

Report to: PLANNING COMMITTEE
Date of Meeting: 07 March 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: **The Robert De Mortain, 373 The Ridge,
Hastings, TN34 2RD**
Proposal: **Outline approval for demolition of existing
building and erection of 10 dwellings together
with parking and access**
Application No: **HS/OA/17/00774**

Recommendation:

Ward: CONQUEST
Conservation Area: No
Listed Building: No

Applicant: Mrs McGreevy per Pump House Designs Pump
House Yard The Green SEDLESCOMBE, East
Sussex. TN33 0QA

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - General Interest
Letters of Objection: 5
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

Application Status: Not delegated - 5 or more letters of objection
received

1. Site and Surrounding Area

The site is known as 373 The Ridge, the 0.39 hectare site is occupied by the Robert De Mortain Public House a substantial, three storey with a basement structure, of some 230 sqm gross floor area, this was closed in April 2017 and is now unoccupied. The building is thought to be of 19th century origin and was previously know as Rippon Lodge, a small hotel that was converted to a Public House in the late 1940's. The property is not listed or within a conservation area.

The site is a rectangular form with a 30m wide frontage on The Ridge that extends south by approximately 120 m. The site slopes by 9m from north to south, a hard surfaced car parking area is to the front of the Public House, a large garden extends to the rear and is mainly laid to lawn contained by trees on the eastern, western and southern boundaries. The established landscape on the site boundary is an important feature of the site.

The site is located within a predominantly residential area. To the north of The Ridge are detached chalet bungalows set back from the road with private drives, a pair of sandstone faced semi-detached properties no's 371 and 371a adjoin the site. To the south is an extensive designated local nature reserve, at St. Helen's Wood, that includes ancient woodland and extends to some 40 hectares. To the east is a modern four storey apartment building containing 14 flats, to the south of this is three detached residential properties known as 'Barre na Coillte' (two storey), 'Byeways and 'The Cairn' both bungalows. To the west is Netherwood and Heathfield Close, a modern estate of detached two storey residential properties. 379a The Ridge is a single storey (with rooms in the roof) property that backs onto the western side of the existing car park, this sandstone and clay tile roofed property has a window and roof light overlooking the application site, these have frosted glass.

The following other constraints have been identified:

- Risk of surface water flooding
- Ecological and habitat value of the application sites garden area and St. Helen's Wood to the south of the site
- Archaeological and heritage value of the site.
- Access and highways impacts.

Background

A large property has been on the site from the 19th Century, it may have been a private residence when constructed but has been used previously as a hotel and since the late 1940's as a Public House. An application in 1953 allowed some alterations to the front elevations, subsequent applications have permitted extension for a kitchen and toilet block. The existing Public House use has ceased in the premises as the applicant claims this is no longer viable. The Public House is not a designated community or heritage asset, although the site has heritage and potential archaeological interest.

The application runs concurrently with detailed application HS/FA/17/01015, this provides the details for the ten unit development on the site, this application is yet to be determined.

2. Proposed development

Outline approval for the proposed demolition of existing dwelling erection of ten dwellings together with access road and parking spaces. The application is submitted in outline form requesting approval for details on site layout, scale of the dwellings and the means of access. Appearance and landscaping has been reserved for subsequent approval.

The application is for the erection of 10, two-storey dwellings and would be arranged with a terrace of 3, two bedroom dwellings fronting The Ridge, behind which the remaining 7, three-bedroomed detached dwellings would be laid out.

The terrace units (1 - 3) are set back approximately 3.7m from the road frontage and would provide 2 bedrooms. As shown on the submitted drawing 5576/3, this terrace block would have an overall width of 14.37m and a maximum depth of 10.5m. The ridge height would measure 8.9m, the eaves height is 5m. This terrace would occupy a prominent location at the front of the development facing The Ridge.

The remaining seven dwellings (4 - 10), as shown on the submitted drawing no's. 5576/4 and 5576/5, would be detached and would provide 3 bedroomed accommodation. Each unit would have a width of 5.39m and a depth of 9.79m. The ridge heights would measure 8.7m, the eaves height 4.8m.

Each dwelling would have a patio area and a fenced private rear garden of at least 10m in length. Bin and cycle stores would be provided in the rear gardens with gated access to hard standing areas for convenience.

With regards to parking arrangements, each dwelling would have two allocated parking spaces with an additional three visitor parking spaces for the development proposed. The access road will range from 4 to 6m wide, the gradient is 1.10 to 1.40.

The application is supported by the following documents in addition to application drawings:

- Planning Statement
- Design and Access Statement
- Arboricultural Report
- Ecological Survey
- Badger Survey
- Transport Statement
- SuDS Report

Relevant Planning History

- Erection of stairs at side of building to form fire escape Ref. no: HS/FA/90/00887: Approved 23 April 2002
- Erection of single storey front extension and internal alterations Ref. No: HS/FA/92/00663: Approved 25 Feb 1993
- Replacement fire escape to rear, new metal fire escape to side and form new double doors to rear. Ref. No: HS/FA/05/00562: Approved 1 August 2005
- Extension to provide ladies and disabled toilet facilities and the installation of a rear balcony. Ref. No: HS/FA/05/01003: Approved 3 March 2006.
- Construction of car parking area. Ref. No: HS/FA/86/00589: Refused 27 November 1986.
- Construction of extension to form restaurant. Ref. No: HS/FA/79/00323: Approved 13 June 1979
- ERECTION OF EXTENSION TO FORM BAR ON EXISTING RAISED PATIO Ref. No: HS/FA/88/00994: Approved 2 Nov 1988
- Alterations to front elevation. Ref. No: HS/FA/53/00430: Approved 8 Sep 1953

- Demolition of existing building and erection of 10 dwellings together with parking and access. Ref. No: HS/FA/17/01015 | Status: Undecided

National and Local Policies

Hastings Local Plan – The Hastings Planning Strategy (2014)

DS1 - New Housing Development
FA2 - Strategic Policy for Central Area
SC1 - Overall Strategy for Managing Change in a Sustainable Way
SC3 - Promoting Sustainable and Green Design
SC4 - Working Towards Zero Carbon Development
SC7 - Flood Risk
EN2 - Green Infrastructure Network
EN3 - Nature Conservation and Improvement of Biodiversity
EN4 - Ancient Woodland
EN5 - Nature Reserves
EN6 - Local Wildlife Sites
H1 - Housing Density
H2 - Housing Mix
T3 - Sustainable Transport

Hastings Local Plan – Development Management Plan (2015)

LP1 - Considering Planning Applications
DM1 - Design Principles
DM3 - General Amenity
DM4 - General Access
DM5 - Ground Conditions
DM6 - Pollution and Hazards
HN8 - Biodiversity and Green Space

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.

Section 7 of the NPPF sets out the requirement for good design in development, Para 56 states: "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".

3. Consultation comments

Highways - **No Objection - suggested conditions** (Conditions 9-15)

Local Lead Flood Authority (LLFA) - **No Objection - suggested conditions** (Conditions 4-8), also note alterations to the on-site watercourse will require consent from the LLFA.

The Environment and Natural Resources Manager - **No objection, suggested conditions** (25-28)

Borough Arboriculturalist - **No Objection in principle provided the works to protect the retained trees as outlined in the applicant's Arboricultural Report are undertaken.** (Conditions 16-17)

Natural England - **No comment**

Waste Services - **No Objection - suggested conditions** (Conditions 19)

Southern Water - **No Objection - suggested conditions** (Condition 5 & 17)

ESCC Archaeology - **No Objection- suggested condition** (Condition 27)

Estates Services - **No comments received**

Environment Agency - **No comments received**

Hastings and Rother Disability Forum - **No comments received.**

4. Representations

5 representations received from 5 different properties

5 letters of objection have been received raising the following concerns:

- Negative impact of development on this in terms of increased volume of traffic from new residents and from construction traffic.
- Poor drainage on the site and subsequent negative impact post development - no drainage strategy provided.
- Restrictions required in relation to volume and times of construction related operations to reduce impacts.
- Impact on protected St.Helens Wood to the south - no details of impacts on ecology and trees
- Rubbish collection, issue with access to the site and unreasonable to expect residents to place bins by roadside.
- Lack of sustainable measures such as PV's
- Frontage on The Ridge should be greened with trees and houses set back.
- Loss of amenity from impact on privacy and noise for properties backing onto the application site.

5. Determining Issues

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 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.

This is an outline application, the main considerations are, therefore: the principle of the development; overall scheme layout, scale, impact on the character of the area and neighbouring residential amenities; archaeology and heritage; parking and highway matters; impact on trees protected species and ecological designations; flood risk/drainage; and air quality and emissions.

b) Impact on the character of the area

The proposed development proposes 10 units on the site. They are grouped along a new access road that enters the site off The Ridge, the access road is located on the eastern edge of the site. The site falls away to the south from The Ridge and adjoins the protected St. Helen's Wood on the southern boundary. The dwellings to the rear of the site would largely be obscured by the terrace facing The Ridge.

The proposed density in this instance is approximately 25 dwellings per hectare, Policy H1 of the HPS suggests 30 dwellings per hectare, the proposed development is not an overly intensive use of the site. However, the density is somewhat restricted by trees on the site, the sites shape and proximity and orientation of neighbouring properties.

Properties in the area are a mixture of two-storey dwellings, bungalows and chalet bungalows and three storey block of flats. Properties are predominantly detached but there are a number of semi-detached pairs. The proposed development will add to the types of dwellings on offer by creating detached family homes and a terrace that is suitable for both younger families and those wishing to downsize.

Other concerns have related to the general intensity in activity in the area, including increased vehicular movements. There have been worries that such increases in activity would change the local character for the worse. Although the development will increase the local population the previous pub use generated more traffic movements, it cannot be accepted that the proposed residential use would be to the detriment of local character. Whilst the proposal will certainly change the relationship of the site with existing surrounding development, it has a low density and is for residential use and it is not considered that an increase in development at the site of this small scale warrants a refusal.

The 10 houses can be provided on site without causing harm to local character and achieve an appropriate layout. The proposal would comply with policies SC1, H1 and H2 of the HPS and policy DM1 of the DMP.

c) Impact on neighbouring residential amenities

The proposed development is suitably distanced from surrounding properties to cause no harm from loss of light, overshadowing or from being overly dominant. The main concerns from local residents relate to noise and disturbance and the impacts of overlooking.

With regard to noise and disturbance, as described above it is not considered that the development is of a sufficient size to have a significant change in its relationship with the surrounding area. Development would be well-spaced from existing properties and the existing topography and natural screening should provide some protection to any increase in day-to-day household noise.

It is accepted that the number of vehicle trips along the northern boundary of the site will increase but a section of acoustic fencing to the rear garden of 379a The Ridge will help alleviate this. This can be secured by condition (Condition 18). In addition a larger section of the new access driveway will be separated from the boundary by a landscape strip that will

include existing mature trees and newly planted ones.

In terms of overlooking the indicative layout means all the units will have no first floor habitable room windows on the side elevations facing neighbouring properties on the east and west boundaries.

Unit 1 backs onto the rear elevation of 379a The Ridge. This property has one ground-floor rear window that is obscured, there is also a rooflight, the issue of overlooking and loss of privacy is not an issue as the property presently backs onto the pubs car park and if anything the proposed new arrangement will be an improvement on the existing situation for the property. A fence is to be erected separating the rear garden of Unit 1 with the rear wall of 379a The Ridge to add a level of separation and privacy.

Unit 3 will have side windows but these will be 11.5m from the side elevation of 371 The Ridge. This property has no windows on the ground floor and what appears to be a bathroom dormer on the first floor elevation, the proposed new unit will have no habitable room windows on the first floor. As such there will be no harmful impact to the residential amenities of No.371 The Ridge.

Units 4, 7 and 8 have side elevations backing onto 3 and 5 Netherwood Close and 1, 2 and 3 Heathfield Close. The properties will have no first floor habitable room windows on side elevations and an acoustic fence, on the section of garden of No 279a The Ridge, will be a condition of any consent to help provide additional privacy and attenuation. The tree line on the western boundary will be retained that will provide additional screening. The window to window distance from first floor bedrooms of units 7 and 3 Netherwood Close is approximately 20m, this is considered acceptable. The rear elevation of No. 1 Heathfield Close will have oblique views to Unit 7, approximately 20m and Unit.8 approximately 16m, these are considered acceptable. Nos 2 and 3 Heathfield Close will not have any windows from habitable rooms in the proposed development directly overlooking the properties. Any window on the first floor, western elevation, of Unit 4, 7 and 8 will be required to have obscured glazing as a condition of any consent. (Condition 21)

The distance of properties to the east of the application site at some 30-35m to the boundary of the application site means that issues of privacy, overlooking and loss of daylight will not arise. St David's Lodge is some 7m from the application boundary but again the orientation of the proposed new units, unit 9 for example is over 30m from the nearest window of St. David's Lodge.

These distances will ensure that there is no harm from overlooking in planning terms, the boundary screening will add to the level of protection from overlooking. The orientation of the proposed properties and height will ensure that overshadowing and loss of daylight will not result.

Some noise and disturbance during construction is inevitable but this can be minimised by restricting working hours and the submission of a construction management plan which should be followed during construction. Both can be secured by condition (No.3 and 22).

It is considered that the proposed development will not result in any harm to neighbouring residential amenities. It complies with policy SC1 - Overall Strategy for Managing Change in a Sustainable Way, of the Hastings Planning Strategy, and policy DM3 - General Amenity of the Development Management Plan.

d) Access, parking and highway safety matters

The Local Highway Authority (LHA) have raised no objection, As such emergency vehicles and refuse lorries can enter the site and leave in a forward gear. The main considerations would be whether adequate parking for residents and visitors is provided on site so as not to impact access to the site and safely on The Ridge and adjoining roads. A total of 20 residents spaces are proposed, together with 3 visitor spaces. This is in accordance with the East Sussex County Council parking standards and is considered acceptable. Two cycle parking spaces per unit are to be provided in a safe and convenient location, this is also acceptable in policy terms.

Given the comments of the LHA, the updated Drawing No.5576/2/B access is not considered to cause any harm to highway safety or restrict vehicular (including emergency vehicular) access and the parking provision proposed on site is acceptable and will help in restricting parking in adjoining streets.

Subject to appropriate conditions the proposed development would comply with policy DM4-General Access of the Hastings Development Management Plan (2015).

e) Archaeology and Heritage

Although not in an Archaeological Notification Area the proposed development site is of archaeological interest due to its location on the south facing slope of The Ridge, an historic routeway and Roman road. The south facing sides of this ridge were a focus for past human occupation, as demonstrated by the nearby deserted medieval village of Ore. The site has not been subject to any archaeological investigation, so its potential to contain buried archaeological remains, including remains of national significance is unclear. The first recorded activity on the site was the construction of a high status house known as Rippon Lodge between 1840 and 1875. This house, of local archaeological and historical interest was later converted into the Robert de Mortain pub.

County Archaeology had not objected to the outline application being granted, on the proviso that the results of trial trenching and historic building assessment are carried out prior to the decision being made on the reserved matters application. This is to be the subject of a condition requiring a **programme of archaeological works** and the results used to inform a sympathetic design enabling the retention in-situ of the archaeological remains within the development.

It should be noted that the applicant as part of the detailed application also submitted on the site has commenced with evaluation trenches identifying some archaeological remains at the front of the plot. County Archaeology have agreed with the developer that these can be dealt with by the excavation of further trenches in that area, which they are doing presently. The historic building recording is to be submitted to the LPA for their records.

The proposed development, subject to conditions (No.24), would comply with policies EN1 and HN4 of HFS.

f) Trees

The application site extends into a Local Wildlife Area on its south boundary which adjoins an area of Ancient Woodland, St. Helen's Wood. The site and the environment immediately to the south is within an area of influence of the proposed development and also includes tree specimens subject to protection by a Hastings Council Woodland Tree Preservation

Order TPO119. Protected trees include those within an area are identified in the applicants Arboricultural Report, August 2017. The protected trees running along the western, southern and eastern site boundary are: a single ash tree (T11) – referred to as T27 in this report - on the eastern boundary, and the off-site woodland to the south (W2) - referred to as W20 in the report.

The Arboricultural report identified twenty eight individual trees, five groups of trees and one hedge. Three trees - T8, T15 and T34 (U Grade) - were considered to be in such a condition that their immediate removal is recommended, irrespective of the outcome of the application proposal. Note that T34 appears to be growing off-site. Twelve individual trees and three groups of trees would be removed by the proposed development, they include (Tree Classification for each tree in brackets):

T3 (C) – Ash, G4 (C) – Cypress, T6 (C) - Ash, T7 (C) – Sycamore, T10 (C)– Ash, T11 (B)– Hazel, G12 (C) – Sycamore and Hazel, T13 (C) – Ash and T14 (B) – Willow These trees are located along the sites western boundary. The trees' juxtaposition with the proposed development means that they would either be beneath the footprint of that development, or unlikely to survive the construction process. Many of the identified trees in this section are of poor quality and therefore their retention is difficult to justify, these trees are therefore proposed to be removed. Significant trees along this boundary such as T2, T5 and T9 will be retained, and visual amenity from a public context will be preserved as a result of those retentions. The removal of the identified trees is acceptable within the context of the site's.

T16 (C), T17(C), T18 (B) and G22 (B) - Sycamore The location of these trees means that post-development their retention would be untenable within the rear gardens of the southern properties. These trees provide a degree of visual amenity to the site, however, they have very limited public amenity value, located as they are in the southern portion of the site and effectively masked from The Ridge by the existing building to the north. These trees are proposed to be removed.

T26 (C) – oak and T31 (C)– Ash. These trees are located on the site's eastern boundary. Their condition does not warrant their protection and retention throughout the construction process. Neither of these trees are particularly significant specimens. The crown of T26 is significantly overshadowed and deflected by T25, and T31 is an unexceptional self-set tree, their removal is acceptable within the context of the proposed development.

Works to retained trees would also include the reduction of the lateral spread of the southern crowns of off-site trees H1 cypress and T5 beech, and on site T25 Scots pine and T32 sycamore, are specifically recommended.

In order to protect the root systems of retained trees during the construction period, the following measures are recommended in the Arboricultural Report:

- The installation of one tree protection barrier
- The installation of three areas of temporary ground protection
- The installation of two areas of permanent ground protection

No objections to the suggested tree works including those to be removed have been made by the Arboricultural Officer and the application is considered acceptable in this respect. The Arboricultural Officer did have concerns about the impact of the development on the root systems of retained trees T2, T5 and T25, in order to address this a condition requiring hand dig to protect the roots in these areas will be applied. The 3 U Grade trees are recommended for removal immediately The tree removal and protection of retained trees will be controlled by condition (No.16&17).

g) Ecology

The Ecological Survey and badger Survey submitted with the application identifies no major issues in terms of the presence of amphibians, reptiles and mammals. A number of recommendations are made in the report including:

- 1 - Grass cut short and reptile fence erected to the south of the site during the construction phase.
- 2 - Bat survey of the house and grounds to be undertaken prior to commencement of development and mitigation plan prepared as necessary.
- 3 - Trees not to be disturbed during nesting season February-July.
- 4 - Japanese knotweed, in south-west corner of the site, to be dealt with by an approved agency.
- 5 - During ground preparation and construction works to properties all holes and trenches to be covered whilst not in use.
- 6 - Fences on boundary to allow previous movement for animals
- 7 - Installation of bird and bat boxes

Subject to appropriate conditions (No's 25-28) the proposed development is considered to comply with policies EN2, EN3, EN4 and EN6 of the HPS and HN7 and HN8 of the DMP.

h) Drainage

The site is not in a Flood Risk Zone, however surface water run-off could be a potential issue. County SuDS had the following comments and recommended a number of conditions to ensure the scheme does not have a detrimental impact on the existing drainage infrastructure and raise flood risk;

"The supporting Flood Risk Assessment and surface water drainage shows that surface water run-off from the development will be managed using pipes and underground attenuation tanks before discharging into the combined sewer at a maximum rate of 15 l/s. However there is no indication that the discharge to the combined public sewer or the discharge rate has been agreed with Southern Water.

While we appreciate that the current public house most likely discharged to the combined sewer, there are existing public surface water sewers in the vicinity of the application site and a watercourse 100m south of the site. Therefore it would be more sustainable to discharge surface water runoff to these systems as it reduces the flows to the wastewater treatment plant. Nevertheless, Southern Water should agree to the principle of the connection to the combined public sewer.

Southern Water commented that they "currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.

Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. You (The Applicant) will be required to provide a topographical site survey and/or a CCTV survey with the connection application showing the existing connection points, pipe sizes, gradients and calculations confirming the proposed foul flow will be no greater than the existing contributing flows".

Should the Local Planning Authority be minded to approve the application, Southern Water would like a condition to be attached to any permission requiring the approval of a detailed drainage strategy (4).

i) Air Quality and Emissions

Wealden District Council have raised objections in respect this planning application in that the additional vehicle movements created by the proposed development would harm the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. Specifically concern is raised that additional vehicle movements could give rise to use of acid deposition and eutrophication by nitrogen deposition that would directly affect the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. The objection also refers to Pevensy Levels and Lewes Downs.

Although Wealden District Council accepts that where traffic generation would not increase as a result of such redevelopment, the proposed development can be 'screened out' as having no likely significant impact and as a consequence, no 'Habitats Regulations Assessment' is required. In the case of the current outline planning application to demolish the existing buildings at 371 - 373 The Ridge in order to construct 10 dwellings, the applicant submitted an additional assessment prepared by RGP Transport Planning and Infrastructure Design Consultants, which examines the daily and weekly amount of traffic likely to be generated by the proposed development compared to that arising from the existing use (i.e. at the time the public house and restaurant operated previously). Using established TRICS data, this confirms that the total daily traffic (average week day) would be reduced from 105 two-way vehicle movements to 42 two-way vehicle movements, resulting in a net reduction of 63 two-way average week day movements.

The proposed development would also result in a likely reduction from 735 two-way vehicle movements during a typical week to 294 two-way vehicle movements over the same period (i.e. a reduction of 441 vehicle movements or 60%).

Thus, not only can it be demonstrated that the proposed development would have no significant effect on the three SAC's referred to in Wealden District Council's letter, but a reduction of some 441 vehicle movements would potentially add to capacity *within* the 1,000 AADT headroom referred to in the Council's letter. If the proposed development were to have any effect at all, it would have a positive rather than a negative impact.

For the reasons noted it is considered that the proposed development would not harm the special integrity of the Ashdown Forest, Pevensy Levels and Lewes Downs Special Areas of Conservation and their conservation objectives. Finally, without prejudice to the above assessment and conclusion, it is noted that Wealden District Council precautionary approach is not proportionate in that they have raised a blanket objection to developments giving rise to additional traffic movements without considering how mitigation could allow development to come forward.'

There is no clear evidence to show that traffic movement in the borough as a result of this development would result in a reduction in traffic movements on roads nearby the application and designated sites and therefore present no adverse impact on the special features of the designated sites

Hastings Borough Council Ecology Officer has commented in respect of this issue that, 'There is no clear evidence to show that increased traffic movement in the borough as a result of this development would result in an increase in traffic movements on roads nearby the designated sites and therefore present an adverse impact on the special features of the designated sites.'

j) Other

The applicant has identified that the access into the site will be at least 7m wide and the carriageway at least 4.5m wide within the site. The identified turning head by unit 10 on the Site Layout Plan 2017/3885/001/B Proposed Access Arrangements) is to be maintained and kept free of parked vehicles by way of condition (No.7). Therefore it is not considered there will be a problem with refuse collection, a refuse vehicle will be able to enter and leave the site in a forward gear. Each property will have an allocated bin storage area, secured by condition No.19).

The proposed development makes no specific reference to policies SC3 and SC4 of the HPS and the requirement for new development to be sustainably designed. Green and sustainable building design measures are secured via appropriate Building Regulations that ensure a fabric first approach that helps reduce the energy load and carbon footprint of the buildings. A condition (No.20&23) is attached to require submission of details to show how this would be achieved.

The proposed development is not subject to affordable housing following Government guidance concerning schemes of 10 units or below.

6. Conclusion

It is considered that through the use of conditions the proposal will not have any adverse impacts on the character of the area or the amenity of neighbouring residents and will not result in highway safety issues. On planning balance the application is, therefore, recommended for approval subject to conditions.

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.

7. Recommendation

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

2. Approval of the details of the external appearance of the Buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

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 dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings 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.
 - (iv) Surface water runoff from the proposed development should be limited to the greenfield runoff rates, if possible, for rainfall events including those with a 1 in 100 (plus climate change) annual probability of occurrence. Evidence of this (in the form hydraulic calculations) should be submitted with the detailed drainage drawings. approved under (i) above. The hydraulic calculations should take into account the connectivity of the different surface water drainage features. Possible connection to surface water sewers or watercourse should be investigated before pursuing a connection to the combined sewer.
5. The detailed design of the attenuation cellular storage systems should be informed by findings of groundwater monitoring between autumn and spring. The design should leave at least 1m unsaturated zone between the base of the cellular storage and the highest recorded groundwater level. If this cannot be achieved, details of measures which will be taken to manage the impacts of high groundwater on the drainage system should be provided prior to commencement of development (excluding demolition) and approved by the Local Planning Authority. Evidence of how impacts of high groundwater on the structural integrity of the tank will be managed should also be provided at this time.

6. The applicant should detail measures to manage flood risk, both on and off the site, during the construction phase, defined as the commencement of demolition works to the first occupation of a dwelling. This may take the form of a standalone document or incorporated into the Construction Management Plan for the development, this is to be submitted and agreed by the Local Planning Authority prior to the commencement of works, including demolition of existing structures.

7. A maintenance and management plan for the entire drainage system, including culverted and open watercourses, should be submitted to the planning authority before the commencement of development on site.

This plan should clearly state who will be responsible for managing all aspects of the surface water drainage system, including piped drains, and the appropriate authority should be satisfied with the submitted details. Evidence that these responsibility arrangements will remain in place throughout the lifetime of the development should be provided to the Local Planning Authority.

8. Prior to occupation of the development evidence (including photographs) should be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs, required by Condition 4.

9. No development shall take place until details of the means of vehicular access to the site, including road widths, kerb radii, visibility splays and details of finishes of materials have been submitted to and approved in writing by the Local Planning Authority.

10. No part of the development shall be occupied until such time as the unused parts of the existing vehicular access onto The Ridge has been physically closed in accordance with plans and details submitted to and approved in writing by the Local Planning Authority.

11. The access shall have maximum gradients of 2.5% (1 in 40) for the whole width of the footway and continuing for 5m into the site and 11% (1 in 9) thereafter. The new access road is to be kept free of parked vehicles to allow access by emergency services and waste collection vehicles.

12. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

13. No part of the development shall be occupied until the vehicle turning space has been constructed within the site in accordance with details submitted to and approved in writing by the Local Planning Authority. This space shall thereafter be retained at all times for this use and shall not be obstructed or used for the parking of vehicles.

14. No development shall take place until tree protection measures detailed in the Arboricultural Report submitted with the application have been implemented. Protective fences are to be erected in accordance with the current BS5837.2005 - Trees in Relation to Construction Standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed. Excavation works to the tree root areas of trees T2, T5 and T25 are to be undertaken by hand.
15. The existing trees and hedges along the southern, eastern and western boundary of the site shall be retained permanently. Any trees or plants within this area which within 5 years of the completion of the development die, are removed or become damaged or diseased, shall be replaced in the next planting season with other of similar size and species, unless the Local Planning Authority gives prior written consent to any variation.
16. No development shall take place above ground until full details of all boundary fences, including acoustic fencing and provision for free access to wildlife including badgers, have been submitted to and approved in writing by the Local Planning Authority. All such boundary fences shall be erected before the building to which it relates is occupied.
17. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.
18. Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given buildings with dedicated off street parking, and shall thereafter be retained for that purpose.
19. Units 4, 7 and 8 shall not be occupied until the obscure glass is installed to the windows on the first floor western elevation, once installed, the windows shall be permanently maintained in that condition. Any changes to these windows must be approved in writing by the Local Planning Authority.

20. Construction Environmental Management Plan

No development, including any works of demolition, shall take place until the appointed main contractor has submitted a detailed Construction Environmental Management Plan (CEMP) based on the submitted Construction Traffic Management Statement (CTMS) and the detailed CEMP has been approved in writing by Local Planning Authority. In addition to the issues identified in the Outline CTMP the document shall include:

- i. parking provision for site operatives and visitors;
- ii. provision for loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. measures to prevent deposit of mud on the highway;
- v. measures to minimise dust during demolition;

The approved CEMP shall be adhered to throughout the construction period.

21. 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.
22. 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 areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
23. No part of the development shall be occupied until visibility splays of 2.4m metres by 43 metres have been provided at the proposed site vehicular access onto The Ridge in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 600mm.
24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
25. Prior to the commencement of development and during the construction phase all mitigation measures as outlined in the Ecological Appraisal, April 2017, and Badger report March 2017, submitted with the application will be undertaken to protect existing biodiversity during any construction activity on the site.
26. The following works; demolition of the main building or any part thereof where bats have been identified in the report by Cherryfield Ecology, dated 12/11/17 for the site of the Robert de Mortain public house shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a licence issued by [the relevant licensing body] pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity/development to go ahead; or
 - b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified activity/development will require a licence.

27. Prior to occupation, a “lighting design strategy for biodiversity” for the site in relation to the impact on bat species shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bat species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

28. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person [e.g. *an ecological clerk of works, on-site ecologist*] have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.
29. The development hereby permitted shall be carried out in accordance with the following approved plans:

5576/LP, 5576/EX, 5576/1/B, 5576/2/B, 5576/6/B

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. In the interests of the visual amenity of the area.
3. To safeguard the amenity of adjoining residents.
4. To ensure appropriate drainage is provided.
5. To safeguard the amenity of adjoining and future residents.
6. To safeguard the amenity of adjoining and future residents.
7. To ensure that no property is occupied until adequate access and drainage facilities have been provided.

8. To ensure that no property is occupied until adequate access and drainage facilities have been provided.
9. In the interests of vehicular and pedestrian safety.
10. In the interests of road safety.
11. In the interests of road safety.
12. To ensure an adequate level of off-street parking to serve the development.
13. In the interests of vehicular and pedestrian safety.
14. To ensure a satisfactory standard of development.
15. To preserve the visual quality of the surrounding historic landscape.
16. To safeguard the amenity of adjoining residents.
17. To ensure a satisfactory standard of development.
18. To ensure a satisfactory standard of development.
19. To safeguard the amenity of adjoining and future residents.
20. In the interests of highway safety and convenience and to minimise the impact on the amenity of local residents arising from dust, emissions and noise during the construction phase.
21. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.
22. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
23. To ensure that a reasonable standard of access is provided in the interests of pedestrian and traffic safety.
24. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
25. To preserve and protect the biodiversity on the site.
26. To ensure a satisfactory form of development in the interests of the amenity and long term health and safety of the bats in the area.
27. To ensure a satisfactory form of development in the interests of the amenity and long term health and safety of the bats in the area.

28. To ensure a satisfactory form of development in the interests of the character and amenity of the area and natural habitats and wildlife.
29. For the avoidance of doubt and in the interests of proper planning.

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 Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
4. There may be badgers on the site and your attention is drawn to the provisions of the Badger Protection Act 1992. It is a criminal offence to kill or injure a badger; to damage or obstruct access to its sett; or to disturb a badger when it is occupying a sett.
5. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
6. Separate foul and surface water drains must be provided. You are advised to consult Southern Water Services Ltd. with regard to an application for connection to the public foul and surface water sewers.

Officer to Contact

Mr P Arthurs, Telephone 01424 783275

Background Papers

Application No: HS/OA/17/00774 including all letters and documents