

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 15 November 2017  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** **The Kings Head Inn, 61 Rye Road, Hastings, TN35 5DH**  
**Proposal:** **Demolition & redevelopment site with 12 x 2/3 bedroom units/flats**  
**Application No:** **HS/FA/17/00168**

**Recommendation:** **Grant Full Planning Permission**

Ward: ORE  
Conservation Area: No  
Listed Building: No

Applicant: Booker & Best Limited per Steve Derhun Design and Build 108 Victoria Avenue Hastings East Sussex TN35 5BT

Interest: Freeholder/Leaseholder

Existing Use: Vacant public house and car park

### **Public Consultation**

Site Notice: Yes  
Press Advertisement: Yes - General Interest  
Letters of Objection: 0  
Petitions of Objection Received: 1  
Letters of Support: 1  
Petitions of Support Received: 0  
Neutral comments received 0

Application Status: Not delegated - Petition received

## **1. Site and Surrounding Area**

The site comprises a vacant public house positioned to the north-east of a large car park, also within the site. The site area slopes to the west and adjoins the rear gardens of residential properties at Mountbatten Close which are at a lower level. The site also adjoins residential properties on Rye Road to the north and south at generally the same level although the road does slope slightly upwards from south-east to north-west. Prior to the site being boarded up, the car park was accessed directly from Rye Road which runs along the site's eastern/south-eastern boundary.

The area is predominantly residential but also includes the Hastings Academy to the north-east. The properties on the opposite side of Rye Road are set back from the edge of the road at the top of, and behind, a high grass bank. A bus stop is positioned to the north of the car park entrance and a pedestrian crossing is positioned slightly further to the north.

### Constraints

- SSSI Impact Risk Zone (threshold for consideration is not applicable in this instance - no further action required).

## **2. Proposed development**

It is proposed to demolish the existing public house and redevelop the site with 12 flats comprising 10x2 bedroom units and 2x3 bedroom units. The building will be two storeys in height comprising a mainly hipped roof with small gable frontages. It will be constructed from stock brick work with a part render finish. The proposed block of flats will be positioned in a similar location to the existing public house with the car parking area to the south west of the site. A refuse and recycling storage area is located at the front of the site within the car parking area (15 spaces).

In terms of the land around the building, this is shown to be sub-divided at the rear into 3 private amenity areas for the use of the 3 ground floor flats, separated by 1.8m close boarded fencing. A 1.8m fence is also proposed on the rear boundary.

The site will be accessed utilising the existing access point. No cycle spaces are proposed.

The application is supported by the following documents:

- Design Access and Planning Statement
- Arboricultural Report (The Mayhew Consultancy Ltd, August 2016)
- Preliminary Ecological Appraisal (The Mayhew Consultancy Ltd, August 2016)
- SUDS decision support tool for small scale development
- Drainage Strategy and Sustainable Drainage Management and Maintenance Plan (Monson, 1 June 2017)

It should be noted that this is a re-submission of a recently withdrawn scheme, where the applicant has looked to address some significant design concerns that were present in the previous application. The number of units has also been reduced (reduced from 15 units to 12) to address concerns raised by officers.

### **Relevant Planning History**

HS/FA/16/00576	Development of 15 x 2 bedroom flats WITHDRAWN
HS/FA/15/00099	Change of use from pub (Use Class A4 to veterinary practice (use class sui-generis) GRANTED 23 March 2015
HS/OA/64/00745	Erection of 2 houses and garages GRANTED 31 August 1964
HS//OA/64/00746	Erection of 1 shop and 2 flats and garages REFUSED 8 September 1964

## **National and Local Policies**

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

Policy DS1 - New Housing Development  
Policy FA5 - Strategic Policy for Eastern Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC7 - Flood Risk  
Policy H1 - Housing Density  
Policy H2 - Housing Mix  
Policy H3 - Affordable Housing

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

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM3 - General Amenity  
Policy DM4 - General Access

### 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 64 - "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

## **3. Consultation comments**

East Sussex County Council (Highways) - **no objection subject to conditions**

No significant concerns from a highways perspective. Parking provision of 15 spaces is acceptable if spaces remain unallocated. Cycle spaces should be provided. Do not consider that the proposed development will have an unacceptable impact on the highway network. Request a construction traffic management plan to be submitted and agreed.

East Sussex County Council (Flood Risk Management) - **no objection subject to conditions**

The risk of flooding is capable of being mitigated to acceptable levels by condition.

Hastings Borough Council (Housing) - **no objection subject to provision of affordable housing**

Whilst no written comments were received, the Housing Needs and Policy Manager advised verbally that 20% affordable housing would be required in accordance with Policy H3 of the Planning Strategy (2.4 units) 2 affordable units should be provided on site, with a small financial contribution to cover the remainder.

Hastings Borough Council (Environment and Natural Resources Manager) - **no objection subject to conditions**

Notes that there are no habitats of note on site. As the previous use of the open aspects of the site were a garden, the report recommends how the applicant can minimise the potential for protected species, especially reptiles taking refuge on the land should it revert to an unkempt condition and become attractive to reptiles. At the time of the application there are no ecology constraints.

Hastings Borough Council (Arboricultural Officer) - **no objection**

Requires a replanting scheme, although no objection to the scheme in principle.

Hastings Borough Council (Waste Management) - **no objection in principle**

Waste management are content with the location of the bin store, although will require bulk bins to be provided as an alternative to the twin bin collection scheme proposed.

Southern Water - **no objection**

Require a formal connection to the public sewer. Request drainage details by condition.

## **4. Representations**

1 support letter and 1 petition of objection have been received following the display of a site notice. A further site notice was also displayed following the receipt of amended plans.

The letter of support acknowledges the amendments to the scheme since the previously withdrawn scheme and notes that the design is more satisfactory. The letter does highlight that adequate parking should be made available.

A petition signed by 30 people raises the following concerns:

- There has been no pre-application consultation
- Density of development is too high - overdevelopment
- Design is not in keeping with the character and appearance of the area - existing housing has front and rear gardens. Does not follow building line
- Minimum size flats in one block
- Should be a greater mix of housing types and affordable housing to be provided
- 2 and 3 bedroom flats constitute family homes, which should have their own 10m garden
- Impact on Area of Outstanding Natural Beauty should be further considered
- Kings Head is a registered as a heritage asset

## 5. Determining Issues

This application proposes the erection of 12 flats on a brownfield site within a residential area. Given the sloping nature of the town, its positioning means that overlooking and impact on the properties to the rear is a significant consideration, as is the design, orientation and layout in terms of impact on the character and appearance of the area. Access, parking, waste storage management and any impact on ecological or arboricultural interests are also key elements to consider.

### a) 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 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.

### b) Impact on character and appearance of area

The proposed development comprises a block of flats of two storeys in height. The building utilises a variety of materials (both brick and render) and finishes to create an interesting design that is still in-keeping with the surrounding area, which mostly comprises a mix of brick and render properties, with the exception of two newer built bungalows on the south western side. The building incorporates an "M" shaped, hipped roof with small front gables, and includes a "stepped" down approach of the ridge line to follow the slope of the land. The former building was of white render construction alone, in contrast to with the mix of brick and render in the surrounding properties.

Consideration has been given to following the existing building line as much as possible given the sites orientation and positioning and the design has been altered in this respect. The front, north-eastern corner of the building now steps in to provide greater consistency with adjacent properties. It is important to note that the former building was accessed directly off the pavement at the same level, whereas the adjacent dwellings are set either lower down behind fencing, or set back from paved front driveways. Therefore, the proposed design is considered acceptable.

It is acknowledged that there is an increased ridge height when comparing the new build to the former public house, although at two storeys in height, it is not significantly higher than that of the adjacent property to the north-east (1.2m higher). The roof mass is consistent with the surrounding dwellings and the ridge does reduce 0.6m in height as it extends south westwards across the site. The expanse of the car park separates the building from the bungalow to the south-west at 51 Rye Road and taken together with the stepping down of the ridge height, reduces the impact of the height of the building on the streetscene.

It is acknowledged that the petitioners consider that front and rear gardens should be provided so that the development is consistent with the surrounding dwellings, although it should be noted that this is a flatted development, which does not give rise to the more traditional single dwelling house type development commonly associated with front and rear gardens. Nevertheless, 3 private gardens are proposed to the rear to serve the 3 ground floor flats. Landscaping to the front will however be provided (and strengthened by condition (condition 13)). No objection is raised with respect to the availability of front gardens at the front of the development and its subsequent impact on the streetscene.

Overall, it is considered that the scheme is well designed and consistent with the surrounding properties, whilst also providing for an interesting building in the wider context of the area. Paragraph 64 of the National Planning Policy Framework notes that development of poor design that fails to take opportunities available for improving the character and quality of an area should be refused. This scheme does make improvements to the site in terms of the building line, design of building, use of materials and landscaping. Policy DM1 of the Development Management Plan 2015 is therefore complied with.

#### Heritage:

The petition argues that the Kings Head is registered as a local heritage asset. No such application has been received to do this, and whilst the concerns are noted, given that the site has been redundant for some time and no evidence has been submitted to further support the site's heritage value, it is not considered that this objection in the petition should represent a significant constraint to development.

#### c) Layout

The application proposes to provide for 10x2 bedroom flats and 2x3 bedroom flats over 2 floors. Each flat complies with the minimum standards set out in the government publication "Technical housing standards – nationally described space standard" (CLG, March 2015) for the level of occupancy set out on the submitted plans. There is adequate access to natural light, and it is not considered that the amenities of future residential occupiers will be harmed in terms of the internal layout. Policy DM3 of the Development Management Plan is therefore complied with in this regard.

Policy H1 of the Hastings Planning Strategy 2014 requires a minimum of 30 dwellings per hectare to be provided for in terms of density in new developments. The petition argues that the development of 12 flats (75 dwellings per hectare) on this site represents overdevelopment on the site as a result of this policy. However, the figure of 30 dwellings per hectare represents a "minimum" density of development and should not be used as a constraint to the number of units that can be accommodated, subject to the satisfactory compliance with other local plan policies. Whilst 75 dwellings per hectare does appear to be high, for reasons set out in this report, the amount of development can be accommodated without harm to the character of the area or the environment. There is a suitable amount of external space and parking within its boundaries and is not considered to be of a height out of keeping with its surroundings. It is easily accessible by public transport and is close to local shops, schools and the district centre of Ore Village. Therefore, in this instance, the density of approximately 75 dwellings per hectare is not considered to be unreasonable for a flatted development, in this location.

The site layout indicates that the twin bin method will be used for refuse collection. The Waste Management team do not consider this appropriate and will require metal bulk bins to be provided for waste containment and capacity. Given that the refuse storage area is in an acceptable location and of a suitable size, the layout is considered to be fit for purpose in respect of waste storage. An informative is added (no 9) which sets out what is required in terms of the refuse storage area. Condition 15 also requires a brick wall screen around the bin store given its prominent position close to the road, in order to provide a suitable screen. Policy DM3 is therefore complied with in this regard.

It is argued in the submitted petition that 10m garden space should be required for family size units, in accordance with Policy DM3 of the Development Management Plan. It is the intention of this policy that that criterion is applied in the context of new houses as opposed to flats, although the availability of amenity space is still a key consideration for flatted developments. The proposed development provides for amenity space surrounding the new building considered adequate in this location. Whilst approximately 8m depth is proposed, this compares to 9m at the rear of 65 Rye Road. Although below 10m, a suitable amenity area, not out of keeping with the surroundings, is proposed. The site is sustainably located and the development proposed is not considered to be overdevelopment of the site, to the detriment of available amenity space. Policy DM3 is therefore complied with.

#### d) Housing mix

Policy H2 of the Hastings Planning Strategy 2014 requires that residential development delivers a balanced mix of housing both within each site, and across Hastings as a whole. It is the intention to ensure a genuine mix of housing types and tenures to support a range of household sizes, ages and incomes to meet both current and projected housing needs.

This application proposes a mix of 2 and 3 bedroom units, considered appropriate in this location. The mix has been amended following advice from the Planning Authority in respect of the withdrawn scheme, which proposed 2-bedroom units only. Policy H2 is therefore complied with, and no objection is raised with regard to housing mix.

#### e) Loss of existing use

Whilst the loss of the public house in this area is regrettable in this location, the building has been vacant for some time and has been left to deteriorate. There is no specific Local Plan policy resisting the loss of public houses, and permission was previously granted for the change of use to a veterinary surgery. Therefore, the loss has already been accepted. The redevelopment of the site contribute to the Local Plan strategic objective to prioritising new housing on previously development land to assist regeneration, and will work towards achieving the overall target for new housing set by Policy DS1 of the Hastings Planning Strategy 2014. On balance therefore, it is considered that the benefits of redevelopment outweigh the loss of the building formerly used as a public house.

#### f) Proposed residential use

This is primarily a residential location and as such, the use of the land for new housing development is considered appropriate. No objection is raised with regard to the proposed residential use.

#### g) Impact on neighbouring residential amenities

The impact on neighbouring residential amenities, particularly those residents at the back of the site (Mountbatten Close) formed a significant reason for the withdrawal of the previous application, which comprised a development much higher in its height.

The sloping nature of the land and subsequent siting of Mountbatten Close at a lower level means that any development of the site would result in a building visible from the rear of properties in Mountbatten Close. Approximately 21m separates the new building from the rear elevation of the properties in Mountbatten Close, which is considered to provide adequate separation, though it is acknowledged that given the presence of windows in the rear elevation, some visibility both ways will be possible. However, it is not considered

harmful to such an extent that refusal of permission could be justified on these grounds and it is reasonable to suggest that redevelopment of the site will involve windows in its rear elevation.

The property to the north east (65 Rye Road) is also affected by the proposal. The new building is sited 3m away from the shared boundary at its closest point although at least the same distance again separates this dwelling from the boundary. Whilst there will be 2 windows in the side elevation of the new building facing onto this property, these are relatively minor in size, and the upper floor will be conditioned to be obscure glazed to protect the privacy of these existing occupiers (condition 21).

The adjacent property to the south west (51 Rye Road) is separated from the new flats by the proposed car parking area. Given this distance, it is not considered that there will be any impact on residential amenity in terms of overlooking, overshadowing or loss of privacy.

Overall, it is considered that amendments to the scheme to reduce its overbearing impact, height and scale have now reduced the mass of the development to an acceptable level when considered in the context of the properties to the rear. The impact on neighbouring residential amenities, particularly those premises to the rear, are therefore now considered to be at an acceptable level, in accordance with the requirements of Policy DM3 of the Development Management Plan 2015.

#### h) Impact on landscape

The edge of the High Weald Area of Outstanding Natural Beauty (AONB) is sited approximately 250m away from the application site. However, this designated area of land is significantly segregated from the proposed development, by further residential development surrounding the application site. Taken together with the reduced ridge height of the revised scheme, limiting its visibility in the roofscape and its consistency with the surrounding residential development, it is not considered that there will be a harmful impact on the AONB as a result of this development. Policy EN7 of the Hastings Planning Strategy is therefore complied with.

#### i) Ecology

The application is accompanied by a Preliminary Ecological Appraisal conforming to guidelines for such appraisals as published by the Chartered Institute of Ecology and Environmental Management. The application site comprises an unoccupied building, with the land around it being un-maintained. A shrub layer is developing particularly to the west of the building, including an area of Japanese knotweed growing in grassland. The submitted surveys show that there is no evidence of badger or bat activity on the site and the trees do not provide suitable habitat for either bats or owls.

Whilst there is potential for a bird nesting habitat, as well as reptile usage (as noted in the ecology report), given the current state of the available land, mitigation measures in terms of their protection and active management of the site are proposed, and will be controlled by condition 19. The control and disposal of Japanese knotweed will also be controlled by condition (condition 20).

Despite the above observations, and the potential for some activity on the site, the site is not considered to be of high habitat value. Subject to the conditions imposed as described above, protected species will remain unaffected by the development and no objection is raised in this regard.

#### j) Trees

The site is relatively built up with limited landscaping, although 4 trees exist to the rear of the existing public house. These were surveyed and considered in the submitted Arboricultural report and, whilst their loss is regrettable, they are Category C trees and their loss is acceptable. Replacement planting shown closer to the rear boundary and will be required by condition (condition 13). None of the trees to be lost are protected by a Tree Preservation Order (TPO).

#### k) 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. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions and conditions are attached which require details of surface and foul water drainage. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan 2015.

#### l) Highway safety/parking

Given the previous use of the site and the relatively low level of traffic to be generated by the new development, it is not considered that there will be an unacceptable impact on the road network in terms of traffic generation. The site is located in an area accessible to public transport, shops and education establishments and is, therefore considered reasonably sustainable in transport terms. The existing access is proposed to be utilised to serve the new development and, subject to upgrading, is suitable in terms of providing safe access into and out of the site.

The development proposes 15 spaces to be provided in the dedicated car park adjacent to the building. Should these remain unallocated, this number of spaces satisfies the requirements of the Highway Authority in terms of car parking provision. Whilst cycle parking has not been identified on the submitted plans, it is considered that there is sufficient space for this to be accommodated on the site. Full details can therefore be requested by condition (condition 11), with an informative (no.10) that requires the cycle store to be located behind the building line of the new development.

#### m) Affordable housing

Policy H3 of the Hastings Planning Strategy 2014 requires 20% affordable housing to be provided either on site, or by way of a financial contribution in schemes such as this. Following consultation with the Housing Needs and Policy Manager, it has been requested that 2 units be provided on site, with the remainder (0.4 units) to be provided through a financial contribution. Whilst the applicant is aware of this requirement, there is no formal legal agreement in place yet. The recommendation of this application is therefore subject to the completion of a legal agreement to secure the affordable housing.

#### n) Sustainable construction

The applicant confirms in the Design, Access and Planning Statement that the development has the opportunity to incorporate various renewable energy sources within the fabric design, which will be encouraged and explored through the Building Regulation process. However, it has not been demonstrated how this compliance will be achieved in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy, or whether the specific measures

indicated in Policy SC3 of the same plan have been provided. Green and sustainable design information is therefore requested by condition (condition 17).

#### o) Sustainable drainage

Drainage information submitted indicates that surface water runoff from the development will be discharged through rainwater attenuation tanks in the car parking area and rear garden areas, to the public surface water sewer. Whilst the Lead Local Flood Authority have not objected in principle, they do not consider the suggested drainage strategy acceptable. However they are satisfied that acceptable surface water drainage solutions can be identified. Evidence of surface water runoff rates in the form of hydraulic calculations, infiltrations testing and groundwater monitoring will be required to be undertaken prior to the design of a detailed drainage system which will be subject to approval by Southern Water, the Lead Local Flood Authority and Hastings Borough Council. Condition 4, 5, 6 and 7 require submission of relevant information that will need to be approved before development can commence.

### **6. Evidence of Community Involvement**

Whilst there has been no pre-application community involvement on this scheme, this is not a formal requirement. The applicant has however, sought to work with the Council in designing a more appropriate scheme following objections from the previous application leading to its withdrawal.

### **7. Conclusion**

It has been demonstrated that the proposed development has been designed in such a way to maximise the benefits to the streetscene and minimise the impact on neighbouring residential amenities as far as possible. The ecological integrity of the site will be protected and managed and access and parking requirements can be satisfactorily accommodated. The development will contribute positively to the Council's overall housing target and objectives for regeneration and is, therefore recommended for approval.

The proposals therefore 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.

### **8. Recommendation**

A) That planning permission be issued upon completion of an agreement under S106 of the Town and Country Planning Act to secure affordable housing unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 1 May 2018 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Planning Strategy 2014 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) Subject to A) above

**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:  
  
SD/555/03 - SD/555/04A - SD/555/05A - SD/555/06B - SD/555/07A - SD/555/08A - SD/555/09A
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.
  - (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 flats hereby approved shall occur until those works have been completed.
  - (iii) No occupation of any of the dwellings or flats 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.
5. Surface water runoff from the proposed development shall be limited to 2.5l/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 and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. Hydraulic calculations should take into account the connectivity of the different surface water drainage features.
6. A site investigation which incorporates infiltration testing in accordance with the BRE365 and groundwater monitoring between autumn and spring should be carried out prior to the design of the detailed drainage design. Evidence of this should be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.
  - a) If infiltration is found to be unfeasible, the permeable pavement should connect to the proposed pipe network on site.

The design should leave at least 1m unsaturated zone between the base of the permeable pavement and sealed storage tank, and highest recorded groundwater level. If this cannot be achieved, details of measures to be taken to manage the impacts of high groundwater on the drainage system shall be provided. In addition, evidence of how impacts of high groundwater on the structural integrity of the tank will be managed shall also be provided.

7. A maintenance and management plan for the entire drainage system shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority prior to the commencement of development. The Plan shall clearly identify responsibilities for managing all aspects of the surface water drainage system and provide evidence that these responsibility arrangements will remain in place throughout the lifetime of the development.

All works shall be undertaken and maintained thereafter in accordance with the approved details.

8. The car parking spaces shown on the approved plan shall be provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose other than the parking of vehicles.

9. 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, in consultation with the Highway 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 routing 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 the 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.

10. The vehicle turning space shown on the approved plan shall be constructed and provided prior to the occupation of the development hereby permitted and thereafter shall not be used for any purpose.

11. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The spaces shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

12. No part of the development shall be occupied until such time as the vehicular access has been reconstructed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The reconstruction shall include upgrading of the kerb to make it flush with carriageway to ensure that the footway is not overrun.
13. 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 a scheme for replanting. 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.
14. 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.
15. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; refuse storage, other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, storage units, signs lighting etc.), where relevant. The refuse storage area shall be enclosed with a brick wall surround of sufficient height to provide a visual screen between the storage area and the surrounding locality.
16. 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.
17. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 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.
18. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre-based broadband.

19. No development shall take place until the measures outlined in the submitted ecological statements and reports 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, 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.

The submitted ecological statements and reports referred to are:

- Arboricultural Report (The Mayhew Consultancy Ltd, August 2016)  
Preliminary Ecological Assessment, August 2016)

20. No development shall commence, including demolition, until details regarding the removal of Japanese Knotweed are submitted to and approved in writing by the Local Planning Authority. The details shall include method of removal from ground, removal from site and details of infill. The approved development shall be carried out in accordance with the approved details.
21. Windows in the upper floor north east side elevation shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The flats hereby approved shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.
22. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the flats hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**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 and future residents.
4. To prevent increased risk of flooding.
5. To prevent increased risk of flooding.
6. To prevent increased risk of flooding.

7. To prevent increased risk of flooding.
8. To ensure a satisfactory form of development that provides adequate car-parking spaces.
9. In the interests of highway safety and the amenities of the area.
10. In the interests of road safety.
11. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
12. In the interests of road safety.
13. To ensure a satisfactory standard of development in the interests of the character and amenity of the area.
14. To ensure a satisfactory standard of development in the interests of the character and amenity of the area.
15. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
16. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
17. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.
18. To ensure the development complies with Policy SC1 of the Hastings Planning Strategy 2014.
19. To protect features of recognised nature conservation importance.
20. To prevent the further spread of Japanese knotweed and to comply with Wildlife and Countryside Act 1981 and Part II of the Environmental Protection Act 1990
21. To safeguard the amenity of adjoining and future residents.
22. 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. Consideration should be given to the provision of a domestic sprinkler system.
4. 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.
5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
6. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
7. The applicant is advised that they will need to apply for a licence to reconstruct the access as required by condition. The applicant should contact East Sussex County Council on 01273 482254 to apply for a licence to ensure the construction is to an acceptable standard.
8. It is an offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife and Countryside Act 1981 and all waste containing Japanese knotweed comes under the control of Part II of the Environmental Protection Act 1990.
9. The Council will require the applicant to provide 1 x 1280 litre metal bulk bin for waste containment and capacity. Hastings Borough Council will provide 1 x 1280 metal green bulk bin for mixed recycling and 2 x 240 wheeled bins for the glass collection, to be sited in the bin store area. The bin store floor will need to be even and unobstructed for the bulk bins to be moved to the collecting truck on the road.
10. The applicant is advised that the cycle store, required by condition 11, should not be placed to the front of the building in order to ensure the landscaping remains as shown and to secure a well planned development.
11. Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and the potential means of access, and these details provided to Southern Water before any further development takes place.
12. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 3 metres of the public water main without consent from Southern Water. For further advice, the applicant is advised to contact Southern Water, Southern House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk).

13. The applicant is advised that landscaping details required by condition 13, should include the planting of trees along the rear boundary.

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**Officer to Contact**

Miss S Roots, Telephone 01424 783329

**Background Papers**

Application No: HS/FA/17/00168 including all letters and documents