

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 15 November 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 8 Amherst Road, Hastings, TN34 1TT

**Proposal:** **Approval of all reserved matters relating to the Access, Appearance, Landscaping, Layout and Scale of Outline Permission HS/OA/14/00806 - Erection of three detached dwellings with access.**

**Application No:** HS/DS/17/00416

**Recommendation:** **Approve Reserved Matters**

**Ward:** BRAYBROOKE

**Conservation Area:** No

**Listed Building:** No

**Applicant:** Mr Wood per Clague LLP 62 Burgate Canterbury CT1 2BH

**Interest:** Freeholder

**Existing Use:** Partially completed dwellinghouses

**Public Consultation**

Site Notice:	Yes
Press Advertisement:	No
Letters of Objection:	15
Petitions of Objection Received:	1
Letters of Support:	0
Petitions of Support Received:	0
Neutral comments received	0

**Application Status:** Not delegated - Petition received

## 1. Site and Surrounding Area

The application site relates to the former 8 Amherst Road. This was a two-storey detached property within extensive grounds which has been demolished since outline planning permission was granted in 2011. The site was cleared and prepped for development and now contains 3 partially completed dwellings.

The site is located on the south side of Amherst Road and measures approximately 0.3 hectares. The site is set at a lower level than Amherst Road. Although cleared before development started earlier in the year, the site includes substantial existing planting and protected trees around its boundaries.

To the north are a series of detached properties of varying designs (1900-1960s) all within substantial plots. To the west is 14 Amherst Road which is a large chalet-style bungalow that is at a higher level than the application site. The shared boundary includes established hedgerows, protected trees and other planting. To the east of the site is 8 Amherst Road which is a more modern (likely 1980s) development which forms part of a series of more modern houses along Five Acre Walk. To the south of the site are properties on Winterbourne Close. These are also more modern properties (built since the 1980s) that are at a higher level than the application site.

The wider area, particularly along Amherst Road can be characterised by its open nature, which is a result of the prevalence of detached houses and established planting.

### Constraints

Tree Preservation Order

Badger foraging area

Area susceptible to surface water flooding in 1 in 30, 1 in 100 and 1 in 30 rainfall events

Within 600m of a play area

SSSI Impact Risk Zone

## **2. Proposed development**

The applicant obtained outline planning permission (with all details but access reserved) in 2011 for the redevelopment of the site for 3 detached dwellings. The permission was granted on appeal. The 2011 permission lapsed but the same scheme was granted outline planning permission in 2014 (ref HS/OA/14/00806).

The applicant has since received approval of the appearance, layout and scale of the development under ref HS/DS/16/00285 with the landscaping being approved under HS/DS/17/00024.

Although all of the reserved matters from the outline planning permission have been approved, this new reserved matters application has been submitted to resolve an issue regarding damage to protected trees that has occurred on site. In summary, since the last reserved matters were approved, the developer commenced works on site, damaged two protected oak trees (shown to be retained in the previous permissions) and now seeks approval for an amended scheme involving the removal of the oak trees, significant replacement planting and slightly amended layout details.

Since the application was submitted it has also been amended to show details of the retaining wall and planting area along the boundary with 14 Amherst Road and a slight amendment to the layout to show the protection of a remaining oak tree, to the east of the proposed driveway and adjacent to no.8 Amherst Road.

The application is supported by the following documents:

- Drawings
- Landscape planting drawings
- Design and access statement
- Ecological reports including badger, bat and reptile reports
- Arboricultural reports
- Waste management statement

### **Relevant Planning History**

HS/DS/17/00024 Approval of reserved matters relating to the landscaping (Conditions 1, 2, 3, 6 & 8) of Outline Permission HS/OA/14/00806 - Erection of three detached dwellings with access.  
Granted subject to conditions 16 February 2017

HS/DS/16/00285 Approval of reserved matters layout, scale and external appearance of the buildings to be erected under Outline Planning Permission HS/OA/14/00806 (Erection of three detached dwellings with access)  
Granted subject to conditions 06 January 2017

HS/OA/14/00806 Erection of three detached dwellings with access. (Outline application)  
Granted subject to conditions 23 December 2014

HS/OA/10/00523 Demolition of existing house on site and proposed erection of three x 5 bedroom dwellings and amendments to existing access.  
Refused 11 November 2010  
Allowed on appeal 09 September 2011

### **National and Local Policies**

#### Hastings Local Plan – Planning Strategy (2014)

Policy FA2 - Strategic Policy for Central Area

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

Policy EN3 - Nature Conservation and Improvement of Biodiversity

#### Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy HN8 - Biodiversity and Green Space

#### 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.

Sections 7 - Requiring good design and Section 11 - Conserving and enhancing the natural environment are also particularly relevant.

### **3. Consultations comments**

Lead Local Flood Authority - **No objection**. This is subject to Southern Water being satisfied that surface water drainage can be discharged into the sewer network.

Southern Water - **No objection**. After lengthy discussions Southern Water are now satisfied with the surface water attenuation for the site and the controlled discharge into the sewer network.

Borough Arboriculturalist - **No objection**. Agrees that the extent of crown and root damage to two of the protected oak trees is so severe that neither should be retained. Direct replacement of these trees is not possible which will result in a negative impact upon the streetscene as the trees are prominent within the local landscape. Although the loss of the protected trees will impact negatively on the streetscene, the proposed mix of replacement planting, including both oak and field maple to the front, side and rear of the site, will mean significant replacement tree cover can be achieved over time. In addition, the reconfigured layout to protect the oak tree, T1, is considered acceptable.

Environmental & Natural Resources Manager - **No objection**. Updates were requested in terms of badgers and bats given the development on site to date and the damage to the protected oak trees. Following the submission of this additional information no further ecology matters.

### **4. Representations**

23 representations received from 15 different properties raising the following concerns:

- Loss of two protected trees (oaks T2 and T3)
- Potential harm to protected oak tree T1
- Loss of bat habitat provided by trees proposed to be felled.
- Impact on badgers
- Insufficient space to implement proposed planting
- Damage to properties from trees being removed
- Planting of non-native trees

Petition signed by 26 people received raising concerns about the loss of protected trees, impact on retained trees and impact on wildlife (including badgers).

Many of the objections raised also make reference to enforcement proceedings and whether the developer should be prosecuted. The process of enforcing breaches of planning is separate to the determination of the planning application.

Some objectors have raised concerns about the badger information appearing as redacted on the website. Following advice from Natural England, to prevent increased risk of harm to badgers following information on their location being so easily accessible, the information is often redacted. Anyone raising this as a concern was provided with the necessary information along with an explanation about the redaction.

## 5. Determining Issues

As explained above, this site benefits from an outline planning permission and all of the reserved matters have been previously approved. This is why development has commenced on site. However, given concerns about the accuracy of the approved layout of the development and the subsequent damage that has occurred to protected trees on site since development began, the applicant was asked to resubmit their reserved matters application to resolve these issues. Therefore, although this is an application for the approval of all of the reserved matters from outline planning permission HS/OA/14/00806 - the appearance, landscaping, layout and scale - the main considerations relate to the layout of the development in relation to plot 3 and protected oaks T1, T2, T3 and the landscaping proposals which include the removal of two of the protected oaks and a significant planting scheme.

The appearance of the houses and their scale remains the same as previously approved and the layout, other than that mentioned above remains unaltered. This is explained in more detail below.

### a) Principle

The site is in a sustainable location and the application is, therefore, in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies.

### b) Impact on character and appearance of area and neighbouring residential amenities

The appearance and design of the scheme remains unchanged from the previously approved application (HS/DS/16/00285), other than the layout of the road and position of trees relative to plot 3, which is discussed under paragraph(d). As such an extract from the previous delegated report associated with application HS/DS/16/00285 is equally applicable and copied below:

*"The proposed houses are substantial 5-bedroom detached houses. Plots 1 and 3 are designed with a main dual pitched roof, a front-projecting side-gable and rear two storey projection. Plot 2 is designed with a hipped roof and central front and rear projecting gables. Whilst not immediately comparable with the smaller modern developments to the east (8 Amherst Road and properties along Five Acre Walk) and the large chalet bungalow at 14 Amherst Road, the proposed development certainly has an affinity with the large houses on the northern side of Amherst Road and in the wider area.*

*When viewed from the street the properties will have a lower eaves height than nos. 8 and 14 Amherst Road, which helps ensure that the properties do not appear overly tall.*

*The ridge height of Plot 1 is higher than no.8 but the ridge height of plot 3 is lower than the ridge height of no. 14. The change in ridge heights creates a step effect along the streetscene, which flows with the incline of Amherst Road from east to west. This ensures that the scale of the developments works with the local topography and existing development along this section of Amherst Road.*

*As with the layout, the set back into the site, the lower site levels in comparison to the road and the boundary screening make the development less prominent. So, although their scale is considered acceptable on its own merits, the position and screening of the development offsets any concerns about scale.*

*The scale of the development is also acceptable in terms of neighbouring amenities.*

*As discussed by the Inspector in 2011, the position of the houses is important and in this proposal, particularly with regard to the relationship between plot 1 and 8 Amherst Road. In terms of the relationship between plot 1 and no.8 the proposed property is set in from the boundary by 3.66m. In terms of scale, the applicant has maintained a substantial two storey design but, with the eaves heights set lower than no.8 and the side elevation being shorter on this side boundary than the full depth of the proposed house, the relationship is considered acceptable because of this set back from the boundary.*

*Plot 3 is closer to the boundary with 14 Amherst Road (2.33m) than plot 1 is with no. 8, but otherwise has a similar relationship. There is still some separation with the boundary and plot 3 is set lower than no.14 which off-sets some of the mass. No.14 is not surrounded by development in the same way as no.8 and as such so does not share the same concerns about enclosure.*

*Ultimately, the proposed scale of the development coupled with the position of the building should ensure no overbearing, loss of light or sense of enclosure that would harm neighbouring amenities.*

*The proposed scale is considered acceptable and does not conflict with the requirements of policies SC1, DM1 and DM3."*

The officer then went on to say that in terms of appearance:

*"The applicant has proposed traditionally designed buildings in a post-Victorian style similar to those on the opposite side of the road which date from between 1900 and 1940. The proposed properties have a mixture of brick and rendered facades and plain tiled roofs. Windows have a traditional appearance to them, having a vertical emphasis and including glazing bars.*

*Plot 2 includes attractive balcony features on the both the front and rear elevations. Whilst not included in any other properties the set back from the road and the partial screening of the property make these additions acceptable. Given plot 2's position in the middle of the site, away from all boundaries, these features are not considered to cause any harm to neighbouring privacy.*

*The garages are simple brick built units with tiled hipped roofs. This simple design is compatible with the proposed houses and reflects materials used in the wider area.*

*Although quite conservative in their design the proposed houses, and their accompanying garages, are considered compatible with the character of the area and the proposal, in terms of its appearance, does not conflict with policies SC1, DM1 and DM3."*

This previous assessment about the impact of the development on the character of the area and neighbouring residents is still considered relevant. Of course, the development in relation to trees has changed, and this is discussed in further detail below, but the proposal otherwise is not considered to cause harm to the local area.

c) Layout and impact on neighbouring residential amenities

When considering the layout of the development in application HS/DS/16/00285 the officer wrote:

*"Unusually, the development is shown as significantly set back from the road frontage and does not maintain any building line. Whilst the building line is not as strong on the south side of Amherst Road as the north side, the development is significantly set back from the neighbouring houses either side. Maintaining an established building line can be an important way of maintaining or reinforcing local character. That said, the set back in this instance is acceptable.*

*Firstly, the site is set lower than the road frontage and the site is well screened. Because of this the development will not be prominent so the set back will not be an obvious departure. It should also be noted that properties along Five Acre Walk are set away from Amherst Road and this proposal would be consistent with that.*

*Secondly, in order to be able to provide the access required to serve the development, the houses need to be set back into the site. This development provides for that."*

The officer then described the layout of the development in relation to trees. This has since been shown to be incorrect and the matter of the development in relation to trees is discussed in further detail below. With regard to layout the officer in the previous application continued:

*"...the layout of the development has taken into account the requirement to protect badgers but this will result in the significant reduction in the size of the garden of plot 3. Although the landscaping of the garden is yet to be approved, the consequence of the updated badger report is that Plot 3 will end up with a "L" shaped garden with a staggered depth of 5m then 10m. The 10m long section of the garden will be at least 5.5m wide, which is comparable with the width of a standard house. Taking this into account it is considered that, although part of the garden of plot 3 will be less than 10m deep, the garden overall will provide sufficient amenity space whilst balancing the need for badger habitat protection (Condition 5).*

*The layout also maintains acceptable relationships with neighbouring properties. There are no overlooking windows and the position of the houses should ensure adequate levels of sunlight and daylight are maintained. Although set back from nos. 8 and 14 Amherst Road, the applicant has set the development in from the boundaries and ensured that the side elevations of the Plots 1 and 3, which are closest to nos. 8 and 14 respectively, have shorter depths at the side than the rest of the proposed house. This addresses an issue raised by the Planning Inspector in 2011, particularly with regard to 8 Amherst Road, in order to avoid a sense of enclosure to the residents at no.8.*

*The proposed garages are substantial constructions in themselves but due to the change in levels and requirement for retained and enhanced landscaping, they will not be prominent features and their position in the development is considered acceptable. A garage has been reintroduced adjacent to no.8, but unlike the previous applications, the garage is shown in line with no.8 rather than set back from it, so it will not add to any concerns about enclosing this property. It will also not block out any significant side windows at no.8 where the side elevation only has a single access door.*

*Importantly, the layout has previously been considered acceptable by a Planning Inspector and has not significantly changed. Notwithstanding this, for the reasons explained above, the*

*proposed layout is considered to be acceptable and does not conflict with the requirements of policies SC1, EN1, DM1, DM3 and HN8."*

In terms of its relationship to the surrounding area and neighbouring properties the previous assessment is considered relevant and the proposed layout is still considered acceptable. Of course the development in relation to trees has changed and this is discussed in further detail below.

#### d) Landscaping and trees

As stated above the proposed development will result in the loss of two protected oak trees. In the original arboricultural report (by Connick Tree Care, dated August 2010) submitted with previous applications, these two oaks are referred to as T2 and T3. In an update report by Connick Tree Care (dated May 2017), the trees are referred to as T1 and T2. For consistency with the previous applications, and other references throughout this report, the trees will continue to be referenced as per the 2010 report (i.e. T2 and T3).

In the previous applications oaks T2 and T3, which are located between plot 3 and 14 Amherst Road, were shown to be retained. The information submitted with the previous applications explained that the trees would not be harmed by the layout of the development but may require some reduction. Further to consultation with the Borough Arboriculturalist, the proposed development in relation to these trees was considered to be acceptable and permission was granted.

Unfortunately, during the course of development, oaks T2 and T3 became damaged. It has since transpired that plot 3 has not been built in the wrong location but that oaks T2 and T3 were not plotted correctly and are actually closer to the approved house than shown on the previously approved application (HS/DS/16/00285). As the trees are closer to plot 3, the construction of the house at plot 3 led to direct damage to the oak trees.

If the location of the trees had been shown correctly in the previous applications it is likely that the scheme would not have been approved or amendments to the layout of the development or the design of plot 3 would have been sought. This is because the trees are clearly visible in the local area and make a positive contribution to local amenity. Although the development is substantially constructed, the option to refuse the application or seek amendments remains open to the local authority. However, the reduction or movement of plot 3 away from these trees is now considered to achieve very little in this instance. The trees in themselves did not make the development acceptable; the impact of their loss was derived from their own merit and contribution to the visual amenities to the area. The 2017 update report from Connick Tree Care clearly explains the extent of the damage to oaks T2 and T3 and, following a multi-disciplinary site visit in the summer, the Borough Arboriculturalist agrees that the trees cannot be retained.

It is noted that the comments on this planning application almost exclusively object to the loss of the protected oaks. It is also noted that some of the objections refer to guidance about the retention of construction damaged trees and possible suggestions for the retention of the oaks. These options have been considered but ultimately the professional view of the applicant's arboriculturalist and the Borough Arboriculturalist is that the trees should be felled. Given their professional expertise more weight must be afforded to their conclusion.

The loss of the trees will clearly have a significant impact on the locality, but in this respect the applicant has submitted a robust replacement planting scheme. The scheme includes the planting of 7 common oak trees throughout the site, field maples along the boundary with 14 Amherst Road and lots of other planting. The Borough Arboriculturalist is of the opinion that the level of planting proposed will lead to significant tree coverage over time and is

acceptable in this particular instance.

The loss of the protected trees is regrettable and, whilst the objection to the loss of the trees by the local community is understood, the situation is such that the proposed felling of the trees and substantial replacement planting is the most appropriate option.

Since the previous consents it has also been realised that the layout of the road would have impacted upon oak tree T1. The layout of the road has been reconfigured to ensure that tree T1 remains unaffected by the development. This is acceptable (condition 6).

It should also be noted that the loss of the trees along the boundary of Plot 3 and 14 Amherst Road has been considered but the position, level and distance of plot 3 from no.14 is such that the houses are acceptable on their own merits (as discussed at 5b and 5c above). The loss of the trees will make the house at plot 1 more visible but will not result in harm to the amenities of no.14. A level of obscurity will also redevelop over time with the proposed planting.

In terms of hard landscaping for the proposed development, this is limited to the entrance, access road, entrance gate, boundary fencing and paving around the houses (condition 3).

The proposed tarmac entrance is acceptable. This is only for a short distance before a more appropriate block paving is proposed. The block paving is noted as permeable (the suitability of which will be considered as part of the drainage proposals submitted under HS/CD/16/00993) but the applicant has otherwise not submitted details of the type and colour of the paving. The principle of the paving is acceptable, however, and a sample can be requested by condition.

Likewise, a paving slab is proposed for the dwellings. This is also acceptable in principle but a sample can be requested by condition.

Boundary fencing is limited to that separating the gardens and surrounding the site - a closed board fence is proposed. The fencing separating the properties is acceptable but the fencing along the front (Amherst Road) boundary is too tall. It is noted from the site visit that this fence along the front boundary has already been erected. The fence is in place of a previous smaller fence (mix of closed board and cleft chestnut fencing), which reviewing old photographs had become dilapidated. This fencing is too tall and reduces the openness and soft landscaped character along this front boundary and along Amherst Road. A condition requesting an alternative fencing arrangement is recommended (condition 7).

The location of an entrance gate is shown but no details of the gate are provided. Although entrance gates can create a sense of exclusion and sterility, the gates are set back from the road, so are not prominent, and many other properties in the road appear to have residential style entrance gates so there will be no harm to local character. The principle of the gates is acceptable but details of their design and supporting pillars can be secured by condition (condition 4).

Since the submission of the application, the applicant has also submitted additional details of the section of retaining wall along the boundary with 14 Amherst Road. Following completion, this section of retained land will allow for some planting to screen the development with no.14 and allow a corridor for badgers should they wish to use it.

The hard landscaping is acceptable and, subject to conditions, accords with policies SC1 and DM1.

#### e) Ecology

The proposal avoids harm to badgers and their setts, which have been identified on site. As per the previous application, the completed development will section off the badger setts from the gardens of the completed properties (with badger-proof fencing) and the submitted information otherwise explains how badgers will be protected during construction. On the point of construction, the previously approved badger report required a corridor to remain along the boundary with 14 Amherst Road. This has not been maintained but a revised report from the applicant's ecologist explains that badgers are still able to navigate the site during construction and the corridor can be reinstated post development should the badgers choose to use this route. Their movement in and around the area has therefore not been compromised.

As part of the proposal to fell the protected oak trees, the applicant was required to undertake a bat activity survey to ensure that bats are not roosting in the oak trees. The survey has confirmed that the trees are not being used.

It is otherwise noted that the landscaping proposals include ecological enhancements such as bat boxes, bird boxes and bat tiles.

Conditions no.2 and 5 secure the wildlife protection zone.

The proposals in terms of ecology and species protection are considered acceptable and accord with policies EN3 and HN8.

#### f) Highway Safety/Parking

The access has already been approved under the outline consent but, in terms of parking, the applicant has shown 3 parking spaces per property - two in each garage and one off-road space. The parking requirement for this development, in accordance with the Council's SPD on parking in new development, is 9.8 spaces so there is a shortfall of 0.8 of space. There is more than enough on-street parking to account for this shortfall so the development is considered acceptable in terms of parking. Whilst the layout of the road has been slightly reconfigured, the change is marginal and has no impact on the access into the site, visibility or parking. There are therefore no objections in this respect.

#### g) Drainage

Drainage details are being considered as part of conditions application HS/CD/16/00993 as drainage was a condition of the outline planning permission. Both Southern Water and the Lead Local Flood Authority have commented on drainage details submitted with that application - which includes on-site water attenuation and slow release into the local sewer network - and raise no objection.

### **6. Local Finance Considerations**

There are no Local Finance Considerations material to the application.

### **7. Conclusion**

The loss of two protected oak trees is regrettable. However, their proposed felling along with robust replanting, which will establish and contribute to the area over time, will ensure that an otherwise acceptable development that will provide family housing for the Borough can be completed. These proposals are considered to 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".

It is noted that conditions attached to planning permission HS/OA/14/00806 are still relevant to this application and are appended below.

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

## **8. Recommendation**

### **Approve Reserved Matters subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
22803A\_10, 22803A\_100 REV. L, 22803A\_200 REV. B, 22803A\_210 REV. A, 22803A\_501 REV. B, 22803A\_502 REV. A, 22803A\_503 REV. A, 22803A\_505, 22803A\_5001 REV. A, 22803A\_TG\_1 and 2489/16/B/1F
2. No development shall take place until the measures outlined in the submitted ecological statements and reports *Land at 8 Amherst Road, Hastings, East Sussex: Badgers* by Martin Newcombe (dated 03 November 2016 and amended 04 August 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 statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
3. Before they are laid samples/details of the permeable block paving and paving slab materials to be used for the hard landscaping hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Before they are installed details of the entrance gate and supporting pillars, as shown on drawing no. 22803A\_100L, shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

5. The area identified as a 'wildlife protection zone', at appendix 5 of the submitted report 'LAND AT 8 AMHERST ROAD, HASTINGS, EAST SUSSEX: BADGERS' by Martin Newcombe, dated 03 November 2016 and amended 04 August 2017, shall not form part of the curtilage of the dwellinghouses approved under HS/OA/14/00806 and, notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted, no development shall take place without the grant of an additional planning permission within the area identified as a 'wildlife protection zone'.
6. No development shall take place until the measures outlined in the submitted arboricultural reports by Connick Tree Consultants, dated 31 August 2010 (ref 102816) and 30 May 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 scheme(s), or programme(s) of measures contained within the arboricultural reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
7. Prior to the occupation of the dwellinghouses hereby approved details of a replacement fence along the front (Amherst Road) boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. The fence shall be no higher than 1m unless otherwise agreed in writing. The fence shall be installed prior to the occupation of the first unit.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. To protect features of recognised nature conservation importance.
3. In the interests of the visual amenity of the area.
4. In the interests of the visual amenity of the area.
5. To protect features of recognised nature conservation importance.
6. In the interests of the health of the trees and to protect the visual amenity.
7. In the interests of the visual 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. 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](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. Consideration should be given to the provision of a domestic sprinkler system.

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## Officer to Contact

Mr S Batchelor, Telephone 01424 783254

## Background Papers

Application No: HS/DS/17/00416 including all letters and documents