

Report to: PLANNING COMMITTEE
Date of Meeting: 28 April 2021
Report from: Assistant Director of Housing and Built Environment

Application address: Land adjoining Lidham Farm, Rye Road,
Hastings, TN35 4LL

Proposal: Erection of new dwelling

Application No: HS/FA/20/00132

Recommendation: Grant Full Planning Permission

Ward: ORE 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Allison per PDK Design Mersin Stonecross
Mayfield TN20 6EJ

Public Consultation

Site notice: Yes
Press advertisement: No
Neighbour Letters: Yes
People objecting: 39
Petitions of objection received: 1
People in support: 0
Petitions of support received: 0
Neutral comments received: 0

Application status: Not delegated - Petition received

1. Site and surrounding area

The site comprises a large open area of land to the east of Lidham Farmhouse, set approximately 2.4m below Rye Road, and screened by 2m high fencing from the road. It is bordered by Valkyries to the east (another large detached property with a 2 storey garage to the rear) and Lidham Farmhouse to the west. The High Weald Area of Outstanding Natural Beauty (AONB) is located to the rear.

A variety of trees and hedgerows, including leylandii and other vegetation ranging between approximately 3m to 8m in height, form the boundary treatment from both the property to the east, and the existing residential dwelling (Lidham Farmhouse) to the west. An existing driveway running northwards from Rye Road separates Lidham Farmhouse from the application site, although the open piece of land to which this application relates currently forms

part of the curtilage of the existing dwelling.

An identified watercourse runs to the rear of the application site, although a significant distance away from its boundary. An inverted culvert also runs through the site.

Constraints

- Area affected by groundwater flooding
- Site of Special Scientific Interest (SSSI) Impact Risk Zone (IRZ) – thresholds not exceeded
- AONB to the rear (although not within application site boundary)
- River Network (although not within the application site boundary)

2. Proposed development

This is a re-submission of an expired permission for a 2 storey, 4 bedroom detached dwelling on a large area of open land, currently forming the curtilage of Lidham Farmhouse. The design detail of the dwelling is similar to the approved permission with a few changes proposed to the fenestration. An additional window is proposed at ground floor level in the eastern elevation and an additional door is proposed at ground floor level in the western elevation providing access to the utility area and the window that was proposed in the western elevation at first floor level has been removed.

The proposed dwelling will provide 4 bedrooms and 4 bathrooms, with ancillary living and kitchen accommodation at ground floor level. It will continue the established building line as far as possible and be in line with the adjacent dwelling to the east, Valkyries. It is set back more than 10m from the main road at a lower level, taking account of the slope at the very front of the site.

Access into the site will utilise the existing access driveway serving Lidham Farmhouse, with a new turning area provided on the eastern side of the access road to serve the new dwelling. The garden area will measure just under 19m in depth and include a 2.5m depth of patio area. 5.2m separates the new dwelling from the boundary with Valkyries to the east, and 1.2m separates it from the access driveway to the west. The driveway having a width of some 4m will separate the proposed site boundary to the west and the new boundary of the host dwelling at Lidham Farm.

The application is supported by the following documents:

- Design & Access Statement
- Phase 1 Ecological Survey (Wildlife Splash Ltd, February 2020)
- SUDs Decision Support Tool for Small Scale Development
- Arboricultural Impact Assessment (Dolwin & Gray, March 2020)

Relevant planning history

HS/DS/17/00414 Approval of reserved matters relating to Access, Appearance, Landscaping, Layout and Scale of Outline Permission HS/OA/15/00719 - Erection of a two storey detached house.
GRANTED 17 November 2017

HS/OA/15/00719 Erection of two storey dwelling
GRANTED 28 July 2015

HS/OA/99/00086 Erection of 2 x 3 bed chalet bungalows with integral garages
REFUSED 9 April 1999. APPEAL DISMISSED

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 SC7 - Flood Risk
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN7 - Conservation and Enhancement of Landscape

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 DM6 - Pollution and Hazards
Policy HN8 - Biodiversity and Green Space
Policy HN9 - Areas of Landscape Value

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

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.

3. Consultation comments

Highways – **No Objection subject to Conditions** (Nos. 10 - 13).

Environmental Health – **No objection subject to conditions** (Nos. 19, 26- 29)

Building Control – **No objection**. However, recommends that site investigation should be carried out prior to commencement of the building works for potential contamination.(Conditions Nos. 27-28)

Ecology Officer – **No objection**. A comprehensive ecology assessment has been submitted with the application. The assessment updates a previous ecology assessment and concludes the area does not support protected species or habitats of concern. There are no ecology constraints relating to this proposal. (Condition Nos. 20-21)

The Ecology Officer also advises that in this instance no meaningful biodiversity enhancements can be achieved for development of this size and as such does not requests any biodiversity enhancements.

High Weald AONB – Standard comment received advising that the Local Planning Authority to assess the impact on the AONB in accordance with legislative and policy requirements in respect of AONBs.

Arboricultural Officer – **No objection subject to conditions** (Nos. 14-18)

Southern Water - **No objection**

Originally did not support the proposals for septic tank or private treatment plant in the

presence of public foul sewerage network in the close vicinity of the development site. However subsequent to discussions with the developer found it acceptable for the Surface water to be disposed of via soakaway and foul water to a private treatment package plant.

SUDS – No objection (Condition No. 30)

Originally objected as no evidence was provided to show that infiltration is feasible at the application site. These details have been provided and considered to be acceptable.

Rother District Council – No objection

Recommends that given the close proximity of the site with the High Weald Area of Outstanding Natural Beauty conditions should be applied with regard to hard and soft landscaping and the use of clay roof tiles, to reflect its rural location and the character and appearance of the AONB.

4. Representations

In respect of this application a site notice was displayed.

A petition containing 27 signatures has been received stating the following:

Refuse planning permission for construction of a new development on greenbelt land next to Lidham Farmhouse on Rye Road covered by application HS/FA/20/00132. The development is in contravention of Hastings Borough Councils own policies. Which are:

- 1) Local Plan Development Management Plan Policy HN9 - Areas of Landscape Value - The above application clashes with this policy.
- 2) Local Plan Development Management Plan Policy HN8 - Biodiversity and Green Space - This application is in conflict with this policy.
- 3) Local Plan Planning Strategy 2011-2028 Policy EN7 - Conservation and Enhancement of Landscape Adopted - This application does not promote sustainable and green design.
- 4) Local Plan Planning Strategy 2011-2028 Policy FA5 - Strategic Policy for Eastern Area Adopted - This application is in conflict with this policy. The policy aims to prioritise new housing on previously developed land to assist regeneration where possible.

Furthermore, this development even with the conditions suggested by the planning officer, will destroy the amenity and privacy of the neighbouring property at Valkyries, Rye Road. For these reasons this development should not be given permission.

We are in the midst of a climate emergency which Hastings Borough Council has recognised in its 2020 Climate Change Strategy. The environmental damage caused by this development on a piece of the town's dwindling greenbelt is contrary to the spirit and letter of every commitment in that strategy.

Its impact on species diversity, the creation of more unsustainable housing and the paving of yet more greenbelt land that is required to mitigate flooding is further reason why Hastings Borough Council should refuse this application.

48 Letters of representations have been received from 39 individuals. The objections and comments are summarised below:

- Development is an inappropriate infill development that will have a detrimental impact on the rural character of the area.
- Privacy and Overlooking Issues
- Dominance Issues
- Loss of light
- Proposal will ruin the natural beauty of the landscape
- Proposal will set a precedent for other such developments
- Inappropriate for a foul water drain to empty into stream in an area of outstanding natural beauty. As a neighbour they have to regularly complain to the water authority about the smell of raw sewage coming from the septic overflow.
- Drainage should be connected to the mains.
- In the best interest to preserve and protect open land and green spaces or land use for agriculture.
- Development will diminish the transitional gap between Hastings Borough Council and Rother District Council boundaries.
- Detrimental effects on the landscape
- Congestion and Highway Safety Issues
- This application is not for a much-needed social housing in the local area.
- The application contradicts current HBC policies in respect of Biodiversity and Green Space, Conservation and Enhancement of Landscape (Local Plan Development Management Plan Policy HN8 and HN9 and the Local Plan Planning Strategy 2011-2028 EN7 and FA5).
- The site is located adjacent to an Area of Outstanding Natural Beauty and as such would have an impact. Section 85 of the Countryside and Rights of Way Act 2000 requires local authorities to have regard to 'the purpose of conserving and enhancing the natural beauty of AONBs in making decisions that affect the designated area'.
- If the new development is run as a business then it would have a very detrimental effect on the wider environment/traffic/noise pollution/community.
- Loss of trees
- Noise issues
- Impact on infrastructure
- The site entrance is in a particularly dangerous position on a fast-downhill section of the A259 with restricted visibility due to the curvature of the road.
- Development will diminish the transitional gap between Hastings Borough Council and Rother District Council boundaries.
- Given the unknown history of this site, has the applicant commissioned a professional archaeological evaluation?
- Biodiversity implications
- New developments should be designed as Low carbon/Energy Efficient
- The detail for the drainage is inadequate. Therefore, it would ideally require a pumping system to be installed to pump waste to the Main waste road junction.
- Is there a full and comprehensive 'up-to-date' surface water filtration evaluation available to take into consideration the amended plans?
- Contaminated Land - there is a requirement that developers carry out site investigations of potential hazards & propose the necessary remedial measures required to deal with the hazard on sites with known or suspected contamination.
- Is there a traffic monitoring evaluation available and have Highways provided an opinion?

- The hole dug to calculate the drainage of water on the field has not been dug where the proposed soakaways are supposed to be sited but on a deliberately higher piece of ground close to the proposed house.
- As a neighbour who has recently built a pond on adjoining land knows that the heavy clay soil does not drain at all well. It cannot cope with the soakaway for one house let alone two.
- Have read the officers report of 19th January and dispute many of the conclusions reached within it. We still find that if the development were to go ahead it would be in contravention of your own planning policies. Namely:
 - Local Plan Development Management Plan Policy HN9 - Areas of Landscape Value – The application clashes with this policy.
 - Local Plan Development Management Plan Policy HN8 - Biodiversity and Green Space - This application is in conflict with this policy.
 - Local Plan Planning Strategy 2011-2028 Policy EN7 - Conservation and Enhancement of Landscape Adopted - This application does not promote sustainable and green design.
 - Local Plan Planning Strategy 2011-2028 Policy FA5 - Strategic Policy for Eastern Area Adopted - This application is in conflict with this policy. The policy aims to prioritise new housing on previously developed land to assist regeneration where possible.
- Officers report appears to ignore the submission from Rupert Clubb of East Sussex County Council on 04/12/20 that the access to Lidham Farm be extended in order to accommodate the doubling of vehicle movement. He recommends: "In order to accommodate two-way traffic flow an access serving multiple dwellings requires a minimum width of 4.8m for the first 6m+ back from the edge of the carriageway.
- The more we read the officers report to the planning committee (of 19th January 2021) it's clear that the main reason to recommend approval rests entirely on the fact that approval was once granted previously.
- The developments impact on species diversity, the creation of more unsustainable housing and the paving of yet more agricultural land that is required to mitigate flooding is further reason why Hastings Borough Council should fundamentally refuse this application.
- An objection was also received from Guestling Parish Council as follows:
- Whilst acknowledging that this is on the edge of A.O.N.B. it sets a precedent for the construction of 'infill single dwellings'.
- The detail for the drainage is inadequate. It would appear the foul water pipe is proposed too close to the soakaway. A pumping system should be included to pump it up to the main road to join the pipework there.

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 11 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) 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.

c) Impact on character and appearance of area and the High Weald AONB

Some of the objections received raise concerns about the impact of the proposed dwelling on the character and appearance of the area. Comments have also been made to retain the agricultural use of the land. In 1999, the land was being used for agricultural purposes and was protected by Local Plan policy as being outside of the built up area boundary and within the countryside. The Local Plan was subsequently revised, removing the built up boundary from the proposals map attached to the Local Plan. As such the site is no longer in the countryside and forms part of urban edge, where the principle of development is acceptable. The authorised use of the site remains as agricultural even though the land in question has been enclosed to form part of the residential curtilage of Lidham Farmhouse.

Taking into consideration the previous consent for exactly the same development, the government's aims for delivering new homes in suitable locations, and the presumption in favour of sustainable development, it is not considered that an objection can be raised to the provision of one dwelling in this location. It should be also noted that Policies have not changed since the last determination of the application to come to a different conclusion in respect of the proposed development.

Given the topography of the site, the proposed dwelling will be located at a significantly lower level than Rye Road to the south. The existing front boundary fence and hedging is to be retained. There is limited prominence of existing dwellings in the street scene given this drop in the levels, and it is not considered that the new dwelling, subject to the use of appropriate materials, will be overly prominent in the street scene. The impact is further reduced taking account of the siting of the new dwelling, over 10m back from the road. The established building line is also continued as far as possible in respect of the new dwelling's location.

Details of materials will be required by condition No. 3, to ensure the appearance of the new dwelling is in-keeping with the surrounding area. The use of clay tiles will be secured through this condition given the site's location close to the Area of Outstanding Natural Beauty and the importance of maintaining and enhancing existing landscape views. Subject to compliance with this condition, the development accords with Policy DM1 of the Development Management Plan in respect of its impact of the development on the character and appearance of the area.

The wider site is located adjacent to the High Weald AONB and as such, any proposal will need to protect the inherent visual qualities and distinctive character of this setting and meet the aims of policies EN7 and HN9 of the Hastings Local Plan. The High Weald AONB Unit has been consulted in which they have no particular comments to make but have recommended the standing advice is consulted.

There are no public footpaths or roads to the rear of the site which could offer views into the site. Whilst the boundary of the High Weald AONB is immediately adjacent to the rear boundary of Lidham Farmhouse, it is located approximately 38m north of the proposed rear boundary of the application site. As such no development is proposed to take place within this designation.

In view of the above, it is not considered the proposal will have a detrimental impact on the character, scenic quality or visual benefit of the High Weald AONB and will help protect the inherent visual qualities and distinctive character of this setting which is in agreement with Policies EN7 and HN9 of the Hastings Local Plan.

d) Layout

This is large plot of land and a single dwelling can be comfortably accommodated within its grounds, with adequate amenity space around it.

The layout of the dwelling exceeds all requirements for a 4 bedroomed, 2 storey dwelling in terms of internal floorspace standards set by the Government by some 50sqm. The garden extends over 18 metres in depth to the rear, providing adequate amenity space externally. The proposal is therefore compliant with Policy DM3 of the Development Management Plan in these respects and provides an adequate standard of living accommodation for future residents.

No specific details have been provided regarding bin storage, although there is adequate space within the site for safe storage behind the front building line. This will be secured by Condition No. 7.

e) Impact on neighbouring residential amenities

Existing boundary treatment between the application site and the neighbouring property, Valkyries, comprises thick, high vegetation, which reduces in height as the garden extends to the rear. This hedging is to be retained as part of the new development, and ranges from 3m up to 8m in height closest to the proposed location of the dwelling. The new dwelling will be located some 5m from the side boundary of Valkyries at its closest point and new side windows (at first floor level) in this elevation serve bathrooms only. Subject to the imposition of a condition that these side windows are obscure glazed, taken together with the distance that separates the two dwellings, it is not considered that there will be an undue impact in terms of overlooking towards this neighbouring dwelling as a result of the development. Condition 6 (obscure glazing) is therefore included to protect neighbouring residential amenity.

Over 20m (including the existing driveway) will separate the dwelling from Lidham Farmhouse to the west, minimising any impact on occupiers from this property.

Taking the above considerations into account, it is not considered that the siting of a two storey dwelling in the proposed location would have an undue detrimental impact on the amenities of neighbouring residential occupiers, and is therefore in accordance with the requirements of Policy DM3 of the Development Management Plan 2015.

f) Impact on landscape and biodiversity

Concerns have been raised in respect of biodiversity, wildlife and loss of trees.

Updated ecology and arboricultural surveys have been undertaken in support of this application. Subject to the necessary protection measures for breeding birds and BAP (Biodiversity Action Plan) species such as the common toad and hedgehogs, both prior to and during construction, it is not considered there will be an unacceptable impact on biodiversity or protected species.

The Arboricultural Report states that 4 Nos. Eucalyptus trees and 1 No. Tulip tree have been removed from the site. It should be noted that the site is not subject to any Tree Preservation Orders. No additional loss of trees or hedges are proposed to facilitate the proposed development. A revised landscaping scheme will be secured by condition to ensure that the impact on the surrounding area, given its rural location, is minimised and enhanced as far as possible.

Policies EN3 and EN7 of the Hastings Planning Strategy 2014, and HN8 of the Development Management Plan, are therefore complied with.

g) Highways and parking

There is ample space on site to provide adequate parking. As such the proposal would meet

the requirements in this respect.

Comments have been received in respect of congestion, highway safety issues and traffic monitoring evaluation. A traffic monitoring evaluation is not required for the provision of one dwelling. Furthermore, the Highway Authority have been consulted on the application and raises no objection to the proposal subject to condition nos. 10-13 in respect of provision of access, parking and turning areas and cycle. The Highway Authority has also recommended a condition No. 12 in respect of cycle parking areas.

It is noted that comments have been made about ignoring the requirement to accommodate two-way traffic flow access serving multiple dwellings requires a minimum width of 4.8m for the first 6m+ back from the edge of the carriageway. However, the reconstruction of the access way has been required by Condition No. 10.

As such, it is considered that the proposal meets the requirements set by Policy DM4 of the Development Management Plan in that safe access is provided into the site, and that parking standards have been complied with.

h) Drainage

Policy SC7 of the Hastings Local Plan – Planning Strategy 2014 states that the Council will support development proposals that avoid areas of current or future flood risk, and those that do not increase the risk of flooding elsewhere.

The proposal seeks to provide a septic tank along with an infiltration system for foul water drainage and a soakaway for the purposes of surface water drainage.

Subsequent to the provision of infiltration and the soakaway details, SUDS also raises no objection to the provision of soakaway for surface water disposal.

Objections from neighbours in respect of the provision of septic tank are noted. However, Southern Water raises no objection to the disposal of foul water drainage in the manner proposed. It should be also noted that the drawings state that the septic tank will be provided for the proposed dwelling at a distance of some 15m away from the dwelling; it is not proposed to use any existing septic tank on site for this purpose. The applicant proposes to use Kargester Alpha 3800 litre septic tank which is connected to a drainage field, also known as an infiltration system, which is a series of pipes with holes placed in trenches and arranged so that the effluent can trickle through the ground for further treatment. The pipes are proposed to be laid to a fall of 1:200; the pipes are to be surrounded above, below and to the sides with pea gravel with a geo-textile layer over gravel and back filled to ground level with top soil.

Building Control Department raises no objection to the proposal. Whilst concerns have been raised with Building Control in respect of the proposed drainage field being located within 10m of the watercourse (inverted culvert) on the site, they have commented that they do not object to the proposal as far as the design and location of the drainage field will prevent any potential cross contamination to the culvert. Such confirmation can only be sought from Environment Agency.

The Environment Agency does not provide consultation comments on applications that are proposing to use non-mains drainage but are 'non-major' (i.e. less than 10 units) and generally require that applicants should be directed to the General Binding Rules. However considering the sensitive nature of the application, the Environment Agency has been contacted. They have stated that if there is mains nearby (within 30m), they would expect the Applicant to connect to the public sewer. The proposed dwelling is located approximately 22m from the public sewer and should therefore ideally be connected to the main sewer. Where this is not

possible, under the Environmental Permitting Regulations 2010 any discharge of sewage or trade effluent made to either surface water or groundwater needs to be registered as an exempt discharge activity or hold a permit issued by the Environment Agency, in addition to planning permission. The Environment Agency has confirmed that this is a permit issue. Subject to such a permit being obtained, no objection can be raised to the provision of drainage in the manner proposed.

An alternative foul drainage plan has also been submitted by the applicant proposing to connect the drainage to the main sewer. However, this is not the preferred alternative for the applicant as this requires the pumping of the sewerage as the site levels are much lower than that of the main sewer.

It is considered that a condition No. 9 can be attached to any consent granted to require that a permit is obtained from EA before commencement of development or that the connection be made to main sewer in accordance with the submitted drawing (No. 17015/9).

Subject to such a condition No. 9, it is considered that the development would comply with drainage policies.

i) Other site constraints

The proposed development does not constitute the scale of development that warrants further consultation with Natural England, having not exceeded the threshold within the SSSI Impact Risk Zone. Neither the Environment Agency or East Sussex County Council as the Lead Local Flood Authority have raised any concerns in light of the site's proximity to a watercourse at the rear.

j) Air quality and emissions

The proposed development does not fall within the screening checklist 1 or 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2019 produced by Sussex Air Quality Partnership. Therefore, no further information is required in respect of air quality. Environmental Health Officers have no objection in this respect.

k) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that " Projects which are wholly outside sensitive areas and do not exceed the revised screening thresholds are not Schedule 2 development and should not be screened by the Local Planning Authority."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

l) Sustainability

Comments have been made about new development lacking energy efficiency, climate change mitigation and adaptation measures, etc.

Policy SC1 of the Hasting Planning Strategy requiring new development to make provision for fibre-based broadband infrastructure

Policy SC3 of the Hasting Planning Strategy requires that all development must be designed to incorporate appropriate climate change mitigation and adaptation measures and enable a low carbon future in a changing climate.

Policy SC4 developers to follow the hierarchical approach in achieving the energy and carbon dioxide emission requirements of the Building Regulations, for all new residential development.

It is noted that the proposal does not provide any such measures. However, these can be required to be provided by imposition of condition Nos. (4 and 5).

m) Biodiversity

The Ecology Officer has confirmed that there are no ecology constraints relating to this proposal.

Whilst the Ecology Officer also advises that in this instance no meaningful biodiversity enhancements can be achieved for development of this size and as such does not requests any biodiversity enhancements, the proposal seeks to provide birds nesting boxes within existing trees to give minimum 10% Biodiversity lift to comply with the requirements of the NPPF.

n) Other matters

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).

6. Conclusion

Taking account of the above considerations, it is not considered that the proposed development of a two-storey dwelling in this location will have a significant detrimental effect on the amenity of neighbouring residential occupiers, the street scene, or any environmental designations. Furthermore, the proposed dwelling is exactly the same as previously approved under Planning Reference HS/DS/17/00414. Given the Government's drive to deliver new homes, and the presumption in favour of sustainable development, the principle of development in this location and the resulting design of the dwelling is considered acceptable.

The proposal therefore complies with the development plan in accordance with Section 38 (6) of the Page 37 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:

17015/1, 17015/2, 17015/3A, 17015/4, 17015/5, 17015/6, 17015/7, 17015/8 and 17015/9.

3. Notwithstanding the submitted plans, no development shall take place above ground until 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. The use of a clay tile should be incorporated into scheme as appropriate. Development shall be carried out in accordance with the approved details.
4. No development shall commence until 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 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
5. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre based broadband.
6. Windows in the upper floor of the east elevation serving bathrooms shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent. The dwelling hereby approved shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.
7. The dwelling hereby approved shall not be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided in accordance with details to be submitted and approved in writing by the Local Planning Authority. This shall be permanently retained as such thereafter.
8. No development shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water:
 - i. The exact position of sewers (to be determined on site) before the layout of the proposed development is finalised
 - ii. The measures undertaken to protect public sewers

Development shall be carried out in accordance with the details approved prior to the commencement of development.

9. Prior to the commencement of the development, an Environment Agency Permit shall be obtained for the proposed septic tank method of drainage discharge (as shown on Drawing No. 17015/4). In the event that such a permit is not granted, the proposed dwelling shall be connected to the main sewer as shown on the submitted drawing (Drawing No. 17015/9). Development shall be thereafter be carried out in accordance with the drainage details approved as part of this permission and the dwelling hereby approved shall not be occupied until those works have been completed.

10. Prior to occupation of the development hereby permitted, the new access shall be in the position shown on the submitted plan and laid out and constructed in accordance with the attached HT407 form and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority.
11. The development shall not be occupied until parking areas have been provided in accordance with the approved plans/details which have been submitted to and approved in writing by the Local Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
12. The development shall not be occupied until cycle parking areas have been provided in accordance with the approved plans which have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
13. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with the approved plans which have been submitted to and approved in writing by the Local Planning Authority and the turning space shall thereafter be retained for that use and shall not be used for any other purpose.
14. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
15. 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.
16. No works or development shall take place until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority, and all tree planting shall be carried out in accordance with those details and at those times.
17. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BSI 5837 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.
18. All arboricultural measures and/or works shall be carried out in accordance

with the details contained in Arboricultural Impact Assessment prepared by Dolwin and Gray and dated March 2020 as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.

19. 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:-

Monday to Friday: 08.00 - 18.00

Saturday: 08.00 - 13.00

No working on Sundays or Public Holidays.

20. No development shall take place until the measures outlined in the submitted Phase 1 Ecological Report (February 2020) prepared by Wildlife Splash Limited have been fully implemented, unless:

- i. the programme for such measures is otherwise specified within that document, in which case the works shall be carried out in accordance with the timescales contained therein or;
- ii. unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by Classes A to E of Part 1 of Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

23. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include proposed finished levels or contours; means of enclosure; any other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.
24. All hard landscape works shall be carried out in accordance with the approved details under Condition 23. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
25. An Electric Vehicle Charging point shall be provided and be operational prior to the occupation of the dwelling hereby approved.
26. A plan detailing how the environmental impact of the construction work (Noise and Dust) will be controlled shall be submitted and approved by the Local Planning Authority prior to the commencement of work.
27. All development shall be stopped immediately in the event that contamination not previously identified is found to be present on the development site and details of the contamination shall be reported immediately in writing to the Local Planning Authority.

Development shall not re-start on site until the following details have been submitted to, and approved in writing by, the Local Planning Authority: -

- a) a scheme outlining a site investigation and risk assessments designed to assess the nature and extent of any contamination on the site.
- b) a written report of the findings which includes, a description of the extent, scale and nature of contamination, an assessment of all potential risks to known receptors, an update of the conceptual site model (devised in the desktop study), identification of all pollutant linkages and unless otherwise agreed in writing by the Local Planning Authority and identified as unnecessary in the written report, an appraisal of remediation options and proposal of the preferred option(s) identified as appropriate for the type of contamination found on site and (unless otherwise first agreed in writing by the Local Planning Authority)
- c) a detailed remediation scheme designed to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment. The scheme should include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works, site management procedures and a verification plan outlining details of the data to be collected in order to demonstrate the completion of the remediation works and any arrangements for the

continued monitoring of identified pollutant linkages;

and before any part of the development is occupied or used (unless otherwise first agreed in writing by the Planning Authority) a verification report demonstrating the effectiveness of the remediation works carried out and a completion certificate confirming that the approved remediation scheme has been implemented in full shall both have been submitted to, and approved in writing by, the Local Planning Authority.

The above site works, details and certification submitted shall be in accordance with the approved scheme and undertaken by a competent person in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

28. In the event that contamination is found to be present, upon completion of the works the developer shall provide written confirmation (verification report) that all works were completed in accordance with the agreed remediation details approved by the Local Planning Authority.
29. Details including acoustic specifications, of all fixed plant, machinery and equipment associated with air moving equipment (including fans, ducting and external openings) compressors, generators or plant or equipment of a like kind installed within the site, which has the potential to cause noise disturbance to any noise sensitive receivers, shall be submitted to and approved by the Local Planning Authority before installation.
30. Development shall be carried out in accordance with the drainage details (including surface water drainage details) approved as part of this permission and no occupation of any of the dwellings hereby approved shall occur until those works have been completed.
31. 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.
3. To ensure a satisfactory standard of development in the interests of the character and amenity of the area.
4. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014.
5. To ensure a satisfactory standard of development in accordance with Policy

SC1 of the Hastings Planning Strategy 2014.

6. To safeguard the amenity of adjoining and future residents.
7. In the interests of the visual amenity of the area.
8. 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. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway
12. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
13. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
14. In the interests of the visual amenity.
15. In the interests of the visual amenity.
16. To ensure a satisfactory form of development in the interests of the visual amenity.
17. To ensure a satisfactory form of development in the interests of the visual amenity.
18. To ensure a satisfactory form of development in the interests of the visual amenity.
19. To protect the amenity of the occupiers of nearby properties.
20. To protect features of recognised nature conservation importance.
21. To protect features of recognised nature conservation importance.
22. To protect the residential amenities of the neighbouring properties and the visual amenities of the locality
23. To ensure a satisfactory form of development in the interests of the visual amenity.
24. To ensure a satisfactory form of development in the interests of the visual amenity.
25. In the interests of climate change and in accordance with the NPPF.

26. In order to protect residential amenities of neighbouring properties.
27. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
28. To protect those redeveloping the site, future occupants and neighbouring sites and occupants from potential landfill gases and soil contamination.
29. In order to protect residential amenities of neighbouring properties.
30. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
31. 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. 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. The applicant is advised that 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 should any sewer be found on site during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. For further advice contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW.
6. The applicant is advised that reference should be made to Southern Water publication "A Guidance to Tree Planting near Water Mains and Sewers" with regard to any landscaping proposals.
7. The applicant is advised that all existing infrastructure, including protective coating and cathodic protection, should be protected during the course of the construction works. No excavation, mounding or tree planting should be

carried out within 3 metres of the public water main without consent from Southern Water. For further advice, the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

8. The applicant is advised that drainage associated with wastewater or sewage must be separate to, and not connected with, surface water drainage unless otherwise approved. Drainage misconnections can pollute rivers and beaches in Hastings. You must ensure that drainage from your properties does not cause pollution. Enforcement action could be taken to resolve this under the Building Act 1984. Drainage misconnections for new development which allow or cause pollution would also be contrary to Building Regulations. You are advised therefore to check your property is connected correctly and any plans for additional drainage connect to the correct foul or surface water system. You can get further advice on identifying your drainage and repairing misconnections at <http://www.connectright.org.uk/>.
9. 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.
10. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.

Officer to Contact

Ishita Sheth, Telephone 01424 783329

Background Papers

Application No: HS/FA/20/00132 including all letters and documents