

Report to: PLANNING COMMITTEE
Date of Meeting: 20 June 2018
Report from: Assistant Director of Housing and Built Environment

Application Address: Land Adjoining, 14-16 Harley Way, St Leonards-on-sea
Proposal: Outline application (seeking approval of Access), for the erection of up to 4 no.2 bed apartments
Application No: HS/OA/17/00930

Recommendation: Grant Outline Planning Permission

Ward: WEST ST LEONARDS 2018
Conservation Area: No
Listed Building: No

Applicant: BBCn per WS Planning & Architecture Europe
House Bancroft Road Reigate RH2 7RP

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - General Interest
Letters of Objection: 15
Petitions of Objection Received: 1
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 1

Application Status: Not delegated - Petition received

1. Site and Surrounding Area

The site comprises an irregular shaped area of open space, partly vegetated with shrubs and trees. It is located at the end of Harley Way on the edge of the turning head on its southern side, and the rear of the site slopes steeply downwards towards the south east.

A block of garages and hard standing area is located at the head of the turning head, adjacent to the site on its western side. Whilst the western end of Harley Way is made up of two storey semi-detached properties with a single residential unit within each, the dwellings at this end of Harley Way are made up of 4 flats in properties of a semi-detached

appearance. All existing properties have a front garden area, and a grass verge separates the pavement from the road on the southern side.

Constraints

- Area affected by surface water flooding (1 in 1000)
- 2km buffer zone of high pressure pipeline (Scotia Gas Networks)
- 250m buffer zone of historic landfill site

Background

The previous application on the site, HA/FA/16/00568 was refused on 16 June 2017 for the following reasons:

1. The proposed block of apartments, by reason of its, mass, scale, appearance, height, prominence and overall design (including window formation and materials used), and lack of soft landscaping, will result in a form of development that fails to protect and enhance local character and is out of keeping with the surrounding area, contrary to Policy DM1 of the Development Management Plan and the provisions set out in relation to good design in the National Planning Policy Framework (paragraphs 58 and 64) and associated Planning Practice Guidance (paragraphs 007 and 026).
2. The proposal fails to demonstrate the site's capability of accommodating the level of residential development proposed without potentially causing harm to European protected species. Further information is required to determine the presence or absence of bats within the application site, in order to determine the full extent of habitat loss and potential measures for mitigation if necessary. The application therefore fails to provide adequate information to ensure all material considerations are taken into account, demonstrate the population of protected species is strengthened, or that there will be no net loss of biodiversity, contrary to Policy EN3 of the Hastings Planning Strategy 2015 and Policy HN8 of the Development Management Plan 2015.
3. The proposal fails to demonstrate the site's capability of accommodating the level of residential development proposed without demonstrating that there is no risk in terms of land stability, or whether any risks are acceptable or can be mitigated to an acceptable level. This is contrary to Policy DM5 of the Development Management Plan 2015, which requires convincing and supporting evidence to be supplied that shows any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures.
4. The proposed parking spaces do not meet the minimum measurements required by the Highway Authority to provide safe and accessible parking spaces on site, contrary to the requirements of Policy DM4 of the Development Management Plan 2015.

2. Proposed development

This is an outline application, seeking approval for access and all other matters reserved, is to erect 4 x 2 bed apartments on this vacant site. The building design, mass and scale is not defined in the application. 4 parking spaces are to be provided within the site at 2.5 x 5 m,

drawing No.GEG/100/01 provides an indicative layout of the proposed block of flats and car parking spaces.

The building measures 8m in width, and 11m in depth. Amenity space is provided to the rear of the existing garages and proposed building, with a proposed decking area on the western side of the site, adjacent to the garden of 14-16 Harley Way.

The application is supported by the following documents:

- Covering letter
- Sustainability Statement, October 2017 (WSP Planning and Architecture)
- Design and Access Statement, October 2017 (WSP Planning and Architecture)
- Update Ecology Appraisal, September 2017 (David Archer Associates)
- Ecological Appraisal Report (The Ash Partnership, May 2016)
- Report on Badger Activity at Harley Way (Peter Mortimer Badger Consultant, March 2017)
- Mitigation and Method Statement (Peter Mortimer Badger Consultant, March 2017)
- Report on Bat Survey (Eagle Trees Tree Management, December 2016)
- Ground Conditions update letter, Enzygo Geoenvironmental Ltd, 24th August 2017
- Geo-Environmental Data and Historical Maps (Ashdown Site Investigations Ltd, August 2016)
- Drainage Strategy Report (Stillwell Partnership, September 2016)
- Preliminary Ground Contamination Risk Assessment Report (Ashdown Site Investigations Ltd, September 2016)

Relevant Planning History

HS/FA/16/00568 - Application for 4-2 bedroom units refused. 16.06.2017

National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy FA1 - Strategic Policy for Western Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy DS1 - New Housing Development
Policy SC7 - Flood Risk

Hastings Local Plan – Development Management Plan (2015)

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM4 - General Access
Policy DM5 - Ground Conditions
Policy DM7 - Water Resource Availability

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013
Parking Provision in New Developments Supplementary Planning Document (October 2013)

National Planning Policy Framework (NPPF)

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

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

Paragraph 9 states:

Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to):

- making it easier for jobs to be created in cities, towns and villages
- moving from a net loss of bio-diversity to achieving net gains for nature
- replacing poor design with better design
- improving the conditions in which people live, work, travel and take leisure
- widening the choice of high quality homes.

One of the core principles in paragraph 17 is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings

3. Consultation comments

Highways - **No objection subject to conditions**

Note that if the application is considered acceptable, then the land within the application site that forms the current highway would need to be closed (stopped) up, subject to a separate Order from the Highway Authority. Set out minimum car parking spaces and agree with cycle parking provision. Notes that the majority of the site is within 25m of the access and as such, meets the requirements set out in good practice refuse and recycling collection guidelines. (Conditions 6,7,8,9,14)

Environment and Natural Resources Manager - **No Objection**

Initial objection raised in previous application removed as updated ecology report submitted with the application. (Conditions 9,15,16)

Tree Officer – **No Objection**

Southern Water - **No objection subject to conditions** (Conditions 4,5)

Sustainable Drainage - **No objection subject to conditions** (Conditions 4,5)

Environmental Health - Contaminated Land - **No objection subject to conditions**
Consider the submitted Phase 1 contaminated land risk assessment to be acceptable in principle subject to conditions (Conditions 12,13,17,18)

Environment Agency - **No Comments Recieved**

4. Representations

17 representations received from 16 different properties, 1 from previous Cllr Mike Howard. 1 petition was received, with 37 signatures. The comments made within the petition however, are set out below.

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

- Steeply sloping site, with known land stability issues in the area
- Existing parking problems in the area, which will be made worse following the loss of some spaces and the extra cars generated by the proposed development
- Disruption to existing residents in terms of noise and dust during construction
- Loss of view for many properties
- Negative ecological impact - site known to be home to various species including bats, badgers, foxes, slow worms, and other forms of wildlife
- Existing road not wide enough for construction vehicles or waste collection. Made worse by existing parking situation
- Not enough parking spaces are being provided on site to manage the level of demand created
- Loss of amenity space in the cul-de-sac - negative impact on well-being
- Area is prone to flooding
- The development will result in overlooking towards properties in Bexhill Road
- Construction traffic will impact on state of the road and local amenity
- Restrict movement of refuse trucks

The petition received raised the following concerns:

- Land instability issues in the area
- Wildlife, negative impact on ecological value of site and adjoining areas
- Existing parking problems that will be made worse by the development
- Children, residents and their dogs: negative impact and loss of amenity

5. Determining Issues

This is an outline application seeking approval for access only. Matters of scale, appearance, landscaping and layout are not considered here. Therefore, the main issues to be considered with this application relate to the impact of the development on protected species, land stability, car parking provision and air quality impacts.

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.

b. Access

The application site has no access at present from Harley Way, a public footpath and a grassed verge area adjoin the application site, the proposal is to create a new access point onto the highway in the area used as a turning head. Following consultation the Highways Authority confirmed the footpath would need to be closed off (stopped up) to provide for the new access point and to enable the application to be considered acceptable.

Four car parking spaces are to be provided on site, which is in accordance with the requirements of the Highway Authority for a development of this type. The minimum dimensions for the car parking spaces is 5m x 2.5m, which can be accommodated on the site as indicated on drawing No.GEG/100/01, this plan provides an indicative layout of the proposed block of flats and car parking spaces. The increase in the size of the car parking spaces overcomes the previous objection raised by County Highways.

These spaces would therefore, be adequate space for the cars to manoeuvre and be easy to use, in accordance with the adopted guidance for Parking at New Residential Development, prepared by East Sussex County Council, and adopted as Supplementary Planning Guidance by Hastings Borough Council in October 2013, as well as policy DM4 of the Development Management Plan 2015.

Many concerns have been raised as a result of neighbour consultation as a result of the development and the pressure on existing parking capacity. It is argued that spaces will be lost as a result of the development, although this would be on the existing turning head, where parking should not be taking place. The Highway Authority therefore, do not object to the development in this regard, and the proposed access and parking arrangements accord with the requirements of Policy DM4 of the Development Management Plan 2015. The Highway Authority have suggested a number of conditions to mitigate against any harm including on-site car parking and cycle provision, adequate access to be provided and approved by the planning authority and vehicle gradient. An informative (No.5) requiring the highway to be closed (stopped) up to remove highways rights over it is to be applied.

The development is proposed within an existing cul-de-sac where waste lorries already serve the development. It is not considered that the development would further impact on their ability to access the site, given the provision of parking to within the application site itself

c. Ecology

The previous detailed planning application ecological appraisal report submitted to support the application for development recommended further ecological surveys to complete the ecology baseline, the successful control of the Japanese Knotweed on site, and undertaking the recommendations for mitigation and enhancement within the report. Additional ecological reports were commissioned in the form of a bat survey, report on badger activity and supporting mitigation and method statement.

A subsequent 'Update ecology report' was prepared and submitted by David Archer Associates in September 2017. The report included a Phase 1 habitat survey and desk based research; the report concludes that the site contains a low diversity of habitats and has a low intrinsic value which is site specific in terms of benefits arising. Japanese knotweed was evident on the site and needs to be eradicated, bat foraging habitat but no roosting sites, no signs of badger setts but additional survey work suggested, suitable nesting sites for garden and woodland birds.

The report provides a number of recommendations to mitigate any harm arising from the proposed development, these can be enforced via a condition and include:

- Badger survey, prior to commencement of site clearance
- Invasive species removal – Japanese knotweed
- Precautionary method of working for site clearance produced to protect badgers, nesting birds and bats
- Biodiversity enhancement measures – within the landscape plan
- Bat roosting provision
- Bird nesting boxes (Conditions 15, 16)

d. Other site constraints

Concern has been raised from neighbouring properties regarding the potential for land stability on the site. Whilst this is not known to the Council, it is acknowledged that the site is steeply sloping and its development may well incur risks of land and slope stability.

The applicant submitted a letter from Enzygo Geoenvironmental Limited, 24th August 2017; this recognises that the site presents challenges in terms of slope and geotechnical constraints. "However, with appropriate site investigation and design, the obvious constraints should not prohibit development". It is suggested that planning could be conditioned on a more detail site investigation and detailed foundation and drainage design to address any identified constraints.

The Ashdown Site Investigation Report, August 2016, refers in Section 3.1 to the expected geology on the site as a range of 'Ashdown and Wadhurst Clay Formations', no made ground (infilled land) is expected on the site as part of the previous brickworks operations. The site conditions are as a result expected to be stable in nature. As a result it is considered acceptable that any planning permission could be subject to a condition (18) that requires additional site investigation and submission of building foundation and drainage details.

Given the sites location in the buffer zone of a historic landfill site, a Phase 1 contamination assessment has been undertaken. Environmental Health officers are satisfied with this report, and conclude that no objections are raised with regard to the development, subject to the imposition of conditions (3, 12, 17) regarding construction impacts and hours of work. Should any contamination be found when carrying out the development, it should be reported to the Local Planning Authority, with proposed remediation measures.

The drainage strategy submitted with the application provides for surface water to drain into the existing drainage system, subject to Southern Water agreement and a sewer diversion application. Permeable paving will also be used at the front of the site to manage these additional surface water flows. It concludes that no property will be at risk of flooding as a result of the development. Subject to Southern Water agreement and submission of drainage details, it is considered that these arrangements are acceptable, although the potential for other forms of Sustainable Drainage Systems should also be explored (Conditions 4, 5).

Air quality and emissions

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

Wealden District Council have raised objection in respect of a number of planning applications 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 Pevensey Levels and Lewes Downs. The proposal is not directly connected with or necessary to the management of the Ashdown Forest, Pevensey Levels or Lewes Downs SACs and therefore it is necessary to determine if the proposal, in combination with other relevant development, would have a likely significant effect on the conservation objective or special integrity of the SACs. As such an Appropriate Assessment has been undertaken which notes the following:

The Pevensey Levels SAC is located 10 km from the site and is designated for its population of Ramshorn Snail (*Anisus vorticulus*). As there are no applicable critical loads or NOx critical levels for the interest features of this SAC there are no appropriate reference levels/damage thresholds for any impact assessment. It is also noted that the Site Improvement Plan produced by Natural England does not mention air quality as a concern.

Lewes Downs SAC and Ashdown Forest SAC are located 40km and 35km from the site respectively. The site is so far removed from the these SACs that it is not considered a proportionate approach to prevent development that would give rise to additional traffic. There is no clear evidence to show that increased traffic movement in this borough would result in an increase in traffic movement on roads nearby these SACs, including the A26 and A22, above an expected variance to the Annual Average Daily Traffic Movement (AADT). The Ashdown Forest Visitor Survey 2016 produced by Footprint Ecology shows that both in 2008 and 2016 there no visitors to Ashdown Forest were recorded as coming from Hastings.

Whilst it is reasonable to assume that, that data may change slightly on different survey days, the variance arising could not reasonably be assumed to be above the expected variance levels of the ADDT.

Natural England (NE) was consulted regarding whether the proposed development would have a significant adverse effect on Special Areas of Conservation (SACs) and their response was that they have no comment to make on this application.

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.'

For the reasons noted it is considered that the proposed development, in combination with other relevant development, would not harm the special integrity of the Ashdown Forest, Pevensey 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.'

Finally, AECOM, Environmental Specialist, have assessed the impact of development coming forward in this borough up to 2033 and concluded there would be no harm to the conservation objectives of above noted SAC's.

6. Conclusion

It is considered that the proposed development of 4 apartments on the site is acceptable subject to a number of conditions.

The complies with Policies DM1, DM3, DM5 and HN1 of the Development Management Plan and is recommended for approval.

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

7. Recommendation

Grant Outline Planning Permission subject to the following conditions:

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. 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.

6. 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.

7. 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.
8. 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.
9. No development shall take place until full details of all boundary fences 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.
10. 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.
11. Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on or adjacent to the dedicated off street parking, and shall thereafter be retained for that purpose.

12. Construction Environmental Management Plan

No development 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.

13. 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.

14. 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.
15. Prior to the commencement of development and during the construction phase all mitigation measures as outlined in the Update Ecological Appraisal, September 2017 (David Archer Associates), The Ecological Appraisal Report May 2016 (Ash Partnership) and Report on Badger Activity February 2017 (Peter Mortimer Badger Consultant), submitted with the application will be undertaken to protect existing biodiversity during any construction activity on the site.
16. 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.
17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared following completion of measures identified in the approved remediation scheme a verification report must be prepared. All the above should be approved in writing by the Local Planning Authority.
18. No development shall take place until a full and adequate site investigation and soils report has been submitted to the Local Planning Authority and work shall not proceed until and unless measures deemed to be necessary by the Authority as a result of such report have been incorporated in the development proposals.
19. No development shall commence until a detailed scheme of external lighting has been submitted to and approved in writing by the Local Planning Authority. The development should be carried out in strict accordance with the approved details. The scheme shall be maintained and shall not be altered without prior written approval of the Local Planning Authority. Any floodlighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority.
20. The development hereby permitted shall be carried out in accordance with the following approved plans:

OB/100/LBP, J00**/** and GEG/100/1B

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 ensure that no property is occupied until adequate access and drainage facilities have been provided.
6. In the interests of vehicular and pedestrian safety.
7. In the interests of road safety.
8. To ensure an adequate level of off-street parking to serve the development.
9. To safeguard the amenity of adjoining residents.
10. To ensure a satisfactory standard of development.
11. To ensure a satisfactory standard of development.
12. 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.
13. To ensure the development complies with Policy SC3 of the Hastings Planning Strategy 2014.
14. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
15. To preserve and protect the biodiversity on the site.
16. To ensure a satisfactory form of development in the interests of the character and amenity of the area and natural habitats and wildlife.
17. To protect those redeveloping the site and any future occupants from potential landfill gases and soil contamination.
18. To ensure that the construction takes account of the local ground conditions and the sloping nature of the site.
19. To ensure a satisfactory standard of development.
20. 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. 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.
4. 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.
5. The applicant is advised that the development is likely to be reliant on the existing public highway to be incorporated into the development and as such must be formally stopped up to remove the highway rights over it. This process must be successfully completed prior to any highway land being enclosed within the development. In order to commence the stopping up order process the applicant will need to contact the Department of Transport's National Casework Team (0207 944 4115).
The applicant's attention is drawn to the need for a licence to construct the access. The applicant should contact East Sussex Highways on 0345 6080193 to apply for a licence to ensure the construction is to an acceptable standard.
6. A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

It is the responsibility of the developer to make suitable provision for the disposal of surface water. Part H3 of the Building Regulations prioritises the means of surface water disposal in the order

- a Adequate soakaway or infiltration system
- b Water course
- c Where neither of the above is practicable sewer

Southern Water supports this stance and seeks through appropriate Planning Conditions to ensure that appropriate means of surface water disposal are proposed for each development. It is important that discharge to sewer occurs only where this is necessary and where adequate capacity exists to serve the development. When it is proposed to connect to a public sewer the prior approval of Southern Water is required.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

The design of drainage should ensure that no land drainage or ground water is to enter public sewers network.

Officer to Contact

Mr P Arthurs, Telephone 01424 783275

Background Papers

Application No: HS/OA/17/00930 including all letters and documents