

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 23 September 2020  
**Report from:** Assistant Director of Housing and Built Environment

**Application address:** Land at 63 Boyne Road, Hastings, TN35 5NY

**Proposal:** Proposed dwelling

**Application No:** HS/FA/20/00316

**Recommendation:** Grant Full Planning Permission

Ward: OLD HASTINGS 2018

Conservation Area: No

Listed Building: No

Applicant: Mr Suggitt per Elevations Design Ltd Junction House 1 Sedlescombe Road South St Leonards on Sea, East Sussex. TN38 0TA

### Public Consultation

Site notice: No  
 Press advertisement: No  
 Neighbour Letters: Yes  
 People objecting: 14  
 Petitions of objection received: 1  
 People in support: 0  
 Petitions of support received: 0  
 Neutral comments received: 0

Application status: Not delegated - Petition received  
 Petition received contrary to the Officer's recommendation

## 1. Site and surrounding area

The site comprises a steeply sloping garden land (dropping from south east to north west) forming part of no. 63 Boyne Road, which is one of a pair of semi detached properties. The site lies immediately east of the dwelling at no. 63 Boyne Road and occupies a corner plot that is bounded by Boyne Road to the south and Lodge Road to the east. Given the topography of the area the site is on a lower level to both Boyne Road and Lodge Road. Prior to some site clearance it contained a number of trees, shrubs and vegetation, however trees and shrubs remain towards the rear of the site and dense vegetation outside of the application site is in situ along Lodge Road. An existing hedge running parallel to Lodge

Road is shown on proposed street scenes.

The site is adjacent to the Clive Vale Local Wildlife Site.

The properties on the southern side of Boyne Road are in an elevated position and consist of terraced and semi detached properties, all of which are of the same age and are similar in character. The properties on the northern side of Boyne Road are set down on a lower ground level and as a result it is mainly the first floor that is widely visible in the street scene. These properties are uniform, semi detached properties of the same age and character. Within the surrounding area there are examples of detached buildings on both Harold Road and Gurth Road.

Immediately in front of the application site is a relatively wide grass verge separating the road from the front boundary. This separation continues down the length of Boyne road however most of what was grass verge has now been laid with hardstanding to provide additional parking. There are no parking restrictions on Boyne Road.

There are no dwellings which front directly onto Lodge Road. Opposite the site is 62 and 64 Boyne Road and at the other end of Lodge Road is the Harold Road Doctors Surgery. To the north of the site is an area of dense trees and Bourne Stream which forms part of the Clive Vale Local Wildlife Site.

### Constraints

Ground Water Flooding - High

Adjacent to Clive Vale Local Wildlife Site

SSSI Impact Risk Zone

## **2. Proposed development**

It is proposed to sub-divide the garden area of 63 Boyne Road and erect a two-storey (plus lower ground level) detached dwelling with associated parking for two cars. The proposal also includes the widening of an existing vehicle crossover and the creation of two parking spaces for 63 Boyne Road.

The application is supported by the following documents:

- Tree Survey Arboricultural Impact Assessment & Tree Protection Plan by Mayhew Consultancy Ltd. Dated May 2020
- Sustainable Urban Drainage (SUDs) Tool Kit Report
- Engineers Report & Calculations by W.K Elson (pHD, CEng, MICE) Dated 16 July 2020
- Preliminary Ecological Appraisal by Mayhew Consultancy Ltd. Dated May 2020

### **Relevant planning history**

None that is relevant.

## **National and local policies**

### Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy DS1 - New Housing Development  
Policy SC3 - Promoting Sustainable and Green Design  
Policy SC4 - Working Towards Zero Carbon Development  
Policy EN3 - Nature Conservation and Improvement of Biodiversity  
Policy H1 - Housing Density

### 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

### National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
  - \* Layout
  - \* Architecture
  - \* Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
  - \* Building types
  - \* Materials
  - \* Arrangement of streets

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states 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 that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

### National Design Guide (October 2019) - Ministry of Housing, Communities & Local Government

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.

Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.

Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them

Paragraph 40: C1 - Understand and relate well to the site, its local and wider context, states that well-designed new development should respond positively to the features of the site itself and the surrounding context beyond the site boundary. It should also enhance positive qualities and improve negative ones.

### Other Policies

East Sussex County Council - Minor Planning Application Guidance (2017)

Department for Communities and Local Government – Technical housing standards –nationally described space standard (March 2015)

## **3. Consultation comments**

Highways - **No comments to make**

Ecology Officer - **No comments received**

Arboricultural Officer - **No objection**

Local Lead Flood Authority - **No objection**, with conditions

Southern Water- **No objection**, with conditions

## 4. Representations

In respect of this application neighbour letters were sent on the 22nd May to properties who adjoin the site. In total 14 responses were received from 13 different properties, of which all were objecting and have raised the following concerns;

- Access for construction vehicles
- Noise from construction works to nearby homes and angling community
- Parking
- Dangerous for children and animals during construction
- Too close to play area
- New dwelling not in keeping
- Overdevelopment of the site
- Further traffic and noise from the development
- Site and topography of the site
- Ground Conditions (instability)
- Loss of vegetation
- Impact on the surface of the surrounding road network
- Damage to parked cars from lorries (private matter not a material planning consideration)
- Loss in value of my home (not a material planning consideration)
- Access to emergency vehicles during construction
- Drainage concerns
- Impact on wildlife

Electronic Petition signed by 18 people received raising the following concerns;

- The size and topography of the land.
- Character of the new design compared to others in the street.
- Squeezing a three bedroom house on a small patch of land.
- The safety of children going to and from two local schools or accessing the play park increased risk from heavy lorries delivering and may affect traffic flow.
- The unmade road to the side of development is in a constant state of degeneration this will not be improved by undermining the bank on one side with foundations.
- The increase of noise and disruption to neighbours and the angling community.
- Pollution of water course running from reservoir next to the site.
- Impact on wildlife with the removal of some trees.

## 5. Determining issues

### a) Principle

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

## b) Layout

The proposed site plan shows that the dwelling is located to the east of 63 Boyne Road and would follow the building line created by 61 and 63 Boyne Road. The proposed dwelling is approximately 2 metres from the side wall of 63 Boyne Road and this gap is consistent with those between some of the pairs of semi detached properties along Boyne Road. Whilst the proposed dwelling is detached, its footprint is similar to others along Boyne Road and within the surrounding area and is therefore consistent with the general pattern of development. The plot size is consistent with others along Boyne Road and the density of the site would comply with Policy H1(b) of the Hastings Planning Strategy 2014. The proposed dwelling utilises the existing access and parking area currently serving 63 Boyne Road and ample space surrounding the building is provided to allow for suitable soft and hard landscaping and associated residential paraphernalia such as bin storage. Whilst a detached dwelling is not typical of the pattern of development here, the alternative, which is to attach the building to no. 63, would result in a terrace which is also not typical of the pattern of development along this road. Variations to patterns of development can be accommodated provided they do not create such harm in their contrast as to merit refusal. That does not apply here and noting the similarities in form and design, it is considered that the proposed layout is an acceptable form of development and complies with Policies DM3 and DM4 of the Hastings Development Management Local Plan (2015)

## c) Impact on character and appearance of area

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

It is proposed to erect a two to three storey detached dwelling. The land slopes from south east to north west and as a result the proposed dwelling would be two storey fronting Boyne Road and three storey at the rear. This is consistent with other properties along the northern side of Boyne Road. The property would be slightly wider than others along Boyne Road with an overall height and eaves height of approximately 0.3 metres and 0.4 metres higher, respectively when compared to the neighbouring property, this is considered a marginal difference. Its length would be similar to others. For these reasons, the overall scale of the dwelling would fit well with surrounding development. The proposed plan identifies the external materials would be slate for the roof and render and brickwork for the walls, this combination would match adjoining properties. Further details of materials will be secured by condition no. 5 to ensure the new dwelling fits harmoniously with surrounding development.

It is acknowledged that the proposed dwelling is detached and the vast majority along Boyne Road are terraced or semi detached. However, given that 61 and 63 Boyne Road are on a corner and are orientated differently to those along Boyne Road they form their own small character area. The proposed dwelling is set down in the plot, substantial vegetation exists along Lodge Road which screens the majority of the development as shown on the proposed street scene plan, and the overall scale, form, layout and appearance is consistent with the adjoining properties. As a result, it is not considered that the proposed dwelling would result in a harmful addition that would detriment the character and appearance of the area.

For the reasons outlined above, the proposed dwelling complies with Policy DM1 of the Hastings Development Management Plan

#### d) Future residential amenities

##### **Internal accommodation:**

The Technical housing standards (nationally described space standards) as produced by the Department for Communities and Local Government requires the minimum floor areas for a three storey dwelling with three bedrooms to be a minimum of 90-108 square metres. The proposed dwelling would meet the minimum for 4 - 6 persons. In addition, the Technical housing standards also stipulate the minimum size requirements for bedrooms. This is 11.5m<sup>2</sup> for a double bed space and 7.5m<sup>2</sup> for a single. The proposed plan shows that the double bedrooms meet the requirements for a double room and the single bedroom meets the requirements for a single room.

##### **External Amenity Space:**

Point (g) of Policy DM3 of the Hastings DM Plan states that appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length.

The proposed block plan shows that the garden area will be landscaped to take full advantage of the sloping site and would include a woodland walk trail leading to a small outbuilding and a vegetable plot. An outside seating area will be provided as part of the balcony leading from the ground level. As such, the 10 metre rear garden depth is achieved.

In addition to the amenity space discussed above, the property is within close proximity to Hastings Country Park. Therefore, it is considered that the future occupiers would have access to adequate external amenity space.

#### e) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This includes the use of the scale, form, height, mass, and density of any building or buildings, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

#### **63 Boyne Road**

This property is located to the west of the application site and is one of a pair of semi detached properties. Given the local topography, this property extends over three floors; two facing Boyne Road and three at the rear.

##### Privacy

The proposed dwelling would contain a first floor window serving an en-suite bathroom which would face towards the side wall of 63 Boyne Road. It is not unusual for an en-suite bathroom to be obscure glazed to protect the privacy of its users. To ensure that the introduction of this window does not offer any direct overlooking into habitable rooms or into the private amenity space of 63 Boyne Road, it is considered reasonable to attach a condition no. 14 to ensure this remains obscure glazed.

The proposed dwelling would include a balcony on the rear elevation and would appear at first-floor level because of the changes in levels from front to rear. Boundary treatments between gardens are low. In addition to this, rear balconies, terraces and raised platforms are common along Boyne Road, including at no.63 and as a result of this mutual overlooking across gardens is prevalent. A precedent has already been set in Boyne Road and the proposed balcony in this application is no different to others that exist. For this reason, whilst overlooking from the balcony is likely, this would be consistent with the character of road.

### Outlook

The new dwelling would extend beyond the rear elevation of 63 Boyne Road, but this is only by approximately 1 metre. The main outlook from 63 Boyne Road is towards the rear garden area and this would not be affected by the proposed new dwelling. In addition, the two side windows facing onto the proposed dwelling do not serve habitable rooms (hallway and utility room). For this reason, the proposal would not have any adverse overbearing effect to this property and would not result in unduly oppressive living conditions for existing or future occupiers.

### Light

There is no existing specific National Planning Policy relating to the prospective impacts of developments on daylight and sunlight on their surrounding environment. However, the BRE Report 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' is the established National guidance to aid the developer to prevent and/or minimise the impact of a new development on the availability of daylight and sunlight in the environs of the site. For an unacceptable loss of light to occur the proposal would need to cause a significant loss of daylight or the cutting out of sunlight for a significant part of the day to habitable rooms in neighbouring properties or to private amenity space. In this case, the 45 degree test would be appropriate because the proposed dwelling is perpendicular to the windows on the rear elevation serving 63 Boyne Road. The proposed dwelling would be positioned approximately 2 metres from the side wall of 63 Boyne Road and would only extend beyond the rear elevation by approximately 1 metre. The two side windows that would face the proposed dwelling serve non-habitable rooms (a hallway and utility room). The proposed dwelling is not considered to have a significant impact on the sunlight or daylight to habitable rooms of 63 Boyne Road.

The introduction of this dwelling would not result in significant harm to daylight, sunlight, outlook or privacy enjoyed by occupiers of surrounding neighbouring properties and is therefore in accordance with Policy DM3 of the Development Management Plan 2015.

### f) Trees

Trees are proposed to be removed and as such the proposed development is supported by an arboricultural report and tree protection plan. This identifies all trees to be removed and retained, and tree/vegetation protection measures. Trees have already been removed for the proposed development. The trees were neither protected or within a Conservation Area. The trees were identified as category B and C. The loss of category C is permitted by the relevant BS tree standards in order to enable development. In terms of category B trees, the Borough Arboriculturalist has no objection to the proposed development and loss of trees. Condition no. 4 will be imposed to secure the tree measures and protection plan contained within the Arboricultural Report.



#### g) Highway safety/parking

##### Access, Layout and Parking Provision:

The existing dwelling currently benefits from off road parking with an existing driveway from Boyne Road leading into the site at the point where the dwelling is proposed. The existing driveway will be converted into two new tandem parking spaces, the existing access widened to allow two separate access points for the new dwelling and the existing. Each house will benefit from two tandem parking spaces. This parking arrangement is considered acceptable. The proposed block plan shows the existing crossover will be extended (and applied for separately to ESCC Highways) to allow access to two newly created tandem parking spaces to serve the existing dwelling. East Sussex County Council Highways Minor Application Guidance states that a single residential dwelling will not require on site turning facilities if access is from an unclassified road. Boyne Road is not a classified road and therefore the absence of on site turning is considered acceptable in this case. The introduction of one dwelling in this location would not result in a significant increase in traffic to the surrounding highway network or detriment highway safety. The proposal therefore accords with East Sussex County Councils Minor Application Guidance 2017 and Policy DM4 of the Development Management Plan 2015.

##### Cycle Parking:

No details have been provided in relation to the storage of cycles within the site, however, there is ample space within the garden. As a result of this, it is considered that a cycle store could easily be accommodated. Condition no. 10 requires details of a cycle storage unit for two bicycles to be submitted, approved and implemented.

#### h) Ecology

The application site is adjacent to the Clive Vale Local Wildlife Site. A Preliminary Ecological Appraisal by Mayhew Consultancy Ltd. Dated May 2020 has been submitted to support this application. No notable species were found within the site and therefore no further surveys are required at this stage. The report contains recommendations for protecting and increasing biodiversity within the site and this will be secured by condition.

Concerns have been raised by representatives that the development will have an impact on local wildlife in the area. In light of the survey results and the recommendations within the report, it is considered that the proposed development would not harm biodiversity. Furthermore, there are laws outside of the planning process that protects wildlife, including the Countryside and Wildlife Act 1981. Informative note no 6 is added to advise the applicant that they must ensure the proposed works do not contravene laws protecting wildlife. Condition no. 7 requires details of measures for biodiversity enhancement to be submitted, approved, implemented and retained.

#### i) Ground Conditions

Policy DM5 of the Development Management Plan states that on land potentially subject to instability (such as steeply sloping sites or in areas with a history of land instability), convincing supporting evidence (from a relevant and suitably qualified professional) must be supplied before planning permission is granted. This evidence is to show that any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures.

This application has been supported by an Engineers Report and Calculations by W.K Elson (phD, CEng, MICE) Dated 16 July 2020. It has identified that the development will not endanger the stability of the slope or the stability of the embankment. However, it has concluded that the substructure of the house should be designed to retain the embankment and outlines suitable design parameters for the retaining walls. To ensure the proposed dwelling is built in accordance with engineers report condition 13 is added to secure this.

#### j) Drainage

Policy SC7 of the Hastings Planning Strategy 2014 requires that development avoids areas of current or future flood risk and development that would increase flood risk elsewhere. The application site is not located within a flood zone, nor is it in an area subject to ground water flooding.

#### Foul Sewerage

The application form states that it is proposed to connect the new dwelling to the existing mains sewer. Further details of the acceptability of this is to be imposed by condition no. 8 to ensure that the necessary drainage infrastructure capacity is available to service the development.

#### Surface Water

The proposed development is over existing garden land which is devoid of any substantial built form, other than the existing driveway. In support of this application a SuDS toolkit report has been submitted which shows that a minimum of 0.32m<sup>3</sup> of attenuation storage will need to be provided. The application form states that surface water would be disposed of via a soakaway. British Geological Survey (BGS) Data indicates that the underlying geology is the Wadhurst Clay Formation - Mudstone which has poor infiltration potential. BGS Data also indicates that there could be serious ground stability issues concerning the use of infiltration at this site. Further to this, the Local Lead Flood Authority have confirmed a surface water flow route through the Northern end of the site.

Given the above, any proposals for the use of infiltration via a soakaway to manage surface water runoff should be supported by findings of infiltration testing in accordance with BRE365. In the event that the public sewer is used to discharge surface water runoff, evidence that the public sewer has enough capacity to accommodate runoff from the application site shall support the detail design of the drainage. In the event the public sewer is utilised, its condition and capacity to accommodate runoff from the site shall be assessed.

Further details are required relating to foul and surface water drainage and will be secured by condition no. 8.

#### k) Waste and Refuse

The proposed site plan shows that a bin storage area is provided to the side of the property behind the front building line and a bin waiting area is providing at the front of the site for bins to be taken to on collection days. The waste and refuse storage would comply with Building Regulations, which states that waste containers should be within 25m of the waste collection point specified by the waste collection authority. For these reasons, I am satisfied with the provisions for waste and refuse - this will be secured by condition no. 12.

### l) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

### m) Other issues

A large number of representations have raised concerns in regards to the impact of the construction works on the surrounding area, road network, safety of wildlife and children, play area and noise to neighbours and users of the local angling club. Noise and disturbance is an unfortunate but temporary side effect of construction. It is not a reason for refusal. In order to limit the extent of impact however a Construction Management Plan is required by condition no 3 requesting information that will address the concerns that have been raised above. In addition a condition is added (covered by condition 3) to limit the hours of construction.

## 6. Conclusion

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

### **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:  
  
20.190.1.A, 20.190.3.B and 20.190.2.F
3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for:
  - a) turning of delivery vehicles;
  - b) parking of the vehicles of site operatives and visitors;

- c) storage of plant and materials used in constructing the development;
- d) any temporary traffic measures required in Boyne Road and Lodge Road;
- e) measures to control the emission of dust and dirt during construction;
- f) the method of access and egress and routeing of vehicles during construction;
- g) restoration of any damage to the highway [including vehicle crossovers and grass verges];
- h) construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. No development shall take place until the tree protection measures as set out in the Arboricultural Report by The Mayhew Consultancy Ltd dated May 2020, (Ref AR/8642) including the Tree Protection Plan in appendix B of that report have been erected. The protection measures shall be retained during the construction of the development in accordance with the Arboricultural Report. All other arboricultural and tree measures shall be carried out in accordance with the details contained in the same Arboricultural Report by The Mayhew Consultancy Ltd (AR/86420) dated May 2020 and submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.
  
5. Notwithstanding the approved plans, no development shall take place above ground until full details of the materials to be used in the construction of the external surfaces of the dwelling 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.
  
6. Prior to commencement of development above ground, full details of the soft and hard landscape works are to be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation or within the time scales agreed by the Local Planning Authority. These details shall include, but not be restricted to the following;
  - A proposed soft landscaping and planting plan (including tree planting);
  - A schedule of plants, noting species, plant sizes, proposed numbers and densities (where appropriate) together with an implementation programme,
  - Finished levels or contours;
  - Means of enclosure/boundary treatment
  - Details of the proposed materials for the new parking area along with method for dealing with water run-off;
  - Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

If within a period of five years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning

Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same location.

All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

7. Prior to commencement of development above ground, details of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be fully implemented prior to the occupation of the dwelling and retained thereafter.
  
8. (i) Prior to the occupation of the development, a scheme for the disposal of foul and surface water (i) from the development shall be submitted to and approved in writing by the Local Planning Authority. Any proposals for the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with BRE365, alongside detailed drainage drawings and calculations.  
  
(ii) Development shall then be carried out in accordance with the details approved under (i) and no occupation of the dwelling hereby approved shall occur until those works have been completed.  
  
(iii) No occupation of the dwelling 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.
  
9. Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.
  
10. Prior to occupation of the development, details of cycle storage must be submitted to and approved in writing by the Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

No part of the development shall be occupied until the approved details have been implemented.

11. The development hereby approved shall not be occupied until the parking area for 63 Boyne Road and the new dwelling has been provided in accordance with the approved plan (20.190.2.F) unless otherwise approved in writing by the Local Planning Authority. The parking area(s) shall be used solely for the benefit of the occupants of their respective dwellings and their visitors and for no other purpose and permanently retained as such thereafter.

12. The development shall not be occupied until a bin store [and refuse bin collection point] has been provided in accordance with approved plan 20.190.2.F and shall thereafter be retained for that purpose.
13. The dwelling hereby approved shall be constructed in accordance with the Engineers Report by W.K Elson dated 16th July 2020 which provides design parameters for the retaining walls.
14. The first floor window located on the side (west) elevation shall be obscure glazed at all times.
15. 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.

**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.
4. To protect trees identified as having a high visual amenity value.
5. In order to protect the visual amenities of the area and to secure a well-planned development.
6. To secure a well planned development that functions well and in order to protect the visual amenities of the locality.
7. To preserve and enhance biodiversity and habitats.
8. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
9. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
10. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
11. To provide adequate space for the parking of vehicles.
12. In order to secure a well planned development that functions properly.

13. To ensure that the building does not affect and is not affected by matters of local land stability.
14. To safeguard neighbouring amenity.
15. To safeguard the amenity of adjoining and future residents.

### **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 paragraph 38 of the National Planning Policy Framework.
3. East Sussex County Council, must be consulted regarding the provision of a vehicular pavement crossing to Highway Authority's standard of specification and construction and at the applicant's expense.  
Contact: [highways@eastsussex.gov.uk](mailto:highways@eastsussex.gov.uk) 0345 6080 193.
4. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: [southernwater.co.uk](http://southernwater.co.uk) or by email at: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
6. 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.

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### **Officer to Contact**

Rebecca Fellows, Telephone 01424 783253

### **Background Papers**

Application No: HS/FA/20/00316 including all letters and documents