

Report to: PLANNING COMMITTEE

Date: 05 April 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: Shop and Premises, 311 Bexhill Road, St Leonards-on-sea, TN38 8AJ

Proposal: Erection of one building containing two units for trade uses (Class B8 with ancillary showroom and/or auto centre (B2) and/or Sui Generis Uses) with associated landscaping and infrastructure.

Application No: HS/FA/16/00890

Recommendation: Grant Full Planning Permission

Ward: WEST ST LEONARDS

File No: BE90311

Applicant: Tarcourt Ambit 2013 Ltd per Dalton Warner Davis LLP 21 Garlick Hill London EC4V 2AU

Interest: Not freeholder

Existing Use: Convenience store and curtilage

Policies

Conservation Area: No

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: No

Letters of Objection: 6

Petitions Received: 0

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

Site and Surrounding Area

The application site relates to a mini supermarket premises at 311 Bexhill Road, St Leonards-On-Sea. The site includes the supermarket building itself, an area of car parking to the west of the site and a large dual pitched, single storey outbuilding. Approximately two-thirds of the site appears undeveloped as either grass or scrub land - possibly part of the former public house garden.

The main supermarket building on site has previously been used as a hotel and then a drinking establishment. The property is two storeys with rooms in the roof and appears to be Victorian in character; however, the majority of the historic character has been eroded as a result of several later extensions.

The surrounding area is made up of a mixture of uses. Bexhill Road and Bulverhythe Road have a predominately residential character, as a mixture of bungalows, semi-detached and detached houses, but in the immediate vicinity of this site there are:

- a small car dealership, café and Indian restaurant opposite the entrance to the site, fronting on to Bexhill Road;
- a large car dealership to the west of the application site (No. 323 Bexhill Road); and
- to the south of the site are a builder's yard, self-storage facility, railway shed and a Council-owned waste transfer facility.

Site constraints:

- Air Quality Management Area;
- Flood Zones 2 and 3 (including Surface Water and Ground Water flooding areas);
- Authorised Landfill Site 250m buffer;
- Historic Landfill Site 250m buffer;
- Regional High Pressure Pipe Line 2km buffer; and
- SSSI Impact Risk Zone (any industrial/agricultural development that could cause AIR POLLUTION (incl: industrial processes, pig & poultry units, slurry lagoons > 200m³ & manure stores > 250t)),

Proposed development

This application seeks permission for the erection of a single building containing two units for trade use (B8) with an ancillary showroom and/or auto centre (B2) and/or sui generis, with associated landscaping. It is also proposed to provide 34 parking spaces, 4 cycle spaces and widen the existing access on to Bexhill Road from approximately 5.88m to 12.6m.

The Sui Generis use has been defined as;

- Storage, distribution and sales of tiles, floor coverings, bathroom and kitchen furniture and fittings, and other building materials;
- Machinery, tool and plant hire;
- Auto centre for fitting and associated sales of tyres and car parts (including MOT);or
- Plumbers' and building merchants

This is a re-submission of an earlier application which was refused at committee. The previous application proposed the demolition of the existing supermarket and the erection of 4 units on the site. The reasons for refusal included the scale, bulk, design, layout and materials proposed and the resultant impact on the character of the area.

The application is supported by the following documents:

- Tree protection plan (Drawing No. A1)
- Arboricultural Impact Assessment
- Archaeological Desk Based Assessment
- Border lighting plan (Drawing No. D26633/PY/B)
- Landscape plan (Drawing No. V13759 L02)
- Drainage plan (Drawing No. 600)
- Design and Access statement
- Desk Study and Ground Investigation Report
- Energy Statement
- Flood Map
- Flood Risk Assessment
- GEA Mapping
- Bedrock Aquifer Designation
- Planning Statement
- Schedule of Materials and Finishes
- Transport Statement
- Updated Extended Phase 1 Habitat Survey

Relevant Planning History

- | | | |
|---|----------------|---|
| - | HS/FA/10/00401 | Change of use from public house to supermarket, alterations to shop windows. Relocation of door to maisonette, replacement windows and other alterations. |
| | Granted | 19/08/2010 |
| - | HS/CD/10/00851 | Discharge of conditions 2, 3, 5 & 6 of Planning Permission HS/FA/10/00401 |
| | Granted | 19/01/2011 |
| - | HS/FA/15/00750 | Demolition of existing buildings and erection of one building containing four units for trade use (Use Class B8 with ancillary showroom and sui generis uses) and/or retail (Use Class A1) with associated landscaping and infrastructure |
| | Refused | 04/04/2016 |

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy DS2 - Employment Growth

Policy DS3 - Location of Retail Development,

Policy SC2 - Design and Access Statements

Policy SC3 - Promoting Sustainable and Green Design

Policy SC4 - Working Towards Zero Carbon Development

Policy SC7 - Flood Risk

Policy EN1 - Built and Historic Environment

Policy EN3 - Nature Conservation and Improvement of Biodiversity

Policy E3 - Town, District and Local Centres

Policy T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

Policy HN5 - Non-Designated Heritage Assets

Policy HN7 - Green Infrastructure in New Developments

Policy HN8 - Biodiversity and Green Space

Policy SA3 - Shops and Services outside the Shopping Area

National Planning Policy Framework (NPPF)

- Section 1 Building a strong, competitive economy
- Section 2 Ensuring the vitality of town centres
- Section 4 Promoting sustainable transport
- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and enhancing the natural environment
- Section 12 Conserving and enhancing the historic environment

Consultations comments

Borough Arboriculturalist - No objection, subject to a landscaping scheme.

County Archaeologist - No objection, subject to conditions.

Highways - No objection, subject to conditions

Environment Agency - No objection, subject to conditions

Environmental Health - No requirement to undertake an air quality assessment.

Southern Water - No objection, subject to conditions.

Local Flood Risk Management Team (SUDS) - No objection, subject to conditions.

Environment and Natural Resources - No objection, subject to conditions

Representations

In respect of this application, 32 neighbouring properties were consulted, a site notice was displayed and an advert was placed in the local paper. In response to this 6 letters were received from 4 different properties. Of these representations, all were letters of objection. The concerns within these letters are set out below;

- Loss of trees
- Light pollution
- Noise and disturbance from use and construction
- Traffic and highway safety
- Loss of open space
- Impact on ecology
- Lack of ecology report/survey
- Ecology report insufficient
- Proposed use not necessary
- Site allocation
- Site heritage
- Units available in corporation yard, therefore no need for development
- Traffic congestion and highway safety
- Bulk, size, height, shape and position of building
- Building out of keeping with the character of the area
- Competition
- Reference to employment sites designated in the Local Plan

Determining Issues

Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015)(DMP), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other local plan policies.

Policies DS2 and SC1 of the Hastings Planning Strategy also seek to encourage employment related uses (particularly those in the B Use Classes) in an effort to boost the economic regeneration of the area

Taking this into account it is considered that the principle of the development meets the aim of the Hastings Local Plan, subject to other local plan policies and considerations as below.

Proposed Use

This application submitted is for a mixed use development comprising B8, B2 and Sui Generis uses. More specifically, three possible uses are put forward with this application. The first use is for storage with ancillary showroom (B8). The second possible use is an auto centre (car repair/MOT)(B2) and the third is a Sui Generis use. Although the B2 and B8 uses are relatively self explanatory the Sui Generis Uses has been further defined, as detailed above under the heading 'Proposed Development'.

The existing use of the site falls under A1 use in connection with the existing shop. The site is also considered to be brownfield and is not allocated for a specific use within the Hastings DMP or the Hastings Planning Strategy (HPS). As such there is nothing in policy terms that would prevent the use of the site as proposed subject to other relevant policies. It is noted that the resulting development would provide additional employment space in a sustainable location within the Borough whilst retaining the existing A1 retail space.

Design and Layout

As stated above, the proposal seeks to erect a single storey building, subdivided into 2 units, together with associated access, car parking and landscaping. The site is to be accessed from Bexhill Road using the existing highway access, which is to be widened and improved for pedestrians. The application proposes 34 parking spaces including 3 disabled spaces and 4 cycle parking spaces.

Following on from the previous refusal, the scale of the development has been reduced from 4 units to 2. This has resulted in a decrease in size of the building and a reduction of the proposed floor space from 1300m² to 697m². The development has also been relocated within the site following concerns about impact on the existing building line of Bexhill Road and the resultant 'hidden areas of landscaping'. As a result of this, the units are shown to be located at the rear of the site, set behind the existing supermarket which fronts on to Bexhill Road. The height of the proposed units remains the same as the previous application, however, there is now a separation distance of 19.5 metres from the flank elevation of the units to the site boundary with Bulverhythe Road. This separation distance aids in lessening the visual bulk of the development when viewed from Bulverhythe Road.

The supermarket on site is now also to be retained.

Taking these factors in to account, it is considered that the development proposed has addressed the previous reasons for refusal in terms of design and the layout of the site. The development is therefore considered acceptable.

Impact on Character and appearance of area

Although the principle of the use in this location is considered acceptable, the impact of the proposed use on the character of the area still needs to be considered. In this respect, although there have been objections about the proposed incompatibility of the uses with the perceived predominately residential character of the area, this section of Bexhill Road and the Bulverhythe area has a very defined mixed character. This mix is split between the residential properties that front Bexhill Road and parts of Bulverhythe Road and the commercial/industrial nature of the areas immediately south and west of the application site. These commercial /industrial uses include a large car showroom business, railway yard/shed, self-storage yard, vehicle repair centre, waste transfer depot and other small businesses and workshops. Given the nature of uses in the immediate area, the proposed development is compatible and will not harm local character in terms of its use.

In terms of scale, the proposal includes a dual pitched roof with a maximum height of 7.4m to eaves and 8.2m to ridge. This is comparable to the recently approved new car showroom at 232 Bexhill Road at 6.74 metres in height. The proposal also now only occupies a portion of the site and as such the reduction in floor area and consequentially its scale is considered to be acceptable as it would not harm the existing character of the streetscene. The development is also considered to associate well with the adjacent car showroom and industrial character to the rear.

The appearance and proposed materials are considered to result in a development that is commercial in nature and, is considered to relate to the nearby commercial and industrial uses where the modern warehouse appearance is clearly a feature. It is noted that the units, are located at the rear of the existing shop and as such will have a lesser impact on the street scene when compared to the previous application.

Taking these factors in to account, it is considered that the proposed development is in keeping with the commercial nature of Bexhill Road and would not have an unacceptable impact on the surrounding residential properties in Bulverhythe Road or on the opposite side of Bexhill Road. The proposal is therefore in accordance with the aims of local and national policies in respect of local character.

Impact on Neighbouring Residential Amenities

The proposed building is shown to be approximately 38.5 metres from No. 122 Bulverhythe Road and 38 metres from No. 307 Bexhill Road which is located on the corner of Bexhill Road and Bulverhythe Road. The proposed units are also approximately 65.7 metres from the properties on the opposite side of Bexhill Road. These distances are considered sufficient to ensure there would not be a detrimental impact in terms of loss of light, overshadowing or reduced outlook to the neighbouring residential properties.

The main issue for consideration is whether the proposal will cause any unacceptable noise and disturbance.

- Noise

One main concern raised by local residents relates to the potential for increased noise and disturbance from the site. In response to this and in support of the application, a noise report has been provided (Ref:1515444) which was carried out by Sharps Redmore Acoustic Consultants. The findings in this report conclude that the noise impact from the proposal would not result in significant adverse impact and that noise could be controlled in accordance with recommendations in national planning policy. This report has also been reviewed by the Council's Environmental Health Team. The Environmental Health Team have confirmed the findings within the report and support the imposition of a condition in relation to noise levels and decibel ratings.

It is also suggested by the Environmental health Team that a condition be imposed requiring a suitable construction management plan be submitted prior to commencement of development providing details of how the environmental impact of the construction work is to be controlled. This is to ensure that there would not be a detrimental impact on the local residents in terms of noise and dust.

Lastly it is suggested that a condition is imposed restricting work which is audible at the site boundary and deliveries to and from the site.

- Lighting

The Environmental Protection Officer has reviewed the submitted lighting plan (D26633/PY/B) and has confirmed that the proposed lighting units are acceptable as it has been demonstrated there would not be an unacceptable impact on the neighbouring residents in terms of light spillage.

Taking the above in to account, whilst it must be acknowledged that as a result of the increase in floorspace, there will be an intensification of use, having reviewed the proposal and the breakdown of the proposed uses included within the Planning Statement (section 3.0) it is considered that, with the imposition of suitable conditions, it would be possible for the use to be carried out without detriment to the neighbouring residents.

Archaeological Matters

The proposed development is not within an archaeological notification area but, due to the size of the development, the applicant submitted an archaeological desk-based assessment. The County Archaeological Team have reviewed this information and have advised that the area has the potential for heritage assets with archaeological interest. This is in the form of buried archaeological remains at the site that may have resulted from the burial of the former land surfaces by alluvial deposits as sea level rose following the end of the last ice age.

The County Council have concluded by saying that the risk of significant impacts is relatively low and that in this case it would be reasonable to consider mitigation. This should include the use of purposive geo-archaeological boreholes, sampling and dating to be secured by condition. In the light of the potential for loss of heritage assets on this site resulting from development, the area affected by the proposals should be the subject of a programme of archaeological works. This will enable any archaeological deposits and features, disturbed during the proposed works, to be adequately recorded.

Taking this in to account it is considered that potential harm to the significance of heritage assets can be controlled and as such the development is acceptable

Ecology and Biodiversity

The site includes a large area of hardstanding and is physically separated from other potential habitats by roads and other hardsurfacing. The Updated Extended Phase 1 Habitat Survey (dated January 2017) concludes that the site has a low biodiversity value.

The report concludes that no significant impacts are predicted upon statutory or non-statutory sites as a result of the proposed development. However, to adhere to planning policy and relevant wildlife legislation, further bat roosting surveys are recommended if construction has not begun by March 2018.

There have been objections from members of the public about the quality of the surveys undertaken and the proximity of the development to known protected species and the time of year the assessment was carried out. These concerns are acknowledged, however, the Council's Environment & Natural Resources Manager has reviewed the submitted information and raises no objection, subject to conditions.

Taking account of the submitted ecology information and the comments of the Council's ecology specialist, the proposed development is considered to comply with policies SC1 and EN3 of the HPS and policies HN7 and HN8 of the DMP

Pollution and land contamination

Concerns regarding light and noise pollution are discussed above with regard to neighbouring residential amenities. The proposed development is also within the buffer of authorised and historic landfill sites and the Bexhill Road Air Quality Management Area. It is therefore appropriate to consider the impact of development on land contamination and air pollution.

In respect of land contamination, policy DM5 of the DMP is relevant and requires proposals to provide suitable ground investigation reports. In this instance the Environmental Protection Officer has stated that the site does not have a previous history of contamination.

The proposed development is within the Bexhill Road Air Quality Management Area. Because of this it is subject to policy DM6 of the DMP and Countywide guidance contained in Air Quality and Emissions Mitigation Guidance for Sussex Authorities. Essentially, depending on the scale of development proposed and the existing air quality situation, the applicant may need to supply information explaining that the proposed development does not exceed statutory guidelines and limits. The need for this information would be at the request of an Air Quality Officer which, for Hastings Borough Council, is the Environment Protection team. Having consulted with them, the Environmental Health Manager has stated that the scale of development is such that it would not adversely affect air quality within the area. Therefore, no additional air quality information is required.

Flood Risk

This site is within Flood Zones 2 and 3 and has also been identified as an area at risk from surface water and ground water flooding. To help explain the impact of development in these respects, the application is accompanied by a Flood Risk Assessment (FRA) (dated 14.09.2016) and statutory consultations have been undertaken with the Environment Agency and the Lead Local Flood Authority (LLFA). Southern Water have also been consulted.

The Environment Agency have raised no objection, however, they have made some suggestions in relation to flood proofing measures to reduce the impact of flooding when it occurs. Guidance has also been provided in relation to high level electrical services etc.

As part of the initial round of consultations, the LLFA identified that the FRA did not adequately address the management of surface water. The applicant has provided this additional information and the LLFA now consider the development acceptable subject to conditions.

Southern Water have also been consulted on the proposal and have raised no objection. They have however, advised that the applicant will need to provide evidence of the existing discharge to public surface water sewer in the form of CCTV survey plan or topographical survey plan showing existing drainage. Or, alternatively, if the existing site is disposing of surface water via other means, the new development should discharge surface water in accordance with Part H3 of Building Regulations hierarchy. This has been included as an informative note.

Trees

In support of this application an Arboricultural Impact Assessment has been submitted. This report identifies 2 individual trees, 2 groups of trees and 4 areas of scrub that will require removal to accommodate the proposed development layout. These trees and hedges have all been identified as Grade C. Category C trees are defined within the British Standards as suitable for removal to accommodate development. The arboricultural report concludes that the hedge along the boundary with Bulverhythe Road should be retained as part of the landscaping. It is also advised that barrier fencing will be required to protect hedge H1 during the development and landscaping phases.

The Borough Arboriculturalist has raised no objection towards the proposal, but, has advised that there is scope for significant tree planting on site, particularly on the site boundaries. In light of this, it is considered that mitigation in the form of an appropriately designed landscaping scheme, secured by condition, would make up for the loss of screening provided by the existing tree cover on site.

Highway Safety/Parking

Concerns have been raised by local objectors in relation to the potential impact of the development on the highway network and the local parking situation. The application has been considered and consultations carried out with the Local Highway Authority (LHA). No objections have been raised towards the scheme by the LHA and the submitted objections do not provide sufficient evidence to outweigh the consultation response.

The proposed development is located on the A259 and would lead to an intensification of the site, with 12 additional trips likely to be generated during the AM peak and 7 in the PM. This is an increase in vehicle movements to and from the site, however, it is considered that this level of increase would not result in sufficiently high volumes of turning movements that would detrimentally affect the safety or operation of the site access or the A259 Bexhill Road.

The LHA have also advised that the parking levels are appropriate and the submitted plans indicate that there is adequate space on site for HGVs to access each unit and turning manoeuvres can be accommodated on site for larger vehicles.

A number of conditions have been suggested by the LHA to ensure that the proposed development is acceptable in terms of highway safety and parking. Taking this in to account it is considered that the proposal is acceptable as it would not have an unacceptable impact on highway safety or parking.

Sustainable Construction

The application has been accompanied by an energy statement (dated 10.10.16) explaining that, through improvements to the design of the fabric of the building and some energy efficient measures internally, the proposed development will make CO2 improvements over the building regulations requirements. These improvements have also been made without the addition of renewables. The proposal is therefore considered to comply with policies SC3 and SC4 of the HPS.

Air Quality and Emissions

The proposed development is within the Bexhill Road Air Quality Management Area. Because of this it is subject to policy DM6 of the DMP and Countywide guidance contained in Air Quality and Emissions Mitigation Guidance for Sussex Authorities. Essentially, depending on the scale of development proposed and the existing air quality situation, the applicant may need to supply information explaining that the proposed development does not exceed statutory guidelines and limits. The need for this information would be at the request of an Air Quality Officer which, for Hastings Borough Council, is the Environment Protection team. Having consulted with them, the Environmental Health Manager has stated that the scale of development is such that it would not adversely affect air quality within the area. Therefore, no additional air quality information is required.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

The development hereby permitted shall be carried out in accordance with the following approved plans and details: V13759-L02, 13759-129A, 13759-125C, D26633/PY/B, 13759-130A, 13759-127B, 13759-128A, 13759-126A, 13759-124C, 13759-120, Updated Extended Phase 1 Habitat survey, Drainage Calculations (31.01.2017), Drainage Plan 600 Rev1, Planning Statement SP/9631.

3. The premises shall not be used except between the following hours:-

06:00 - 21:00 Monday - Saturday, including Bank holidays
10:00 - 16:00 Sundays

4. The units shall not be used other than within Use Class B2, B8 (with ancillary showroom) and/or the following mixed/sui generis uses:

- storage, distribution and sales of tiles, floor coverings, bathroom and kitchen furniture and fittings, and other building materials;
- machinery, tool and plant hire;
- Auto centre for fitting and associated sales of tyres and car parts (including MOT);or
- plumbers' and building merchants

5. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall include measures for the control of noise and dust during the construction of the development. The development shall be carried out in accordance with the approved plan.

6. Before its installation details of any plant, machinery or similar equipment shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

7. The noise rating level emitted by all plant equipment (including any fans, tools or other mechanical services) on the site shall not exceed 56dBA. The noise levels shall be determined in a free field location on the boundary of any nearby residential premises. The measurement and assessment shall be made according to BS 4142 2014.

8. With the exception of internal works, the building works required to carry out the development hereby permitted must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
No working on Sundays or Public Holidays.
9. Prior to the occupation of a unit, an acoustic report which includes details of works to reduce noise pollution for that unit shall be submitted to, and approved in writing by, the Local Planning Authority. The uses hereby approved shall not commence until works have been carried out in accordance with the approved details. Such measures shall be maintained thereafter
10. The alterations to the existing access shall be as shown on the submitted plan (Drawing No. 2015-2476-001) and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.
11. Prior to commencement of development details of suitable vehicle wheel washing equipment to be provided within the site for the duration of the development phase are to be submitted to and approved in writing by the Planning Authority in conjunction with the Highways Authority.
12. Prior to the commencement of development details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority.
13. Prior to commencement of development a Construction Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include the routing of vehicles, details of storage areas for plant/machinery, materials and welfare facilities, contractor parking and hours of operation.
14. The development shall not be occupied until car and cycle parking areas have been provided, and loading/unloading areas marked in accordance with the submitted plan (Drawing No. 13759-124C) or details which have been submitted to and approved in writing by the Planning Authority and the area shall thereafter be retained for those uses.
15. No development shall take place until there has been submitted to and approved 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 together with an implementation programme.

16. 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.
17. No development shall take place until the applicant has secured the implementation of a programme of archaeological works in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Local Planning Authority. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
18.
 - (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.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the units hereby approved shall occur until those works have been completed.
 - (iii) No occupation of the units hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
 - (iii) Prior to commencement of development a maintenance and management plan for the entire drainage system, clearly indicating those who will be responsible for managing all aspects of the surface water drainage system, including piped drains and evidence that these responsibility arrangements will remain in place throughout the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Lead Flood Authority.
 - (iv) Prior to occupation of the units evidence (including photographs) showing that the drainage system has been constructed as per the final agreed detailed drainage designs shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Local Lead Flood Authority.
19. The development shall be carried out in accordance with the measures in the submitted energy statement (by Envision Energy, dated 10.10.2016 and referenced P15155-4.1-RP001-C)

20. No development shall take place until the measures outlined in the submitted ecological statement (Updated Extended Phase 1 Habitat Survey, dated January 2017) have been fully implemented, unless:
- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statement is otherwise first varied, by way of prior written approval from the Local Planning Authority.
 - (iii) Should development not commence begun by March 2018 an additional bat roosting survey shall be carried out and submitted to and approved in writing by the Local Planning Authority.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining residents.
4. To ensure that planning control remains in the interests of impact on the character and amenity of the surrounding area, impact on parking and highway safety and the impact on retails uses and shopping centres.
5. In the interests of the amenity of the neighbouring residential occupiers.
6. In the interests of the visual amenity of the area and to protect the neighbouring residential occupiers.
7. To safeguard the amenity of adjoining residents.
8. To safeguard the amenity of adjoining residents.
9. In the interests of the amenity of the neighbouring residential occupiers.
10. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
11. In the interests of highway safety and for the benefit and convenience of the public at large.
12. In the interests of highway safety
13. In the interests of highway safety and for the benefit and convenience of the public at large.

14. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
15. In the interests of the visual amenity.
16. To ensure a satisfactory form of development in the interests of the visual amenity.
17. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
18. To prevent increased risk of flooding.
19. In order to comply with the requirements of policy SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.
20. To protect features of recognised nature conservation importance

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
 3. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection into the development please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
 4. The applicant is also advised to contact Southern Water with regard to the sewer easement within the site, if additional sewers are found during construction and if trade effluent is proposed to be discharged into the public sewer.
 5. The applicant is advised to review the guidance from the Lead Local Flood Authority (LLFA) in relation to groundwater levels and proposed stombloc attenuation tank.
 6. Consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.
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Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/16/00890 including all letters and documents