

Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: Little Acres Farm, Frederick Road, Hastings

Proposal: Erection of 32 dwellings, formation of vehicular and pedestrian access, parking spaces and associated landscaping (Amended description)

Application No: HS/FA/17/00003

Recommendation: Grant Full Planning Permission

Ward: TRESSELL
File No: FR20185B / FR20075T
Applicant: Park Lane Homes (South East) Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green Hailsham BN27 4QU

Interest: Developer
Existing Use: Residential

Policies
Conservation Area: No
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 14
Petitions Received: 1

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

Background

Members may recall that this application was deferred at the Planning Committee on 21 June 2017. The reason for deferment was that the applicant submitted a late representation concerning the published officer's report. In order that the contents of the representation could be fully considered and assessed, Members decided to defer the application.

No further representations have been submitted.

Site and Surrounding Area

The application site, known as Little Acres Farm, is located to the rear of houses in Frederick Road with access to the site on the western side of Frederick Road directly on the bend of Frederick Road and the junction of Coghurst Road.

The triangular shaped application site is approximately 0.593 hectares and currently comprises of a single storey bungalow with various outbuildings and paddock sited on a predominantly open, grassed plot of land that falls from north to south towards Tuppenney Close by approximately 13 metres. To the south, adjacent to Tuppenney Close, there is currently an open-ended estate road with two storey houses either side that form part of a larger modern, residential estate with access onto Frederick Road. A large hedge separates the application site from the properties to the south.

Numbers 185-211 Frederick Road are 2 storey houses which overlook the site from a higher level to the east. The west of the site is bounded by trees, vegetation and a brick wall, beyond which lies a Network Rail tunnel.

The application site is allocated for residential development (Ref COV2 - Land West of Frederick Road) within the Hastings Local Plan Development Management Plan 2015 for a minimum of 25 dwellings with an affordable housing provision of 25% on a brownfield site.

Constraints

Network Rail Land Ownership

Network Rail Tunnel

Flooding Surface Water 1 in 1000

Proposed development

The proposed development comprises the demolition of all existing buildings on the site and the erection of 32 dwellings (23 X 2 bed , 6 X 3 bed and 3 X 4 bed), including a new road layout and vehicular access from Tuppenney Close. Pedestrian access will remain from Frederick Road.

The scheme proposes a variety of house types which range between 2 storeys, 3 storey and 3 storeys plus rooms in the roof. A breakdown of the proposed plots is as follows:

Plots 1-14 are located at the southern most part of the site with rear gardens to the rear of properties in Tuppenney Close, each of these units apart from plot 2 is a 2 bed, two storey terraced house. Ridge heights are 8.6 m, eaves are 5.075 metres. Plot 2 is a 3 bed dwelling.

All these units have allocated parking.

Plots 15-24 sit behind plots 1-14 and comprise 2 bed split level (part 2/part 3 storey) dwellings with integral garage. The ridge height to the front of plots 15-20 is 11m, eaves height is 7.4m and the ridge height to the rear is 8.4m and eaves are 4.8m. The ridge and eaves height of plots 21-24 vary from 10.9m to 8.4m ridge height and 7.3-4.8m eaves height.

Plots 25-29 are located to the west of the site and are 3 bed, two storey dwellings, also with allocated parking spaces. Ridge heights are 9.1m and eaves are 5.075 metres.

Plots 30-32 sit at the top of the site to the north and are 4 bed dwellings with integral garages. The height comprises 3 storeys with rooms in the roof, accommodated by dormers to the front and dormers and roof lights to the rear elevations. Ridge heights on the front elevation are 12.8m and eaves are 8.2m. Ridge heights to the rear are 10.2m and eaves are 7.5m.

The scheme provides for a total of 62 parking spaces comprising of 45 no. allocated spaces (including 13 integral garages) and 17 unallocated (visitor parking).

A small play area (168m²) is incorporated within the development, to the east of the site.

The application is supported by the following documents:

Planning, Design and Access Statement
Ground Contamination Risk Assessment Report June 2015
Affordable Housing Viability Statement
Statement of Community Involvement
Drainage Assessment Report
Sustainability Statement
Ecological Assessment Report
Geotechnical Assessment Report

Relevant Planning History

- HS/OA/75/00190 Erection of 18 houses and garages with access from The Cheviots
Granted 29 July 1975
- HS/OA/77/00588 Erection of dwelling and garage
Granted 30 November 1977
- HS/DS/78/00111 Details for house and garage
Granted 22 March 1978
- HS/OA/01/00438 Erection of one dwelling in addition to existing bungalow
Refused 31 January 2002
- HS/OA/06/00741 Demolition of existing bungalow and outbuildings to provide for the erection of 30 houses
Refused 22 December 2006 Appeal Dismissed 11 June 2007

- HS/OA/07/00166 Demolition of existing bungalow to provide 30 residential units
Refused 25 May 2007
- HS/OA/08/00017 Demolition of existing detached bungalow and outbuilding to provide for
the erection of 30 residential units
Granted 20 July 2010
- HS/DS/10/00700 Approval of details of the scale and external appearance of the
buildings, and the landscaping of the site
Approval of Reserved Matters 03 February 2011
- HS/CD/15/00598 Discharge of Condition 3 (survey of condition) of planning permission
HS/DS/10/00700
Granted 10 July 2015
- HS/CD/15/00482 Discharge of condition 2 (external materials and condition 4 (wheel
wash) of planning permission HS/DS/10/00700
Granted 13 July 2015
- HS/CD/15/00488 Discharge of conditions 5 (surface water drainage), 9 (soft landscaping),
10 (hard landscaping), 12 (boundary treatments) and 15 (local play
provision) of planning permission HS/08/00017
Granted 13 July 2015
- HS/PR/15/01013 Application for Certificate of Lawfulness regarding the commencement
of development, approved pursuant to planning permission
HS/OA/08/00017
Granted 01 March 2016

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

- Policy FA5 - Strategic Policy for Eastern Area
- Policy SC7 - Flood risk
- Policy H1 - Housing Density
- Policy H2 - Housing Mix
- Policy H3 Provision of Affordable Housing
- Policy CI3 - Children's Play Provision
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan (2015)

- Allocated Site CV02 - Land west of Frederick Road
- Policy LP1 - Considering planning applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM4 - General Access
- Policy DM5 - Ground Conditions

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Paragraph 49. Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 56. The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Consultations comments

Highways - **No Objection subject to conditions** (Conditions 5, 6, 7, 8, 9, 10, 11, 12)

Environment and Natural Resources Manager - **No Objection** subject to standard ecology condition (Condition 15)

Southern Water - **No Objection** (Condition 15)

Council Arboricultural Officer - **No Objection**

Environmental Health Officer (Pollution) - **No Objection** subject to conditions (Conditions 16)

Representations

There have been 14 objections received from 6 different properties raising the following concerns:

- Viability of scheme and lack of affordable housing provision
- Application deems to be for 2-bed houses however as 3 bed is also proposed parking and affordable contribution must be recalculated
- Height of proposed houses out of keeping with 2-storey in local area
- 2-bed houses plus study are really 3-bed houses (affordable housing and floorspace concerns)
- Validity of certificate of lawfulness/extant permission

- brownfield vs greenfield site
- No public consultation (neighbour notification letters)
- Witness statements and delegated report for CLU not available on website
- Garden sizes too small and contrary to Local Plan policies
- Concern the CLU used as stepping stone to achieve 2 additional dwellings
- Potential to increase building sizes in subsequent permissions
- Appearance uneven, strange with overly large roofs and no diversity in design
- No Statement of Community Involvement despite development in excess of 30 dwellings
- Incorrect number of bedrooms noted, the Design and Access Statement notes 82 however it is in fact 105 bedrooms
- Site previously refused as greenfield, 40% affordable housing should be provided
- S106 legal agreement attached to original agreement breached therefore invalidation CLU
- Purchase price of site should have undergone due diligence to check the development was viable

Petition signed by 14 no. people received, objections include:

- Height and scale of buildings
- Lack of affordable housing
- No pre-app public consultation
- Density
- Not in keeping with the surrounding area
- Insufficient sewage capacity
- Drainage, garden space, transport
- Crammed development
- Not valid application
- Not in accordance with Local Plan
- Poor design
- Minimum space size
- No transport plan

Determining Issues

Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), 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 reasonable/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.

The application site is allocated for residential development (Ref COV2 - Land West of Frederick Road) within the Hastings Local Plan Development Management Plan 2015 for a minimum of 25 dwellings. Given the planning history of the site and the extant permission for 30 dwellings it is considered that the principle of residential is acceptable on this site.

Impact on character and appearance of area

The site lies in a predominantly residential area and is allocated for residential development. The character of the area is made up of predominantly 2 storey detached and semi detached properties. The new entrance to the development site will be taken from Tuppenney Close. Tuppenney Close is a modern estate, whereas the houses in Frederick Road are somewhat older. The actual application site is largely hidden from the street scene and the potential impact on the surrounding area is considered not detrimental.

The design of the proposed houses and the layout of the development is considered to be in keeping with the pattern of development adjacent and surrounding the site.

The proposed development would create its own character and sense of place and elements of this are discussed below.

Layout

The proposed development will involve the demolition of the existing bungalow and outbuildings on the site, and the erection of 32 dwellings, new road layout and parking for 62 cars.

The scheme proposes a variety of house types which range between 2 storeys to 3 storeys with rooms in the roof. A breakdown of plots is noted under the heading 'proposed development'. Although neighbouring properties are largely 2 storey dwellings, the proposed 3 storey dwellings are largely screened from street level and the heights will not impact detrimentally on the character of the area. The layout will provide an acceptable living environment for those residents within the new development.

The access to the site already exists between 11 & 12 Tuppenney Close. This will remain unchanged. A pedestrian access is shown between nos. 187 to 189 Frederick Road.

A Local Area of Play (LAP) measuring 168m² is incorporated within the development, to the east of the site. Although no details have been submitted as part of the application, the provision of the play area and ongoing maintenance and management will be secured through condition no.23.

The NPPF places an emphasis on the need to create "well designed buildings and places [which] can improve the lives of people and communities" (Paragraph 8, NPPF).

The floor areas of the proposed dwellings are compliant with the National Space Standards as prescribed by the Government

The proposal is considered to result in decent plot sizes that would include 10m rear gardens. Having said that, some of the garden areas appear to be somewhat constrained by their shape, specifically plots 30 and 32. Nevertheless they do provide 10m rear garden depths and are considered capable of providing suitable amenity space for future residents. The overall design of the buildings is considered to be in keeping with the size and scale of neighbouring plots and the pattern of development fits with the context of the surrounding area.

The site comprises plot sizes which on the whole are smaller than the established pattern of development in the immediate vicinity. Although the proposed scheme represents a density of 54 dwellings per hectare, policy H1 encourages densities of at least 40 dwellings per hectare in sustainable locations. The application site is close to transport links (bus routes on The Ridge), schools and Ore Village shopping area. As will be discussed below, the development is not considered to harm the character of the area or neighbouring residential amenity. As such, given the sustainable location of this site, it is considered that a density of 54 dwellings per hectare can be successfully accommodated on site.

The proposed site layout has a considered approach and has recently been amended to address concerns regarding design.

All dwellings have provision for bin storage, either within the rear garden or within the integral garage area.

When compared with the extant scheme, the parking layout is much more coherent. Whilst some properties have integral parking, others have allocated spaces. There is much less courtyard type parking than the extant scheme.

The amount of soft landscaping proposed as part of the scheme is improved from the extant scheme and will provide a balance to the hard landscaping of the road, paving, parking and houses. The degree of soft landscaping is on balance considered sufficient. Specific details for landscaping and planting will be the subject of conditions (Conditions 19 & 20).

Overall, the design of the scheme has been amended to try and provide a well-designed layout. The design is to an acceptable standard. To take the design to a higher standard, recesses at ground floor to accommodate garages could be designed out; however, the applicant proposes bright paint to avoid 'void' areas and this is considered acceptable on balance (Condition 4).

Impact on Neighbouring Residential Amenities

Properties that are potentially impacted by the proposals are as follows:

11-15 Tuppenney Close

Plots 1 to 14 of the proposed development will be located to the rear of properties in Tuppenney Close. There is a 21 metre distance between the rear elevations of 12-14 Tuppenney Close and plots 4-8, which is considered an acceptable distance between habitable rooms. However, there is a high hedge (bounding the site) which will provide adequate screening also from potential overlooking and privacy issues. Similarly, number 15 Tuppenney Close is also screened by heavy planting. Number 11 Tuppenney Close is 20 metres from plots 1-3 and along with 12 Tuppenney Close would be the most affected by the vehicular access onto the new development.

It is acknowledged that the vehicle movements generated from the proposed 32 dwellings would have an impact upon the residential amenity of numbers 11-12 Tuppenney Close. However, material to this assessment, it is noted that

- a) highways have no objection
- b) an extant permission for 30 dwellings has been approved and the impact of residential amenity has already been considered as part of that approval
- c) the site is allocated in the local plan which gives a suggested vehicular access between these two properties.

This application, in fact, would result in 2 residential units above that approved and these additional vehicle movements are not considered to harmfully affect 11 and 12 Tuppenney Close in terms of noise and disturbance.

Plot 32 of the new development will be approx. 20 metres from the rear of the properties in Frederick Road and is 3 storey plus dormer in height (ridge heights on the front elevation are 12.8m and eaves are 7.5m; ridge heights to the rear are 10.2m and eaves are 7.5m).

Following assessment of the plans as originally submitted, plots 30-32 were repositioned to lessen the impact on properties in Frederick Road. The buildings will now sit behind nos. 203-205 Frederick Road. As a result, the proposed building will be visible from the rear gardens of these properties. However, noting the distance mentioned and the higher ground levels in respect of properties on Frederick Road at this point, the impact of plots 30 to 32 are not considered to harmfully affect the residential amenities of nos. 203-205 Frederick Road. Although windows are shown on the flank wall of the property at plot 32, these will be conditioned to be obscured glazed so as to prevent overlooking.
(Condition 18).

Ecology

The Ecological Assessment Report, submitted as part of the application, concludes that there will be no direct impacts upon the surrounding nature conservation assets. A condition securing the mitigation as set out in the report, against any possible harm to the very limited potential for reptiles or birds will be attached to any permission granted.
(Condition 14).

Trees

The few trees remaining on site are of low value. There are no objections from the Council Arboriculturalist to the removal of the remaining trees in order that the development can go ahead. Replanting of trees and shrubs will be submitted as part of a soft landscaping condition (Conditions 19 & 20).

Air Quality and Emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected.

The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Highway Safety/Parking

A total of 62 parking spaces is provided within the development. This is considered to be an acceptable level of parking for the number and type of dwellings proposed. Cycle parking can be accommodated within each individual property.

A Traffic Generation Assessment was submitted as part of the application which concluded that, based on a residential development of 32 residential dwellings, as proposed, the development would generate the following levels of two-way vehicle trips during each of these peak hours:

- i) AM Peak Hour (08:00 – 09:00) – 16 two-way vehicle movements;
- ii) PM Peak Hour (17:00 – 18:00) – 16 two-way vehicle movements.

The Highways Officer originally objected to the submitted plans due to the width of the proposed roads; however amended plans have been submitted to overcome these objections. The amended plans have reconfigured the parking layout and adjustments have been made to allow for the swept path of a refuse truck. The road is not being proposed for adoption and as such the shared surface layout, previously recommended at 6m but which is 5m wide cannot be objected to. The internal road layout has short sections where the road width is 5m, and at the junctions and turning areas the road has increased widths, resulting in a workable layout and designed to have low speeds and low volumes. There are 47 parking spaces not including the integral garages which would comply with the parking standard. It is recommended that a planning condition is included to prevent the garage spaces being converted to habitable space to maintain the level of parking to accord with the scale of the development (Condition 8). The pedestrian/cycleway has been adjusted to allow wider access as recommended.

The allocation within the Local Plan states that development proposals will be supported by a Transport Report. However, as there is an extant permission for 30 dwellings and the Traffic Generation Assessment concludes that vehicle trips will be fewer than 30 trips per hour it was not considered that a major impact on the highway network would occur and a Transport Assessment /Statement was not required as part of the validation process. Furthermore no request for such has been made by the Local Highway Authority.

Drainage

The site is located within a 1 in 1000 surface water flooding area and within 900m from the nearest fluvial flood risk source. A drainage assessment report was submitted with the application and the Lead Flood Authority and Southern Water have been consulted. Although there are no objections on this issue, conditions requiring the submission of a detailed drainage design/strategy form part of this recommendation (Condition 13 & 15).

Contaminated Land

As the use of the site previously was part agricultural, a ground contamination report was submitted with the application. The Environmental Health Officer has commented

"No methane was detected on site however some very minor levels of CO₂ were registered. Therefore for standard low rise housing, the NHBC have developed a characterisation system which compares the calculated GSVs or typical maximum values to generic "traffic light" scenarios. Table 8.7 of the CIRIA document classifies the site as "Green" and, provided that a well-ventilated sub floor void is installed, no other specific gas protection measures are considered to be necessary.

Therefore, I have no objections to permissions being given as long as the build follows the advice from the Geotechnical document listed above.

Should any suspicious material be located during the build, then works in that area should stop until scientific analysis of the materials found has been undertaken and should it be found to be contaminated a report listing the remedial works to be undertaken and a statement of completion to satisfy the LPA".

Condition 16 is attached to ensure compliance with the risk assessment as advised.

Affordable Housing and other contributions

The Local Plan allocation for residential on this site includes a requirement for the provision of 25% affordable housing.

A viability statement was submitted by the applicant and has subsequently been assessed by Bruton Knowles. The Bruton Knowles assessment of the applicant's viability statement has concluded that whilst an onsite provision of affordable housing would make the development unviable, a contribution of £95,000 towards affordable housing can be made.

Government guidance is such that house building is paramount and viability issues should not stall development. As such there is no objection in this respect.

Validity of Certificate of Lawfulness

The Certificate of Lawfulness regarding the commencement of development at the application site was granted on 01 March 2016 under reference HS/OA/08/0017. Extracts from the delegated report which recommended granting the certificate follow. Details include the evidence, case law and advice from a barrister which formed the basis for the decision:

"Considerations/Legislation:

A Certificate should be issued in accordance with the legal test which is based on the balance of probability. An LPA should not refuse a certificate because the applicant has failed to discharge the stricter, "beyond reasonable doubt". If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicants version of events less than probable, there is no good reason to refuse the application. The purpose of the application is to establish whether a 'material operation' was carried out after the details of the original permission were discharged, conditions complied with and before the permission expired on 20 July 2015.

'material operation' is defined in Section 56 (4) of the Town and Country Planning Act 1990 and states:

- (a) any work of construction in the course of the erection of a building;
- (b) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- (c) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as is mentioned in paragraph (b);
- (d) any operation in the course of laying out or constructing a road or part of a road;
- (e) any change in the use of any land which constitutes material development

Evidence supporting the applicant's case

1. Photographs showing the laying of a foul drain
2. Email from Jonathan Cornell (Building Control) referring to drainage works in July 2015

Evidence from objector

1. Witness Statement from Keith Hollidge

Evidence from Building Control as supplied to the Council

1. Email dated 02 February 2016 confirming date drainage works commenced

Discussion:

Taking all the evidence into account it can be established that:

1. A material operation commenced on 9th July 2015.
2. Pre-commencement conditions were discharged between 10th and 13th July 2015.
3. Outline planning permission expiry 20th July 2015.

A 'material operation' should be carried out after the details of the original permission were discharged, conditions complied with and before the permission expires which is this case was on 20 July 2015. It is accepted that, in this case, the works were carried out in breach of conditions precedent. However case law has established an exception to 'The Whitley Principle'.

In summary, this exception as outlined by an Appeal Inspector in the Lakeland v Rutland case establishes the following presumption:

If a condition requires an approval before a 'given date', and the developer has applied before that date for its approval, which is subsequently given so that no enforcement action could be taken, work done before the 'given date' and in accordance with the scheme ultimately approved, by condition discharge, can amount to a lawful commencement of development.

In conclusion, although the works should have been carried out after the conditions were discharged, case law and a legal opinion from a barrister suggest that the works are subsequently deemed lawful and therefore a certificate should be issued.

Statement of Community Involvement

Although it is regrettable that the applicants chose not to hold a pre-application forum, there is no obligation to take part, as set out in the Hastings Local Plan – Statement of Community Involvement December 2016.

Paragraph 5.17 states

"Whilst developers will be encouraged to use this opportunity for large scale developments (the trigger is usually where 30 or more dwellings are proposed), it is not mandatory and is dependent on their co-operation and willingness to take part".

Conclusion

This application will provide much needed family-sized accommodation on the site. Although regrettable that an affordable housing provision on site is unviable, a contribution will be secured towards off site provision. This is an allocated site which has remained undeveloped for a number of years despite the benefit of planning permission. It is considered that as the viability has been re-assessed this will enable the development of the allocated site. Following comments from various consultees as part of the application process, amendments have resulted in an acceptable layout with no unacceptable impact on neighbouring properties. The scheme is now considered to be compliant with Local Plan Policies and is recommended for approval.

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

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:

- A financial contribution towards the provision of offsite affordable housing

In the event that the Agreement is not completed by 20 October 2017 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Grant permission subject to the above and the following conditions:

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:

5211/LP, 5211/BP/C, 5211/BP1, 5211/EX, 5211/COMPS/A, 5211/1/C, 5211/2/D, 5211/6A, 5211/7A, 5211/8B, 5211/9A, 5211/10A, 5211/11A, 5211/12A, 5211/13A, 5211/14A, 5211/15/C, 5211/17/A, 5211/18, tw/1 606457/100 S7
3. With the exception of internal works the building works required to carry out the development allowed by this permission 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.
4. No development above ground shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings (including treatment of garage 'void' areas) hereby permitted have been submitted to or displayed on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details
5. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
 - the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and egress and routeing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
6. Means of vehicular access to the site shall be from Tuppeney Close only.

7. No part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
8. The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.
9. No part of the development shall be occupied until cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
10. No part of the development shall be occupied until the vehicle turning space and footway/cycleway link to Frederick Road has been constructed within the site in accordance with the approved plans. The spaces shall thereafter be retained at all times for those uses and shall not be obstructed.
11. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense prior to occupation of the approved dwellings.
12. No part of the development shall be occupied until a suitable vehicle access arrangement has been provided for property 11 Tuppenney Close, in accordance with the approved plans.
13. Development shall not commence until a drainage strategy detailing the proposed means of foul water disposal and an implementation timetable, has been submitted to and approved in writing by the local authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable.
14. No development shall take place until the measures outlined in the submitted ecological statements and reports Little Acres Farm, Frederick Road, Ore, East Sussex Ecological Assessment Report by Ash Partnership dated February 2017 have been fully implemented, unless:
 - (i) the programme for such measures is otherwise specified within that document, in which case the works shall be carried out in accordance with the timescales contained therein or;
 - (ii) unless the schemes, or programmes of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

15. Prior to commencement of development a detailed surface water drainage strategy (as outlined in JMLA Drainage Assessment Report (Ref tw/160457/jml)) shall be submitted to and approved in writing by the Local Planning Authority. Details shall include:
- a) Surface water runoff from the proposed development to be limited to 4.3l/s for all rainfall events, including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form of hydraulic calculations) should be submitted with detailed drainage drawings. The hydraulic calculations should take into account the connectivity of the different surface water drainage features.
 - b) How surface water flows exceeding the capacity of the surface water drainage features will be managed safely.
 - c) A maintenance and management plan for the entire drainage system which clearly states who will be responsible for managing all aspects of the surface water drainage system, including piped drains. These responsibility arrangements must remain in place throughout the lifetime of the development.
 - d) Evidence (including photographs) showing that the drainage system has been constructed as per the approved detailed drainage designs.

Works shall be carried out in accordance with these approved details.

16. All works shall be carried out in accordance with advice contained within the Ground Contamination Risk Assessment Report by Ashdown Site Investigation Limited dated June 2015 and shall be fully implemented before the development is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. Any further contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Planning Authority for written approval prior to continuation of those works. On completion of the works the developer shall provide written confirmation that all works were completed in accordance with the agreed remediation details.
17. The approved dwellings shall not be occupied until full details of all boundary walls/fencing have been submitted to and approved in writing by the Local Planning Authority. All such boundary walls/fences shall be erected before the building to which it relates is occupied.
18. The windows on the 1st and 2nd floor side east elevation flank wall of plot 32 shall remain obscure glazed at all times.
19. 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.

20. 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.
21. No development, other than above ground demolition, shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed means of enclosure; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.)
22. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
23. Prior to occupation of the approved dwellings, to prepare and submit to the Council a scheme detailing the laying out, long term maintenance, management and ownership for the play area and open space to be approved in writing by the local planning authority. The scheme should include a plan of the site indicating the siting and layout of the play area and open space. The scheme should also include rights of access and such other services as are necessary for the use and enjoyment of the play area and open space for the purpose of constructing, inspecting, repairing, replacing and maintaining any fencing or furniture thereon. The play area and open space shall be laid out in accordance with the approved scheme prior to the occupation of any dwellings hereby approved.

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. In the interests of the visual amenity.
5. In the interests of highway safety and the amenities of the area.
6. In the interests of road safety.
7. To ensure adequate parking for the development

8. To ensure adequate off-street provision of parking in the interests of amenity and highway safety.
9. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
10. In the interests of road safety.
11. No development shall take place, including demolition, on the site until an agreed pre commencement condition survey of the surrounding highway network has been submitted and approved in writing by the Local Planning Authority. Any damage caused to the highway as a direct consequence of the construction traffic shall be rectified at the applicant's expense.
12. In the interests of road safety.
13. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
14. To protect features of recognised nature conservation importance.
15. To ensure surface water from the development is managed safely.
16. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
17. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
18. To safeguard the amenity and privacy of residents at 203 and 205 Frederick Road.
19. To ensure a satisfactory form of development in the interests of the visual amenity.
20. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
21. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
22. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
23. To ensure a satisfactory form of development in the interests of the character and amenity of the area.

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 water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
4. Any play equipment must conform to BSEN1176
5. The developer is advised to contact Asset protection London South East at AssetProtection@networkrail.co.uk prior to any works commencing on site to discuss their proposals in relation to the underlying tunnel, and to enable approval of any relevant works.
6. If during development and excavations any suspicions become evident or are aroused as to the potential or presence for any contaminated land, then works should immediately cease and a contaminated land assessment / ground investigation report be carried out which should then be submitted to and approved in writing by the Local Planning Authority prior to the work, associated with the permission hereby granted, commencing.
7. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.

Officer to Contact

Ms K Phillips, Telephone 01424 783250

Background Papers

Application No: HS/FA/17/00003 including all letters and documents