of surface and groundwater resources.

The Council may require that applicants carry out air quality monitoring and assessment into the likely effect of significant new developments alongside existing main roads which could lead to a substantial increase in traffic levels and consequent deterioration in air quality in the area.

Contaminated Land

9.110 Proposals for development on previously used 'brownfield' land will be strongly supported as a means of bringing derelict land and vacant sites back into use, as well as reducing the need for development on greenfield land. However any such development proposals must take account of any potential contamination on the site and include any remedial measures to ensure that the development can be carried out without risk to health, safety or the environment.

POLICY DG34

Contaminated Land

Where an application for planning permission is submitted on a site with known or suspected contamination, developers will be required to carry out site investigations of potential hazards and propose necessary remedial measures required to deal with the hazard