

**Report to:** PLANNING COMMITTEE

**Date:** 24 August 2016

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Land adjacent to 71 West Hill Road, St Leonards-on-sea

**Proposal:** Erection of 2 No. 3 bedroom semi-detached dwelling houses

**Application No:** HS/FA/15/00809

**Recommendation:** Grant Full Planning Permission

Ward: ASHDOWN  
File No: WE85000X  
Applicant: St George Land Limited per Alan Phillips Architects 31 Montefiore Road Brighton & Hove, East Sussex. BN3 1RD

Interest: Freeholder  
Existing Use: Vacant land

**Policies**

Conservation Area: Yes - Grosvenor Gardens  
Listed Building: No

**Public Consultation**

Adj. Properties: Yes  
Advertisement: Yes - Conservation Area  
Letters of Objection: 35  
Petitions Received: 1  
Letters of Support: 2

Application Status: Not delegated - Petition received

## Summary

The application site relates to land adjacent to Sussex Steps and 71 West Hill Road. It is directly opposite 56 & 58 West Hill Road. The site is an undeveloped piece of likely former private garden space. The site adjoining an area of informal private open space.

The proposal is for the erection of a semidetached pair of single storey houses. The building is built into the land and is only visible above ground level on the northern, West Hill Road side by no more than 1.6m. The building has a modern and interesting appearance with a curved frontage and cantilevered rear patio area.

The main considerations are the impact on the character and appearance of the conservation area, the impact upon neighbouring residential amenities, the quality of the accommodation proposed, land stability issues, parking and highway safety related matters, impacts on ecology, and drainage.

The building has an interesting and distinctive design, but also very subservient. This combination will ensure that the building is not an incongruous feature that detracts from local character but one that maintains the significance of the conservation area.

The low-level single-storey design will ensure that there are no impacts on neighbouring residential amenities.

The applicant has demonstrated a good standard of accommodation with good property sizes, levels of light, decent outlook, parking provision and storage.

The applicant has also provided sufficient information to show that the development is acceptable in terms of land stability issues, parking and highway safety related matters, impacts on ecology, and drainage.

Taking these considerations into account, the proposed development is therefore recommended for approval subject to conditions.

## **The Site and its Location**

The site is located on the southern side of West Hill Road, opposite 56 & 58 West Hill Road. It consists of a vacant plot of land surrounded by a dwarf wall and hedges which evidences the likely previous use of the land as a private garden. The site is within the Grosvenor Crescent Conservation area and adjoins an area of open, undeveloped space to the west, Sussex Steps to the east (a disused public right of way leading to Caves Road) and the cliff face to the south. Beyond Sussex Steps is 71 West Hill Road which is a large two storey building that has been divided into flats. To the south west the site adjoins a pair of small cottages - 77 & 79 West Hill Road which are positioned at a lower level, closer to the cliff face. A property known as Sol-e-mar can be found to the southeast.

The surrounding area is predominantly residential and consists of a mixture of two and two and a half storey pairs of semi detached Victorian properties as well as some larger buildings. These properties create a distinctive street pattern and retain a number of traditional features which gives the area a locally distinct historic character and appearance.

The site itself has become overgrown and has an unkempt appearance which detracts from the tidier, formal character of the local Victorian architecture.

Constraints:

- The site is within an area susceptible to groundwater flooding.
- The site is within a Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ).
- Part of the site falls within the extent of a previously identified badger sett. The sett entrance, if it still exists, fell outside of the site.
- The cliffs to the south of the site are designated as the Caves Road Cliffs Local Wildlife Area.

## Details of the Proposal and Other Background Information

The application is for the erection of a semidetached pair of 3-bedroom houses. The proposal is unusual in that the houses are built into the land so when viewed from West Hill Road street level the pair are no higher than the proposed new front boundary wall which ranges from 1.1m to 1.6m tall. From the ground level immediately at the front of the property the building will measure 1.6m tall.

The houses are single storey with a flat roof, include 2 off-street parking spaces per unit, cycle parking, disabled access (via a platform lift), refuse storage, side patio space, rear cantilevered patio space, and a small amount of rear garden area. The submitted drawings indicate that the boundary wall will extend around the full perimeter of the site.

The design of the house is intentionally modern - which in part is a reflection of the constraints of the site and the need to overcome many of the previously identified issues in an inventive and adaptive way.

Other relevant information includes:

- The site, as part of the wider adjacent open undeveloped space, was included in an application for local listing as a non-designated heritage asset. The application was recently refused as the open space was not considered sufficiently significant or special for listing.
- Planning permission was recently granted for the erection of a similarly modern and unintrusive house on a plot at the opposite end of this open undeveloped space on West Hill Road - land adjacent 99 West Hill Road. Planning permission reference HS/FA/15/00511 which was granted on 27 July 2016.
- The more open space adjacent to this application site has been subject to applications in the past which have been dismissed at appeal. The main reasons for dismissal being the impact upon the character of the area due to the loss of the visual break between buildings, the loss of views, and the undesirable precedent that would be set for further development in this 'gap'. Although the previous decisions also make reference to the loss of views for local residents, that is not a material consideration given that the protection of private views is not in the public interest.

## Previous Site History

HS/FA/14/00661 Erection of 2 No. 4 Bedroom Semi-Detached Dwelling Houses  
Withdrawn 24 October 2014

HS/FA/13/00939 Erection of 2 x 4 Bedroom Semi-Detached Dwelling Houses  
Withdrawn 16 January 2014

The previous applications were withdrawn due to concerns about the impact of the development on the character and appearance of the area and the impact on neighbouring residential amenities. There were also concerns about the quality of the information submitted in relation to ground stability given the site's location near to a cliff face. These concerns have also been repeatedly raised over the last 5 years in various pre-application discussions. In essence the concerns raised were that the developments proposed were too conventional for this unconventional site. They would have resulted in schemes that didn't respect the local historic architecture or have regard to the neighbouring gardens to the south which are at a lower level than the site. This latest application attempts to overcome those concerns.

## **Development Plan Policies**

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

FA2 - Strategic Policy for Central Area  
SC1 - Overall Strategy for Managing Change in a Sustainable Way  
SC3 - Promoting Sustainable and Green Design  
SC4 - Working Towards Zero Carbon Development  
SC7 - Flood Risk  
EN1 - Built and Historic Environment  
EN2 - Green Infrastructure Network  
EN3 - Nature Conservation and Improvement of Biodiversity  
EN6 - Local Wildlife Sites  
H1 - Housing Density  
H2 - Housing Mix  
T3 - Sustainable Transport

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

LP1 - Considering Planning Applications  
DM1 - Design Principles  
DM3 - General Amenity  
DM4 - General Access  
DM5 - Ground Conditions  
DM6 - Pollution and Hazards  
HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)  
HN8 - Biodiversity and Green Space

### **Other Policies/Guidance**

SPD - Parking Provision in New Developments  
Sussex Air Quality and Emissions Mitigation Guidance 2013

### **National Planning Policy Framework (NPPF)**

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

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

The following sections of the NPPF are considered particularly relevant to this application:

- Section 7 - Requiring good design
- Section 11 - Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

## Details of Consultations

The **Conservation Consultant** has raised no objection to the proposal. They reference the various inappropriate proposals that have preceded this application but state the current design is thought provoking and acceptable in principle. They have advised in the past that a single property would likely be acceptable on site and, whilst the proposal has come forward as two properties, the building design means it will be read as one property so is acceptable.

Important issues raised in the past include the retention and improvement of a front boundary wall. The applicant has achieved this as well as proposing a low-level building that does not compete with this element. It also remains visually unintrusive in the context of the adjoining open space.

In order to ensure that the building is read as one property, the Conservation Consultant emphasises the importance of there being limited visual demarcation of the properties at its northern end - essentially the hard landscaped area in front of the property. This can be controlled by condition but the applicant has already shown an open parking area with no physical boundaries between the two properties. Other elements, such as the cycle parking and bin storage, which could be construed as demarcating the properties, can easily be moved to the lower side levels out of view.

The Conservation Consultant highlights the importance of high quality materials and notes that the initial drawings are lacking in terms of details of roof coverings, rainwater goods and potential flues and vents. Since these comments, the applicant has clarified that a sedum roof is proposed and that there will be no penetrations through the roof. This is acceptable and can be controlled by condition.

The Conservation Consultant otherwise comments that the design and access statement is lacking in any detailed assessment of the impact on the significance of heritage assets. That said it is considered that there is sufficient information in the application to make this assessment.

The **Building Control Manager** has raised no objection and otherwise provides some feedback regarding building regulation considerations.

The **Waste & Streetscene Services Officer** has not raised an objection.

The **Housing Needs & Enabling Manager** has not raised an objection. However, due to the changes in affordable housing policy that have occurred since this application was submitted (i.e. affordable housing contributions can no longer be sought on developments of 10 units or less - NPPG Paragraph: 031 Reference ID: 23b-031-20160519), no affordable housing is being requested and as such no comments are required.

**Southern Water** has raised no objection subject to informatives for the applicant regarding foul drainage and information on surface water drainage.

The **Environment & Natural Resources Manager** has not raised an objection.

The **Borough Arboriculturalist** has raised no objection.

There have been **35 objections** and a **petition (195 signatures)** received against this application. Concerns include:

- Loss of a historic local green space.
- Impact on local character and the conservation area.
- Projection beyond existing rear building line.
- Design of boundary treatments.
- Impact on neighbouring amenities.
- Impact on local wildlife.
- Setting a precedent for further development.
- Unstable land.
- Highway safety and insufficient parking.
- Drainage provision.
- Site is not 'brownfield'.
- Views into conservation area will be harmed.
- Inadequate garden provision
- Need and consideration of the development of brownfield sites first.

There have been **2 supporters** of the application. Reasons for support include:

- Intelligent use of land that responds well to constraints and local context.
- Design is contemporary but subservient so fits well into streetscene.
- Private views will not be compromised.
- High quality development should be encouraged.
- Sustainable development should be encouraged.

## **Planning Considerations**

### **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 considerations and local plan policies.

The main considerations are the impact on the character and appearance of the conservation area, the impact upon neighbouring residential amenities, the quality of the accommodation proposed, land stability issues, parking and highway safety related matters, impacts on ecology, and drainage.

Many residents have made reference to a loss of 'open space' and specifically reference policies EN8 of the Planning Strategy and HN10 of the Development Management Plan. These policies seek protection and enhancement of the town's open spaces and amenity green spaces as identified on the Policies Map. The application site is not an identified amenity green space, and as such, Policy HN10 is not applicable in this instance. Neither is this space publicly accessible, so cannot be used informally, like the adjacent space. The development of this site does not result in the loss of open space and is therefore being considered on its own merits.

## **Impact on the character and appearance of the conservation area**

This site is within the Grosvenor Gardens Conservation Area. There is a statutory duty to consider the preservation or enhancement of the conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). The duty is also reflected in the NPPF and Local Plan policies EN1 (Planning Strategy) and HN1 (Development Management Plan), which require applications to sustain or enhance the significance of conservation areas as designated heritage assets.

The significance of the Grosvenor Gardens Conservation Area is drawn from its substantial and often uniform Victorian architecture, although there are a number of individually impressive buildings such as those at the former Eversfield Hospital site. In this location the significance of the conservation area also draws on the natural setting of Caves Road cliffs which offers an interesting contrast to the strong rhythm of built form. Narrowing the local character further it could be said, and has been stated in past applications affecting that land, that the gap between 71 West Hill Road and 99 West Hill Road creates an interesting visual break with views out to sea which add the significance of the conservation area.

It should be noted that the undeveloped space between nos.71 and 99 is not significant on its own, hence the recent refusal to add the area to the local list of non-designated heritage assets but, when viewed as a whole, it does nonetheless contribute positively to the character of the Grosvenor Gardens Conservation Area.

The difficulty with proposals on this site in the past is that they have been too conventional. Trying to incorporate a two or three storey building with a pitched roof is ultimately going to be difficult. This is because the surrounding architecture has such a strong identity that anything other than a pastiche is going to struggle to work. The open nature of the land between nos.71 and 99 also creates a challenge for any design, particularly a pastiche design, as any conventional residential scale is likely to look incongruous in this particular part of West Hill Road. Conventional schemes often end up harming the significance of the conservation area.

In order to overcome these design concerns the applicant has taken a more alternative approach to the prevalent building design of the conservation area. As described above, this proposal is for a single storey building that will be built into the land, which although mostly flat, falls away quite steeply at its southern end towards the gardens of 77 & 79 West Hill Road and the cliff edge. Because it is built into the land, the building is no more than 1.6m tall when viewed from street level on West Hill Road. The intention of the building, in terms of scale, is to remain unassuming and this is important given the location of the development.

Whilst the building is set back into the land, it will still be more prominent than that approved at land adjacent to 99 West Hill Road which is intended to not be visible from West Hill Road. As the building will still be partially visible the applicant has also proposed an interesting design. As stated above, the Conservation Consultant describes the proposed houses as thought provoking. It is considered that the reason for this is the interesting approach to the use of the site, the use of space within the building, and the measures that have been put in place to ensure the building works in this location.

The building also has some obvious sustainability benefits, particularly with regard to the use of a green sedum roof and sustainable drainage systems. The application is lacking in other details which would help with a carbon footprint reduction but these can be secured by condition in accordance with policies SC3 and SC4 of the Hastings Planning Strategy.

The applicant proposes a brick built building with aluminium windows and it will have a flat sedum roof. The use of brick is a link to the neighbouring 71 West Hill Road and local vernacular but the flat roof and aluminium windows will add an interesting contrast to the prevalent use of pitched slated roofs and timber windows. The contrast seems intentional and reflects the building's departure from local character, to ensure it isn't viewed as a watered down version of surrounding architecture, but rather as a building that has taken an interesting but respectful approach to the site's constraints.

One of the key views will be that of the semicircular glazed windows on the front (northern) elevation. This curved frontage sets the building apart from local architecture. The contrast will be subtle, though, given that little of the building will be visible above ground and it is distinctive. This is a good example of distinctive architecture that adds interest to its surroundings rather than a pastiche design that poorly reflects local character. To ensure the building has a high quality finish a condition covering the submission of materials for approval is recommended.

The submitted drawings indicate a boundary wall around the perimeter of the site. It is not entirely clear what this means in terms of the existing side boundary wall with Sussex Steps or how much of the existing vegetation will be retained along the western side boundary or the rear (southern) boundary. To ensure the boundary treatment is also of a high quality finish and strikes the right balance between built form and natural screening, a condition covering boundary details is recommended.

Conditions otherwise relating to soft and hard landscaping should ensure that both the Conservation Consultant's concerns about quality and property demarcation are addressed as well as adequate levels of planting to address matters of ecology and screening.

Considering the building within the streetscene and wider conservation area it should be noted that due to the height of the proposed houses, obvious views of the development are limited to those when immediately in front of the site on West Hill Road and along the remaining accessible part of Sussex Steps, the glimpse of the site along Caves Road when viewed from the junction with Marina, and when standing much further westwards in and around Grosvenor Gardens themselves. The building will still not be prominent in these views and as such does not detract from the character of the area.

The building will otherwise be obscured or not visible due to:

- vegetation on the neighbouring open land obscuring views into the site;
- the site being blocked out by existing development along West Hill Road when approaching from either direction;
- the site falling behind the ridge line of properties along Marina; and
- the site being set back from the cliff face so as not to be visible when standing along the section of Caves Road which runs parallel along the cliff's base.

Although the building being discreet does not make it acceptable by default, coupled with its interesting design which works with the site's constraints the proposed development is considered to preserve the character of the conservation area and will not cause harm to its significance or setting. The proposed development is considered acceptable in terms of policies SC1 and EN1 of the Hastings Planning Strategy, and DM1 and HN1 of the Development Management Plan. The proposal also preserves the character of the conservation area in accordance with the 1990 Act.

Lastly, the development is not considered too dense as it is only for two dwellings within a reasonable plot. The density is less than the surrounding residential properties as many of the Victorian properties have been converted into flats which gives the area a high residential density. The development is also considered to add to local housing mix in a positive way by proposing more family accommodation in an area that has a mixture of dwellings, flats and older people's housing. Considering this the development is considered to comply with policies H1 and H2.

### **Impact on neighbouring residential amenities**

Given the height of the building, which is no taller than the ground floor window cills of 71 West Hill Road the property will have no impact on the amenities no. 71 or properties to the north. West Hill Road is significantly higher than the properties on Caves Road and Marina but, given the distances between the proposed houses and properties below the cliff - the closest being over 40m away, it is not considered that the amenities of these properties will be impacted.

The proposed development does adjoin the garden area of 77 West Hill Road but, due to the change in levels between the application site and this garden area, the low-level single-storey design of the proposed houses and the screening from existing and proposed boundary treatments, there will be no harm to the amenities of this property. There will be no harm to the property to the southeast, known as Sol-e-mar, for similar reasons.

The application is considered to comply with policy DM3 in respect of neighbouring amenities.

### **Standard of the accommodation proposed**

The applicant has demonstrated that a good standard of accommodation will be achieved. All rooms will benefit from adequate levels of daylight and sunlight, and whilst the northern bedrooms will only benefit from high level windows, the outlook from the property overall is very good given the location and the south facing views out to sea with no obstructions.

Policy DM3 encourages developments to achieve a minimum amount of floorspace. Since policy DM3 was adopted, criterion (f) has now been replaced by the Government's *Technical housing standards – nationally described space standard*. The national standards are very similar to those in the existing Local Plan but they include more variations on the number of people per dwelling. In this instance the applicant is proposing 2 x three-bedroom five-person households. The minimum floor space for a single storey unit of this size is 86m<sup>2</sup>. The proposal exceeds this as the dwellings are 95m<sup>2</sup> each. The dwellings are therefore of an acceptable size.

Policy DM3 also requires developments to achieve gardens of at least 10m in length, usually to the rear. The applicant has achieved this in this instance by providing a rear patio area and some more informal garden space. Although the southern end of the garden may be unusable due to the slope of the site and the need for some ecological provisions, this lack of useable space is more than offset by the side patio areas that each house would benefit from. Garden provision is therefore considered acceptable.

The applicant has otherwise demonstrated that there is adequate space for refuse storage and parking (discussed in further detail below). The proposal therefore offers a good standard of accommodation and complies with policy DM3.

## **Land stability**

Land stability is one of the main concerns raised by local residents. The local history of stability is well known given the closure of Sussex Steps, the continued threat of falling cliff debris to properties in Caves Road and the apparent issues experienced by some properties on West Hill Road. With that in mind the applicant was asked to undertake a land stability assessment.

The assessment initially submitted with this application (by Land Science) is the same as that submitted with previous applications. At the time of the previous applications the assessment was not considered sufficient, as identified by the geo-technical consultant hired by the Council - GabrielGeo Consulting. The applicant was reminded of the inadequacy of the Land Science assessment so the applicant approached GabrielGeo Consulting to provide a revised assessment for this application.

Whilst some local residents have noted that the new assessment still does not include any testing of the site in order to explicitly understand its geological make up, GabrielGeo Consulting have proven to be competent when dealing with land stability issues. The conclusion of their assessment explains the likely geological make up of the area, the possible regression of the cliff and the likely timescales for this, the types of land movement likely to occur, and the types of mitigation likely to be acceptable now and into the future. Ultimately they conclude that "while regression of the cliff might affect the site within the lifetime of the proposed houses, the depth affected is likely to be relatively shallow so the stability of these houses could be ensured by using the proposed cantilever system with properly engineered deep foundations. In addition, when the need arises, there is sufficient space within the rear garden for construction of retaining structures or ground treatment works in order to stabilize the slope above the rock band."

With this in mind I am satisfied that the applicant has demonstrated that actual or potential instability could be overcome but this will need to be subject to conditions requiring further investigation of the land to ensure the most appropriate foundations and instability mitigation measures are used. The proposals are considered to comply with policy DM5 and paragraphs 109, 120 and 121 NPPF. Further guidance on assessing land stability in applications can be found in the National Planning Practice Guidance, and this proposal is considered to follow the assessment flow chart found at Paragraph: 012 Reference ID: 45-012-20140306.

Whilst the applicant has demonstrated that land stability issues are likely to be overcome, it should be noted that in accordance with paragraph 120 of the NPPF "where a site is affected by...land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."

## **Parking and highway safety**

The proposed development includes two allocated vehicle spaces per property. The *East Sussex County Council Parking Demand Calculator* suggests that a development of this size should include 4.49 parking spaces. A shortfall of less than half a space is not considered significant in this instance. There are known parking pressures along West Hill Road, particularly at its narrower sections, but this small shortfall is quite capable of being made up on street which, upon site visit is not at capacity and can accommodate some additional on-street parking. Additionally, the development is close to West St Leonards railway station and local bus services. These material factors are sufficient to justify the slight shortfall in off-street parking and are in accordance with guidance as laid out in the supplementary planning document *Parking Provision in New Developments*.

The proposal also includes 2 cycle parking spaces, which is in accordance with the SPD, and the access maintains an adequate visibility splay to ensure safe ingress and egress.

The proposed development is considered to provide adequate parking and will not be detrimental to highway safety. The proposal is in accordance with Policies T3 of the Planning Strategy and DM4 of the Development Management Plan.

## **Ecology**

Given the undeveloped nature of the site and its proximity to the Caves Road Cliffs Local Wildlife Site (LWS), the potential for protected species is high. The application has therefore been accompanied by an initial ecology survey and a more detailed reptile survey.

The initial ecology survey found no evidence of protected species on site. The site has habitat that is suitable for some protected species but due to the quality of some of the vegetation or the lack of natural features, such as ponds, additional surveys were not considered necessary for the likes of badgers, bats or amphibians. Additional surveys were required for reptiles as the potential for on-site presence was high.

The reptile survey identified slow worms and common lizards on site but recommends that species translocation is carried out prior to development, reptile exclusion and other mitigation measures are put in place during development and that the garden area is enhanced to support returning populations into the future.

The initial ecology survey also makes a number of recommendations for protecting ecology during construction and enhancing ecology post development (i.e. with the provision of bat and bird boxes and natural enhancements to the garden area).

Overall the proposed development is considered of low risk to protected species and will not harm the LWS. Subject to adequate protection during development and enhancement post development (which can be secured by conditions), the proposal complies with policies EN3, EN6 and HN8.

## **Drainage**

The applicant indicates on the application form that the development will be served by soakaways and the main sewer system. To ensure that the surface water proposals were adequate the applicant was asked to complete the County Council's *SuDS Decision Support Tool for Small Scale Development*.

The support tool identified that the area may be susceptible to ground instability and that there are issues with the infiltration potential due to the local geology. Ground stability matters are addressed above but given the advice of the support tool, the applicant was advised that infiltration drainage - such as soakaways - was unlikely to be acceptable. The applicant has therefore changed the drainage to permeable paving and a geocellular system. Both of these options more than mitigate the water attenuation required for the site and negate the need for further infiltration testing as the proposed drainage methods use different methods of controlling the flow of surface water.

The applicant failed to reference the use of a green roof in their calculations however. Even with the green roof missing from the drainage support tool, the measures in place more than cope with the volume of water attenuation needed but, it can be reasonably assumed that, if the green roof were added into the calculations, the surface water management of the site

would exceed requirements.

Given the measures proposed, the development is not considered to cause surface or groundwater flooding issues and complies with policy SC7 of the Planning Strategy. Specific drainage details based on the support tool calculations can be secured by condition.

Southern Water raise no objection to the foul drainage proposals.

### **Air Quality and Emissions**

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

### **Other site constraints**

The proposed site is within an SSSI IRZ. However, the scale of the development, which is minor, means that no further assessment of the impact on the Borough's SSSIs is required.

### **Conclusion**

Taking account of the above considerations, it is considered that the proposal will not cause harm to the significance or setting of the Grosvenor Crescent Conservation Area, or harm residential amenities. The quality of accommodation and external space provided has been demonstrated as being acceptable and on balance, in line with minimum standards, and ecology and drainage issues have been satisfactorily explored. The proposal is therefore considered to comply 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 proposal also preserves the character and appearance of the conservation area in accordance with the 1990 Act.

The proposal is therefore recommended for approval.

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

### **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:

WHR.01, 02, 03, 04, 05A, 06, 07A, 08, 09, 10 and 11

3. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the dwellings 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.
4. 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.
5. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); 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.
7. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
8. No development shall take place until the measures outlined in the submitted ecological statements and reports (Preliminary Ecology Assessment and Reptile Survey by Skilled Ecology Consultancy Ltd, dated November 2014 and May 2014 respectively) have been fully implemented, unless:

- (i) the programme for such measures is otherwise specified within that document (for example with regard to measures related to monitoring, further survey work, the erection of bird boxes on buildings or other conservation enhancements), in which case the works shall be carried out in accordance with the timescales contained therein or;
  - (ii) unless the scheme(s), or programme(s) of measures contained within the ecological statements and reports is otherwise first varied, by way of prior written approval from the Local Planning Authority.
9.
  - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
  - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
  - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
10. No development shall take place until a full and adequate site investigation and soils report with regard to land stability has been submitted to and approved in writing by the Local Planning Authority. The report shall include detailed mitigation measures to address any identified stability issues and development shall be carried out in accordance with the approved details.
11. 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.
12. No development shall occur until details of appropriate climate change mitigation and adaptation measures as required by policy SC3 and 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.
13. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no:
  - enlargement, improvement or other alteration to the property shall take place;

- chimney, flue or soil and vent pipes shall be installed; and
- curtilage buildings shall be erected

without the grant of an additional planning permission.

**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. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area.
4. In the interests of the visual amenity and to ensure the recommendations of the Preliminary Ecological Assessment (dated November 2013) and the Reptile Survey (dated May 2014) by Skilled Ecology Consultancy Ltd are incorporated into the landscaping scheme.
5. In the interests of the visual amenity and to ensure the landscaping recommendations of the Preliminary Ecological Assessment (dated November 2013) and the Reptile Survey (dated May 2014) by Skilled Ecology Consultancy Ltd are provided.
6. To ensure an adequate development in terms of parking provision and in the interests of the character and amenity of the Grosvenor Gardens Conservation Area.
7. To ensure an adequate development in terms of parking provision and in the interests of the character and amenity of the Grosvenor Gardens Conservation Area.
8. To protect and enhance features of recognised nature conservation importance.
9. To prevent increased risk of flooding.
10. To ensure that the construction takes account of the local ground conditions and the sloping nature of the site.
11. To safeguard the amenity of adjoining residents.
12. To ensure the development complies with policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.
13. In the interests of the character and amenity of the Grosvenor Gardens Conservation Area, to protect features of ecological importance and to ensure the stability of the site is not adversely affected.

## Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The applicant is advised that 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/>.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
6. Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

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## Officer to Contact

Mr S Batchelor, Telephone 01424 783254

## Background Papers

Application No: HS/FA/15/00809 including all letters and documents