

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

**Application Address:** Land North of The Beacon, St Marys Terrace, Hastings  
**Proposal:** Proposed new dwelling on undeveloped site North of The Beacon and construction of 4 parking spaces on St Mary's Terrace, Hastings  
**Application No:** HS/FA/17/00849

**Recommendation:** Grant Full Planning Permission

**Ward:** CASTLE  
**Conservation Area:** Yes - Old Town  
**Listed Building:** No

**Applicant:** Mr & Mrs Dewsbery per Casper Cummins Architects  
Harpsichord House Cobourg Place TN34 3HY

**Public Consultation**

**Site Notice:** Yes  
**Press Advertisement:** Yes - Conservation Area  
**Letters of Objection:** 12  
**Petitions of Objection Received:** 0  
**Letters of Support:** 42  
**Petitions of Support Received:** 0  
**Neutral comments received** 2

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

**1. Site and Surrounding Area**

The site consists of an undeveloped area of land measuring approximately 1,100sqm, positioned to the north of The Beacon, 67-68 St. Mary's Terrace. The Beacon is a family run business offering space to hire, including studio space to rent and weekly classes for yoga and life drawing and is described as an Arts hub. The Beacon is a licensed premises.

The application site is situated in an elevated position above the town enjoying extensive views over the town to the west. At a raised level above the site (east) is St. Mary's Terrace which is mainly two to three-storey, Victorian and Georgian terrace dwellings that occupy a prominent exposed position on the townscape. The dwellings along St Marys Terrace have rendered and /or painted narrow front elevations, and slate pitched roofs.

Below the application site is Milward Road. The back gardens of dwellings along Milward Road slope steeply up towards the application site. Views from the application site look out towards and across the upper floors and roof tops of dwellings along Milward Road. Milward Road includes mainly two to three-storey terrace properties built of facing brick with clay tile hanging and pitch roofs with front facing gables.

The northern boundary of the application site has a covering of trees and other vegetation, while the main area of the site is largely cleared of mature vegetation.

The application site is accessed across 125m length of 'driveway' / track within the grounds of the Beacon. This track then continues a further approximately 150m where it meets Plynlmmon Road. This is the only vehicular access and egress to the site. Just before the Beacon Whistlers Steps, a steep set of public steps leads down to Milward Road. There is a small set of steps to the east of the site leading up to St. Mary's Terrace.

The application site is within the Old Town Conservation Area, as is St. Mary's Terrace. Milward Road to the west is not within the conservation area.

Due to the topography of the area views of the site and St Marys Terrace are available from a number of locations across Hastings Town Centre, Braybrooke Ward and Castle Ward.

### Constraints

Old Town Conservation Area

AONB character geology Ashdown Sandstone/Siltstone/ Mudstone Formation

Within 600m playground buffer zone

Distance to Special Areas of Conservation: Pevensey Levels 12km; Lewes Downs 37.5km;

Ashdown Forest 38km

SSSI No.76 impact risk zone (threshold not applicable).

## **2. Proposed development**

The application is for a proposed new dwelling on undeveloped site north of The Beacon and the construction of 4 parking spaces on St Mary's Terrace:

The proposed new dwelling would be a large detached, five-bedroom dwelling situated in the centre of the application site directly below and opposite numbers 34 & 35 St. Mary's Terrace. It would be orientated to face west with extensive views across the valley. It is described in the submitted Design & Access Statement as being one and a half storeys (ground floor plus rooms in the roof space) and an under-croft basement. It is proposed that the roof would be natural slate and the finish to the ground and first floor gables would be weathered timber cladding above painted render basement and foundation walls.

The overall footprint of the proposed dwelling measures some 142sqm. It would have a long front elevation nearly 17m in width (which is approximately equivalent to the width of three of the dwellings situated behind on St. Mary's Terrace) and a depth of between 9.6m and 7.8m; the variance in depth is due to the staggered design of the front elevation. To the front of the

dwelling there would be a terrace area. The height of the dwelling would be approximately 8.4m measured on the west (front elevation) and 6.7m measured on the east (rear elevation), the difference in height being due to the slope of the site.

The property would have two front gables and two gables at the rear and a further gable to the north side elevation. Whereas the south elevation would have a large sloping roof, ridge height (some 7.7m, eaves height between 2.9m & 4.125m (variance due to slope of site)) that would be in large part covered in photovoltaic panels.

There would be 4 adjacent parking bays constructed on a raised platform adjoining St. Mary's Terrace. The parking deck would be painted rendered blockwork with coping stones. The parking spaces would be some 5m higher than the application site and there would be a set of steps leading down from one of these parking bays to the new property. It is proposed that 2 of the parking bays would serve dwelling No. 34 St. Mary's Terrace and 1 parking bay would serve dwelling No.35 St. Mary's Terrace as shown on drawing BEA029-08. An additional two parking spaces are proposed at the level of the site to serve the new dwellings and these would be accessed from the track leading from Plynlimmon Road to the Beacon.

A large garden area is proposed for the new dwelling and no garage or out-buildings are proposed.

The application is supported by the following documents:

Design & Access Statement

Heritage Statement

HER email from County Archaeologist

Gabriel Geo-Consulting Ltd 'Interpretive Report on Ground Investigations (GIR) and Slope Stability Analyses' (May 2017)

Addendum to Interpretive Report on Ground Investigations (GIR) and Slope Stability Analyses (January 2018)

Gabriel Geo Track Report by Keith Gabrielle

Topographical Survey

Ecology Scoping Survey Report by Martin Newcombe.

Arboricultural Report

SuDs Decision Support Tool document

Waste Minimisation Statement

Reptile Survey Report by Martin Newcombe

### **Relevant Planning History**

HS/FA/13/00169 Re-instatement of fire escape with new access door, and 2 velux roof lights at rear. Granted 03.05.2013.

HS/FA/11/00820 Erection of New dwelling house (C3) on Land opposite St Mary's Terrace. Refused 19.12.2011.

HS/FA/09/00073 Erection of New dwelling house (C3) on Land opposite St Mary's Terrace. ZZZ undetermined.

HS/TP/08/00052 Reduce crown and prune branches of 1 x beech tree. Granted 24.01.2008.

HS/FA/13/00718 Variation of condition 2 (joinery and staircase details) of planning permission HS/FA/13/00169. Granted 28.10.2013.

## **National and Local Policies**

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

Policy FA2 - Strategic Policy for Central Area  
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way  
Policy SC2 - Design and Access Statements  
Policy SC3 - Promoting Sustainable and Green Design  
Policy SC4: Working Towards Zero Carbon Development  
Policy EN1 - Built and Historic Environment  
Policy EN3 - Nature Conservation and Improvement of Biodiversity

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

Policy LP1 - Considering planning applications  
Policy DM1 - Design Principles  
Policy DM2 – Telecommunications Technology  
Policy DM3 - General Amenity  
Policy DM4 - General Access  
Policy DM5 - Ground Conditions  
Policy HN1 – Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)  
Policy HN2 - Changing Doors, Windows and Roofs in Conservation Areas  
Policy HN8 – Biodiversity and Green Space

### Other Policies/Guidance

Supplementary Planning Document 1: Roof Materials for Listed Buildings and Conservation Areas (SPD)  
Supplementary Planning Document: Parking Provision in New Developments (SPD)  
ESCC Minor Planning Application Guidance.  
Department for Communities and Local Government – Technical housing standards – nationally described space standard (March 2015)  
Wildlife and Countryside Act 1981  
Protection of Badgers Act 1992

### National Planning Policy Framework (NPPF)

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

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

Section 7, paragraphs 56; 60; 61; 65.  
Section 11, paragraphs 109; 111; 113; 118 and 120,  
Section 12, paragraphs 128; 129; 131; 134 are particularly relevant to this proposal.

### **3. Consultations comments**

#### **Highways - No Objection**

ESCC Highways have made no overall objection to this development but they do have highway concerns regarding:

- the stability of the bank;
- the high number of proposed car parking spaces (6 in total) which exceeds the 2/3 space guidance for a 4+bedroom property in this location;
- the construction of the proposed retaining wall to support the 4 raised car parking spaces to St. Mary's Terrace;

The Highways Authority has recommended a number planning conditions that would need to be attached to address these issues.

#### **Conservation Officer - No Objection**

The conservation officer comments that the proposal has been deliberately designed to contrast with the surrounding built form whilst taking reference from its immediate and natural environment with timber wall cladding, slate roof and aluminium windows to ensure that it blends harmoniously with its surroundings. Conservation and Design consider that the quality of the design and materials will enhance the street scene, locality and the special character of the conservation area and recommend the proposal for approval subject to recommended planning conditions.

#### **Ecology Officer - Neither - Object - No Objection**

The Ecology Officer comments that the submitted information identifies the presence of UK protected species (slow worm) on site. The report identifies an area of the site that will not be subject to development and that is suitable for the slow worms. Translocation of the reptiles in order to safeguard them from harm would be undertaken. The ecology officer recommends a planning condition to be attached for submission of a detailed construction environmental management plan (CEMP) prior to development taking place (condition 16). The ecology officer also comments that there is no clear evidence to show that increased traffic movement in the borough as a result of this development would result in an increase in traffic movements on roads nearby the designated sites and therefore present an adverse impact on the special features of the designated sites.

#### **Arboricultural Officer - No Objection**

Comments from the arboricultural officer are that there will be some minor incursion into the root protection area of existing trees but the extent of the incursion is unlikely to impact negatively upon the health of existing trees. The officer recommends tree protection during construction (condition 17).

#### **Southern Water (SW) - No Objection**

Southern Water comment that there are no dedicated public water sewers in the immediate vicinity of the site and alternative means of draining surface water from this development are required. They point out that it is the responsibility of the developer to make suitable provision for the disposal of surface water (Part H3 of the Building Regulations apply). The detailed design for the proposed basement should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. SW recommends a planning condition be attached for a detailed design of

the proposed drainage system (condition 13).

#### SuDS Sustainable Urban Drainage - **Neither - Objection / No Objection**

SuDS note that the proposals are to discharge surface water run-off to a private sewer to the south of the site. They suggest that the applicant provide evidence that they own the land to the south or have rights to construct the required sewer connection; and that the private sewer currently accepts surface water flows and has sufficient capacity to accept flows from the proposed development.

#### Building Control - **Neither - Objection / No Objection**

Building control comment that they are informed that in 2011 there was a collapse of a retaining wall to the access track which restricted access to the Beacon. They note that the same track will be used to access the new property and suggest that it be ascertained if this matter could be resolved as it could affect disabled access. With regard to the submitted Geotechnical report(s) for land stability they comment that is a matter usually taken care of by the Building Control body overseeing the building works and the checking of calculations relating to the stability of the building. They advise that the piles and beams will have to be designed by a structural engineer and with the piling contractor working to the submitted Geotechnical report. They will not commit on specific points.

#### Waste Management – **Support**

Waste management comment that they support the application. The site is subject to weekly collection. Waste and recycling will need to be presented on the boundary to the highway. They note that access of waste collection freighter could be compromised by extra traffic to this narrow road and would appreciate that this be taken into consideration to allow freighter(s) to carry out scheduled collections.

#### Natural England - **Comment**

Natural England are not a statutory consultee on the screening stage of the Habitat Regulation Assessment (HRA) process and is therefore unable to comment on individual HRA screening opinions. Natural England will not be responding to this consultation request.

## **4. Representations**

55 no of representations received from 45 different properties

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

- Land instability and risk of slippage / landslide and subsidence to properties on St. Mary's Terrace;
- Access - Unsuitability / lack of stability of the access track from Plynlimmon Road, unsuitable for proposed development and unsafe for construction works traffic and could destabilise dwellings situated adjacent to the track on Milward Crescent and possible safety issues for pedestrians using the track walking up to West Hill;
- St. Mary's Terrace is designated unsuitable for large vehicles maximum size 7.5T so site not suitable for construction vehicle access;
- Drainage issues - water run-off from site and soakaway adding to drainage flows to Milward Road dwellings and question suitability of septic tank re possible odour nuisance;
- Lack of parking on St. Mary's Terrace;
- Impact on amenity –

- loss of visual amenity concerning height of boundaries;
- loss of privacy from overlooking (Milward Road dwellings);
- Loss of light from overshadowing (Milward Road dwellings);
- Permitted development rights need to be removed to prevent extensions being built towards Milward Road neighbours;
- Design issues - proposed new dwelling scale too large in height and width and proposed materials out of character with neighbouring Georgian and Victorian properties. It is a bland design that lacks architectural merit;
- Heritage - harm to character of conservation area
- Trees – damage to trees protected in conservation area
- Natural Environment / Biodiversity concerns - Impact on bats and slow worms (protected species), loss of habitat;
- Loss of residential garden land against Government policy 'garden grabbing' – being described as vacant land;
- The LPA should underwrite insurance for neighbouring properties in the event of land slippage and damage to neighbouring property as a result of development.

41 letters of support have been received raising the following:

- Design- great design, well planned build and height sympathetic to neighbours, like the choice of materials- will visually enhance this sensitive location and sense of well-being of the Beacon and the entire area;
- Minimal impact on houses in St. Marys Terrace and will be an asset in terms of views;
- Neighbouring houses in street built at different times and in different times which is part of the charm of the area and the rich local tapestry that makes Hastings special / an inspiring 21<sup>st</sup> century addition;
- Support development of site by this local applicant rather than the land being sold to highest bidder for redevelopment;
- Land Stability - development by local applicant for family home more likely to ensure land stability is properly addressed / the existing Beacon building has stood on the site for over 100 years. Previous landslide properly dealt with 1970s so site is now one of safest.
- Proposal will add to the stability of the site with a soundly engineered structure;
- Access - Planning conditions would protect stability of paths, improve access and ensure vehicles connected with the project are safely guided in and out of the site. Improved access for disabled;
- Parking - Support for additional provision, 4 parking spaces St. Mary's Terrace – will improve road safety by leaving more space for traffic;
- Biodiversity/ Natural Environment -There is a positive solution to ensure slow worms are protected / shows ecological awareness / the planned garden space will enhance the biodiversity of the site providing habitats for bees and insects;
- Good, viable use of land - The site is unused land that cannot honestly be called a wild flower garden or nature reserve;
- The Beacon is an amazing community space and should be supported/ this proposal adds to the community and preserves the environment;
- Supply of decent homes – lack of decent houses in Hastings part due to scarcity of sites - this proposal should be encouraged / ideal for a family home;
- Seems to be element of nimbysism to objections which is most unappealing;

- Support the good local consultation by the applicants.

2 neutral comment letters received making the following comments:

- Trust that modern house will be in-keeping with historic architectural aesthetic of conservation area;
- The proposal should not block views of houses on St. Mary's Terrace;
- Have seen Japanese knotweed on this site has this been effectively cleared?
- Has ecology investigation been undertaken (bat population);
- Only concern is effect of construction traffic otherwise good use of unused ground.

## **5. Determining Issues**

The main issues in determining this application are the principle of this development, impact on character and appearance of Conservation Area, impact on landscape, site layout, design, impact on neighbouring residential amenity, biodiversity and protected species, trees, highway safety, access and parking, telecommunications to the site, impact on the Special Areas of Conservation (SACs).

These issues are addressed in the report below.

### a) Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. While there is some biodiversity concern regarding protected species (slow worms) on the site it appears that suitable mitigation measures may be employed to safeguard the slow worms. The site is within a sustainable location with reasonable 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) Land Stability

(i) Policy DM5 of HDMP addresses ground conditions; on land potentially subject to instability (such as steeply sloping sites or in an area with a history of instability), convincing supporting evidence (from a relevant and suitably qualified professional) must be supplied before planning permission is granted. In this case there is a history of land instability in this location and so the applicant has submitted a Geo-technical report (and Addendum Report) by a suitably qualified Geo-technical consultant. Policy DM5 requires evidence to show that any actual or potential instability can be overcome by appropriate remedial, preventative or precautionary measures before planning permission is granted. Further details may be required by planning condition.

In this case there was a previous preliminary review submitted by Gabriel Geo-Consulting dated 19th September 2016 for a planning enquiry for this site that considered suitable options for the foundations and retaining walls for two different house types being considered by the applicant.



Gabriel Geo-Consulting also undertook an appraisal of GL Martin's report for an earlier planning application (HS/FA/11/00820) on behalf of Hastings Borough Council.

It is known that a major landslide occurred in 1974/75 just north of the current site removing part of St. Mary's Terrace roadway in front of property Nos. 47 -50 that pre-empted significant ground investigations. Also that following collapse of the retaining wall, supporting parking spaces opposite Nos. 34 & 35 St. Mary's Terrace borehole investigations took place (it is noted that this wall is understood to have collapsed after supporting buttresses were removed). A site walk over survey in 2016 found another parking bay retaining wall had collapsed believed to be the result of excess surface water on St. Marys Terrace destabilising the ground.

Below the site the rear gardens of dwellings on Milward Road slope up towards the site at varying angles up to approximately 45°. The application site itself slopes towards the west. The geology of the site has been professionally investigated and the investigation finds inconsistencies across the site suggesting significant lateral variation in the subsurface geology. However the findings appear to help explain why the relatively steep sloping rear gardens to the dwellings on Milward Road have not suffered major slope failure. The Preliminary review report concluded that it was already known that the geology of the site was known to vary from that mapped by the British Geological Survey and warranted further investigation. Slope stability analysis was recommended to assess stability and demonstrate no significant detriment to land stability. The preliminary review undertaken in 2016 concluded that a satisfactory solution for development of the site was possible and highlighted the type of investigations the site would require.

Following the preliminary review report (2016) a further report was submitted for this application 'Interpretive Report on Ground Investigation (GIR) and Slope Stability Analyses Report by GabrielGeo Consulting' dated May 2017. A further Addendum Report has also been received 23.01.2018. The reports are broadly in accordance with BS EN 1997-2:2007 (Eurocode7, Part 2) and based on best estimates of ground level data available. The report advises that the site might be underlain by an ancient land slip, so it has been recommended that the proposed new house should be constructed so that it will give a slight net reduction in load on the underlying land, while maintaining sufficient support to the St. Mary's Terrace embankment. A series of slope stability analyses have been undertaken in order to meet these objectives. A precautionary approach has been taken in that the existing slope has been assumed to be only marginally stable as a worst case scenario as there is insufficient evidence to suggest otherwise.

The applicant has given consideration to the most appropriate structural type of house and foundations for the ground conditions of the site and for this proposal the investigative report recommends that a considerable amount of top soil be removed from the site to compensate for the additional weight the proposed new dwelling would place on the site. The proposed plans include developing a supporting wall to St. Mary's Terrace and foundation works for the new building that include retaining walls designed for the land conditions found on site.

In order to achieve the required reduction in load, a basement has been included under the northern part of the proposed house and calculations showed that an additional 70m<sup>3</sup> of excavation would be required under the remaining (southern) part of the house. Guidance has been given on the excavation levels required to achieve this reduction in loads while

minimizing the retained height of the retaining wall beneath the front (east) wall of this part of the house.

The main findings from the investigation and analyses were:

- The completed house would be beneficial to the stability of the St. Mary's Terrace embankment (because the house will provide toe loading in the critical areas) provided that the integral retaining walls and wall which supports the access track are properly designed and, for the southern part of the house, that the front (east) wall's footing /retaining wall is founded at or below 46.8m AOD (above ordnance datum). Alternatively, the wall should include a substantial shear key located directly below the stem down to or below 46.8m AOD.
- The proposed house would be set sufficiently far back from the slope to the rear gardens of the Milward Road properties to have no effect on the stability of that slope.
- The position of the house in relation to potential full slope failures (from St Mary's Terrace to the Milward Road houses) is such that the proposed compensatory excavations are predicted to avoid any detriment to the overall stability of the slope.

The report makes recommendations that:

- For the foundations and supporting walls, it recommends that further slope analyses would be required at the detailed design stage should contiguous bored pile walls be the option adopted. The report recommends use of a contiguous bored pile wall with cast in-situ reinforced concrete (RC) linings as the safest method of constructing the retaining walls for the upslope and flank sides of the basement.
- The report advises that the retaining wall required to support the path on the upslope side of the house will be substantial, because of the 25-45° St Mary's Terrace embankment slope which it will support, and must be constructed in short sections with temporary support provided to the rear and flank faces of the excavations. It was further recommended that this retaining wall should be structurally integral with the basement, and with the integral retaining wall beneath the southern part of the front (east) wall of the house.
- The report also gives recommendations for the proposed elevated parking bay foundations to ensure that the loads are transferred to the natural ground below the St. Mary's Terrace embankment while avoiding imposing additional load on the retaining wall alongside the house.

The report describes its recommendations as a hybrid foundation system for structural integrity and provides recommended planning conditions to be attached to any decision to approve. Given the report's findings and conclusions the PLanning Authority is satisfied that evidence to show that any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures has been provided and that any further detail required will be conditioned (conditions 18, 19, 20).

The reports cover the area of land to be developed to the north of the Beacon only and do not include the access track leading from Plynllynn Road to The Beacon. The stability of the track is addressed below.

(ii) Stability of Access Track:

The applicant submitted a copy of the Interpretive Report on Ground investigation for Retaining Wall Replacement at the Track leading to the Beacon. The recommendations of that report for repair of the Track relate solely to the local stability of a failing section of the

retaining wall which supports the footpath / track leading from Plynlimmon Road up to The Beacon (approximately 150m up to the Beacon). There is a further approximately 125m of track within the grounds of the Beacon . The section covered in the report is just before the turn off to Whistler's steps outside the grounds of the Beacon. The report states that it does not investigate wider stability of the track to include either the retaining wall on the east side of the track which supports parking bays alongside St. Mary's Terrace or the old quarry face slope. The recommendations in the report are therefore not fully comprehensive for the full access track from Plynlimmon Road to the new dwelling.

However, for the section of failed wall that the report relates to, the report recommended rock filled gabions and a light weight modular concrete block system or crib walling system as a suitable means of repair. This was recommended in January 2011. There is no evidence to date that these works of repair have been carried out. Given the known need for repair of a section of the track and the increase in vehicle movement this application would give rise to it is considered necessary to attach a planning condition that prior to construction works starting on the site an assessment be undertaken by a suitably qualified professional of the stability of the track and any works that may be necessary to ensure that the track is suitably stable.

While the Interpretive Report on Ground investigation for Retaining Wall Replacement at the track leading to the Beacon report relates to only a specific section of track, the report is considered to provide sufficient evidence to show that any actual or potential instability could be overcome through appropriate remedial, preventative or precautionary measures to meet the requirements of policy DM5. Further detail required will be conditioned (condition 15).

The Agent has explained that the access track to the site from Plynlimmon Road was owned by the Milward Estates which ceased to exist around 50 years ago. There is a restrictive covenant giving the land owner of the Beacon (and each purchaser of the land) free use of the track at all times and to pay Milward Estates a proportion of the costs of repair. Given this information there is considered to be reasonable prospect that any necessary repairs to the track could be carried out under a grampian style condition. The applicants of the site are closely related to the owner of the the Beacon land and they plan to purchase the application site should this application be approved.

Access to the site is further addressed below under the heading Access /Highway Safety/Parking.

#### c) Impact on Character and appearance of Conservation Area and landscape

Policies EN1 of Hastings Planning Strategy and policies HN1 and HN2 of Hastings Development Management Plan address heritage and development affecting the significance and setting of conservation areas. In this case, the conservation officer has commented that the proposed development has been deliberately designed to contrast with the surrounding built form whilst taking reference from its immediate and natural environment with weathered timber wall cladding, natural slates and aluminium windows. The officer comments that the development reflects the generous plot size and topographical lie of the land to ensure that it would blend well into its surroundings. Conservation and Design consider that the quality of the design and proposed materials will enhance the streetscene, locality and the special character of the conservation area and support recommendation to approve this proposal subject to the imposition of planning conditions (conditions 9 and 10).

Although this proposal is for a large scale new dwelling, the front elevation (approximately 17m in width) when viewed within the townscape would appear as two adjacent front gables, with one stepped back from the other, breaking the visual solidity of the front elevation. The new dwelling although measuring around 8.5m to roof ridge height measured at the front of

the property as it faces towards the town would be set back into the site so that when viewed from below and from a distance, the front of the site would part obscure site lines towards the new dwelling so that the height would not appear too dominant or overbearing. The new dwelling would sit below the St. Mary's Terrace street level.

While the proposed dwelling has a large footprint, the length compensates for the fact that the applicant has kept it very low compared to the houses above and below the site in order to accommodate the neighbours and also to spread the building load across a larger land area. It is a timber framed house so its weight is not as substantial as a brick built house and the basement has been added following Geo-technical report advice for stabilising the land.

The proposed weathered timber cladding to the frontage and natural slate roof are considered to help this development merge into its setting without being too visually conspicuous within the townscape. By contrast the brightly coloured houses along St. Mary's Terrace will still stand out once the property has weathered and site landscaping matures. The proposal is considered to comply with policy DM1 of Hastings Development Management Plan to reach a good standard of design that protects and enhances local character and is considered to be acceptable. The Conservation Officer considers that the proposal would enhance the appearance of the area.

#### d) Layout

Policy DM3 of Hastings Development Management Plan requires appropriate levels of private external space and that a good living standard should be achieved for future users. In this case the proposed layout of the new property would exceed the national minimum internal space standards. It would provide a large spacious family dwelling with 4 bedrooms plus a spare room at ground floor level and a study room at first floor level. The ground floor living /dining and kitchen space would be open plan allowing for easy movement and good living standard. The new dwelling would provide a rare addition to the town's housing stock adding to a balanced housing mix in compliance with policy H2 of Hastings Planning Strategy.

The new dwelling would be set back by some 9m from the front (west) boundary of the site; to the south side there would be a 17.5m wide garden area and there would be a further 13m wide area of garden that is proposed to be used as a vegetable garden and refuge for slow worms. While to the rear there would only be a 6m length of garden, this is considered to be acceptable in this case, given the need to set the property back in the site for land stability reasons and given the extent of front and side garden. There would be parking space for two cars inside the southern entrance to the site and there would be an additional third car parking space provided on a proposed parking deck adjacent to St. Mary's Terrace. The layout of this parking deck also provides three additional car parking spaces that have been agreed to be provided for properties 34 & 35 St. Mary's Terrace (this is discussed further under Highway safety and parking below). The layout of the site and property are considered to be acceptable.

Policy DM4 requires safe access into (and within) the development for all users and the open-plan layout of the dwelling at ground floor level would provide easy circulation space. While access to all the approach entrances is not level or gently sloping due to the slope of the site, the front door would provide suitable access for all users and internally the property could readily and easily be adapted to life time home standards. Access to the site is discussed below.

#### e) Impact on Neighbouring Residential Amenities

There have been objections received from residents in Milward Road that the proposed new

dwelling would adversely affect their amenity from overlooking and overshadowing. Policy DM3 of Hastings Development Management Plan requires new development to avoid any adverse impact on the amenity of neighbouring properties. The proposed new dwelling would be set well back in the site approximately 9m from the western boundary of the site with properties situated below on Milward Road. While the height of the front elevation would be approximately 8.4m causing some degree of overlooking from the first floor bedroom windows, the level of overlooking is not considered to be unacceptable. The nearest neighbouring building to the west would be some 19m distance and the slope of the site and the raised level of the site above the dwellings in Milward Road would ensure that occupants of those dwellings would still enjoy private garden amenity. The angle of sight lines and distance between the proposed new dwelling and the rear upper floor windows of the nearest dwelling on Milward Road (19m) is such that there is not considered to be unacceptable loss of privacy or light to properties on Milward Road. The almost 5m drop in land level between the properties in St. Mary's Terrace and the application site means there would be no loss of privacy or overshadowing to dwellings along St. Mary's Terrace.

In terms of the outlook for occupants of dwellings on Milward Road, the gables of the new dwelling would reach a height of 8.4m, with an eaves height of 4.3m so the build and massing of the development as viewed from Milward Road is not considered unacceptable.

The proposal results in a terraced area to the west (front) elevation of the dwelling measuring some 2.9m depth x 10.8m width situated approximately 7.2m from the rear boundary of Milward Road rear gardens. The floor level of the terrace will be some 1.7m above the level of the garden. This is not considered to cause harmful overlooking because the rear gardens of the dwellings in Milward Road (at least 11.5m in length) slope steeply away from the site so that views from the terrace would be across the roof tops. The slope of the site and the steep slope of the gardens below on Milward Road will not provide direct line views from the terrace over the edge of the site into the gardens or cause unacceptable overlooking or loss of privacy into the dwellinghouses below.

There is considered to be no unacceptable impact on neighbouring residential amenity.

#### f) Ecology

Policy EN3 - Nature Conservation and Improvement of Biodiversity of Hastings Planning Strategy and policy HN8 of Hastings Development Management Plan- Biodiversity & Green Space seek protection and enhancement of the town's biodiversity. Development should contribute to the national objective of no net loss of biodiversity by showing how proposals will contribute positively to the natural environment, avoid harm to biodiversity, adequately mitigate for unavoidable damage, or as a last resort, compensate for unavoidable damage.

The applicant has submitted Ecology Scoping Survey Report by Martin Newcombe and a Reptile Survey Report by Martin Newcombe. It has been identified that there are slow worms on the site. Slow worms are a protected species under The Wildlife and Countryside Act 1981.

The scoping survey report identified:

- No badger setts within the site so there is no impact on badgers or their setts (it was found that there is a badger sett not far away);
- No buildings or trees large enough for bat roosts were found on site;
- No ponds or suitable habitat for greater crested newts;
- No trees large enough for Stag beetles
- The site has potential for holding protected reptile species.

The submitted Reptile Report identifies the presence of slow worms on the site and concludes that overall, the impact of the proposed development will be quite severe in terms of overall loss of habitat (slow worms), but the report recommends suitable mitigation can be provided through translocation to make the impact negligible.

The Ecology Officer has been consulted and raises neither objection nor support for this proposal but comments that, should planning approval be granted that prior to development taking place, the applicant must submit a Construction Environmental Management Plan (CEMP) (condition 16).

The Ecology Officer comments that it is understood that there may be a badger sett in the vicinity of the access track and that the applicant should be made aware of their legal responsibilities regarding the Protection of Badgers Act 1992; an informative is attached to ensure that the applicant would be made aware of their legal responsibilities regarding the Protection of Badgers Act 1992 (informative 10).

The site plan for the application as originally submitted did not include the access track, but Highways recommended that the track be shown within the application site and the amended site plan BEA029-01A includes it, albeit that the development would take place on land beyond the end of the track. It is unclear who is responsible for the up-keep of the access track and so a Grampian style planning condition (condition 15) has been proposed (see access and highways) re works that may be required to improve the access track. The Ecology Officer also comments that there is no clear evidence to show that increased traffic movement in the Borough as a result of this development would result in an increase in traffic movements on roads near the designated sites and, therefore, present an adverse impact on the special features of the designated sites.

The proposal is considered to be acceptable as regards safeguarding biodiversity.

#### g) Trees

An Arboricultural Report has been submitted for this application and the Arboricultural Officer has commented that there would be some minor incursion into the tree protection areas of existing trees but that the extent of incursion is unlikely to impact negatively upon the health of existing trees. The Officer raises no objection to this proposal but asks that a planning condition be attached for tree protection measures and planting scheme (condition 17).

#### h) Access/ Highway Safety and Parking

##### (i) parking:

Policy DM4 of Hastings Development Management Plan requires that the parking standards set out in Supplementary Planning Document (SDP) for parking (listed above) be provided. In this case the proposal is for a 5-bedroom dwelling and 6 car parking spaces have been provided. Comments from ESCC Highways Authority point out that the level of car parking provision for this development is above the parking space requirement for a 4+ bedroom dwelling in this location of 2/3 spaces. They raise concern that this would place greater emphasis on car usage rather than encouraging alternative modes of more sustainable transport. However, the applicant, in their subsequent email dated 27th November 2017, has informed the Local Planning Authority that the 4 proposed parking spaces to be built on a raised platform adjacent to St. Marys Terrace, opposite dwellings Nos.34 & 35 are intended to provide both those properties with car parking spaces leaving only one of those four spaces for the proposed new dwelling. The additional two parking spaces proposed on the site would take the proposed parking provision for the new dwelling to a total of 3 car parking spaces. Three car parking spaces proposed to serve the new dwelling (of the total 6 spaces proposed) meets the 2/3 spaces that should be provided for a new dwelling by the SPD in this location and therefore complies with the level of provision for this new dwelling.

The other 3 spaces opposite Nos. 34 & 35 St. Mary's Terrace are intended to provide two spaces for property No. 34 and one space for property No. 35 as shown on submitted plan BEA029-08. These spaces would replace the road verge parking spaces that were lost when land slippage took place. There are no other parking spaces available for these 3/4 bedroom dwellings. The applicant states that should this proposal be approved land sales have been provisionally agreed to transfer three of the parking spaces to properties Nos. 34 & 35 St. Mary's Terrace as shown on the plan and that formal legal agreements will be drawn up for the agreed land sales.

The additional three car parking spaces proposed opposite Nos. 34 & 35 are considered to provide appropriate car parking to those properties that will help to relieve parking pressure along St. Mary's Terrace and improve vehicle flow and safe highway access along this narrow road.

Cycle provision is proposed under the raised parking deck for two cycle parking spaces and an additional 4 cycle parking spaces are shown in the basement area and so the Highways Authority requirement for covered and secure parking spaces would be met.

#### (ii) Highway safety

ESCC Highways Authority considers that the main issue from a highways perspective is the stability of the bank. They have commented that they will need to be satisfied that the technical design of the proposed new retaining wall to support the proposed 4 car parking spaces to St. Mary's Terrace is appropriate. This technical approval process would need to be a planning condition of any decision to approve (condition 5).

A detailed Construction Management Plan (CMP) would be required for the site to ensure that the routing, loading and unloading and parking for site operatives and visitors would be suitable to this site. Submission of a CMP would need to be a planning condition requirement prior to the start of development (condition 7).

#### (iii) Access

Policy DM4 of Hastings Development Management Plan requires safe access into the development for all users. The track leading down to the site from Plynlmmon Road is not an adopted highway and it is considered necessary, given the history of land instability discussed above, to ensure that the proposed vehicle and pedestrian access to the new dwelling would be appropriately safe in accordance with planning policy DM4. Building Control were consulted and their comments advise of a collapse of a retaining wall which restricted access to the Beacon in 2011 and they suggest that it be ascertained if this matter has been resolved or will be resolved as this could adversely affect disabled access to the new property. The submitted 'Interpretative Report for Retaining Wall replacement of the failing section of the access track' dated January 2011 (ref:10048/R1) while providing evidence of the type of works that may be required to repair the track are not considered to be sufficiently comprehensive to show that the length of track would provide safe access for the proposed development and so further assessment / investigation and any necessary remedial works to ensure that the track is suitably safe for vehicles and pedestrians would need to be a condition (condition 15) of any decision to approve. This would need to be a grampian style condition as only part of the track falls within the application site and the email from the Agent dated 27.11.2017 explains that the issue of who is responsible for the up-keep of the track needs to be resolved.

Should the planning application be successful the applicant plans to purchase the site with access rights across The Beacon's driveway.

#### i) Waste

Policy DM3 of Hastings Development Management Plan requires the provision of suitable waste storage provision. The submitted plans show waste storage provision would be provided under the proposed parking decking at the rear of the property. The Waste Management Team has been consulted and they support this application. There is a weekly collection service and waste and recycling will need to be presented on the boundary to the St. Mary's Terrace highway.

The Waste Team ask that it be noted that access of freighter could be compromised due to extra traffic to this narrow road and ask that this be taken into consideration. It is considered that the proposed parking bays adjoining St. Mary's Terrace for properties Nos 34 & 35 St. Mary's Terrace will help the parking situation along this narrow road thereby potentially improving access for freighters. While there is anticipated to be some disruption during the construction phase of the development, the conditioned construction management plan (CMP) would relieve problems as far as reasonable.

#### j) Sustainable Construction

Policies SC1 to SC3 of Hastings Planning Strategy set policy for achieving green sustainable development and supporting the move to a low carbon economy. In this case, while the construction design for this proposal is largely designed for ensuring stability of the land and the external materials selected are to help make the development light weight appropriate to the ground conditions of the site, there are sustainable elements. The new dwelling would be built to current Building Regulation standards and in addition the proposed south facing roof slope would be largely covered with photovoltaic panels. The external surfaces would be covered in natural materials (natural slate and weathered timber cladding). Policy SC1 requires new development to make provision for fibre-based broadband infrastructure and this would be a planning condition requirement (condition 22).

#### k) Sustainable Urban Drainage (SUDS)

Objection has been received that water run-off from the site and soakaway would add to drainage flows to Milward Road dwellings and the objector questions the suitability of the septic tank regarding possible odour nuisance. ESCC SUDs Authority and Southern Water were consulted. ESCC SuDs Authority note that the proposals are to discharge surface water run-off to a private sewer to the south of the site. They suggest that the applicant provide evidence that they own the land to the south or have rights to construct the required sewer connection and that the private sewer currently accepts surface water flows and has sufficient capacity to accept flows from the proposed development (condition 13).

Southern Water comment that there are no dedicated public water sewers in the immediate vicinity of the site and alternative means of draining surface water from this development are required. They point out that it is the responsibility of the developer to make suitable provision for the disposal of surface water (Part H3 of the Building Regulations apply). The detailed design for the proposed basement should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding. SW recommends a planning condition be attached for a detailed design of the proposed drainage system. Given these received comments a planning condition would be attached requiring details of the proposed means of foul sewerage and surface water disposal and management (condition 13).



### Impact of Development on Ashdown Forest Special Area Conservation ( SAC)

Wealden District Council have raised objection in respect of a number of planning applications in that the additional vehicle movements created by the proposed development would harm the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. Specifically concern is raised that additional vehicle movements could give rise to use of acid deposition and eutrophication by nitrogen deposition that would directly affect the special integrity of the Ashdown Forest Special Area of Conservation and its conservation objectives. The objection also refers to Pevensey Levels and Lewes Downs. As such an Appropriate Assessment has been undertaken which notes the following:

Pevensey Levels SAC, Lewes Downs SAC and Ashdown Forest SAC are located 12km, 37.5km and 38km from the site respectively. The site is so far removed from these SACs that it is not considered a proportionate approach to prevent development that would give rise to low levels of additional traffic. There is no clear evidence to show that increased traffic movement in Hastings Borough would result in an increase in traffic movement on roads nearby these SACs, including the A26 and A22, above an expected variance to the Annual Average Daily Traffic Movement (AADT). The Ashdown Forest Visitor Survey 2016 produced by Footprint Ecology shows that both in 2008 and 2016 there were no visitors to Ashdown Forest recorded as coming from Hastings. Whilst it is reasonable to assume that that data may change slightly on different survey days, the variance arising could not reasonably be assumed to be above the expected variance levels of the AADT.

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

The applicant has submitted a Personal Statement for 'Traffic Emissions Impact of the Proposed Dwelling on the Integrity of Ashdown Forest / Lewes Downs / Pevensey Levels'. It is noted that they are currently living in East Brighton and regularly visiting family residing at The Beacon and so they are travelling by car along the A27 and A259 past Lewes and Pevensey Levels. Should the new dwelling be built, they will no longer need to make these journeys as they will be working and living locally within Hastings. Travel they need to make to London would be undertaken by train. While they currently make recreational car trips to Lewes and the Ashdown Forest from Brighton once they relocate to Hastings their outdoor recreation would be much more local to Hastings. Part of their motivation to relocate to Hastings is to be less car-reliant. Hastings offers a chance to live locally and be able to walk easily to the town centre / old town / beach / Country Park / schools etc.

This development will assist this family to live nearer to other family members, live more locally and rely less travel by car.

## 6. Conclusion

The proposal will add a large family dwelling to Hastings housing stock adding to a balanced mix of housing. The new dwelling would be of good architectural design that will enhance the special character of the conservation area and is of a design that is considered to respect the character of the locality.

It is considered that, while the land is potentially subject to instability the site investigations and recommendations of the submitted Geo-technical reports have provided sufficient evidence to show that potential instability can be overcome through appropriate remedial measures. The proposed compensatory excavations are predicted to avoid any detriment to the overall stability of the slope and the completed house is likely to be beneficial to the stability of the St. Mary's Terrace embankment. Further investigations on the stability and suitability of the access track from Plynllymmon Road would be covered through imposition of planning condition. The proposal would help to relieve traffic congestion along St. Mary's Terrace by developing appropriate road-side parking spaces that would compensate for an area of lost road-side parking that was lost to historic land slippage.

Prior to development a Construction Environmental Management Plan (CEMP) would be required to ensure protected species (slow-worms) would be safeguarded. The development of this single dwelling is assessed as giving rise to no significant harm to the Special Areas of Conservation SACs and is recommended for approval subject to planning conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

## 7. Recommendation

### **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:  
  
BEA029-01A, BEA029-02A, BEA029-03, BEA029-04, BEA029-05,  
BEA029-06, BEA029-07, BEA029-08,
3. No part of the development shall be occupied until the car parking spaces have been constructed and provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area[s] shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.

4. Prior to the commencement of development on site, detailed drawings, including levels, sections and constructional details, structural calculations shall be submitted to the Planning Authority and be subject to its approval, in consultation with the ESCC Highway Authority.
5. Prior to commencement of development an Approval in Principle (AIP) document, produced in accordance with the Design Manual for Roads and Bridges, Volume 1, Section 1, Part 1, BD 2/12, Technical Approval of Highway Structures, relating to the retaining wall shall be submitted to and approved in writing by the Local Planning Authority, in consultation with the Highway Authority. The structure shall then be built in accordance with the approved details, inspected and certificated in accordance with requirements of BD2/12, Technical Approval of Highway Structures and/or the Highway Authority. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.
6. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with approved plans and details. The cycle storage shall thereafter be retained for that use and shall not be used other than for the storage of cycles.
7. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,
  - the anticipated number, frequency and types of vehicles used during construction,
  - the method of access and egress and routing of vehicles during construction,
  - the parking of vehicles by site operatives and visitors,
  - the loading and unloading of plant, materials and waste,
  - the storage of plant and materials used in construction of the development,
  - the erection and maintenance of security hoarding,
  - the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
  - details of public engagement both prior to and during construction works.
8. No part of the development shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority to prevent surface water draining onto the public highway.

9. No development shall take place above ground until details and samples of the materials (including manufacturers details) to be used in the construction of the external surfaces of the new dwelling hereby approved 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.
10. No development shall take place above ground until details of joinery, including roof-light details, rainwater goods and all vents, flues and other extracts to be used in the construction of the external surfaces of the new dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
11. Prior to commencement of development a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained. The scheme shall include wildlife enhancement for the proposed development which incorporates wildlife conservation and enhancement measures of the submitted Ecological Scoping Survey by Martin Newcombe dated 27<sup>th</sup> December 2016 and the Reptile Survey Report by Martin Newcombe dated 12<sup>th</sup> November 2017. The approved landscaping scheme must be fully implemented within the first planting season following substantial completion of the development.
12. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
13. Drainage Scheme:
  - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal and 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 the dwelling hereby approved shall occur until those works have been completed.
  - (iii) No occupation of any of the dwelling hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.
14. 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.

15. No development shall take place until investigation and assessment has been undertaken by a suitably qualified professional as to the suitability and stability of the access track leading from Plynlimmon Road to the site, for safe access and egress to and from the site. In the event that the track is found to require remedial work(s) to ensure safe access throughout construction and for future occupants of the site, details of a scheme of improvement works shall be submitted to and approved in writing by the local planning authority. The scheme shall provide for the timing of improvement works in relation to the implementation of the development, and shall be implemented in accordance with this timing prior to commencement of the development
16. No development shall take place (including 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:
- Risk assessment of potentially damaging construction activities.
  - Identification of “biodiversity protection zones”
  - 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).
  - The location and timing of sensitive works to avoid harm to biodiversity features.
  - The times during construction when specialist ecologists need to be present on site to oversee works.
  - Responsible persons and lines of communication / contact details.
  - The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person
  - Use of protective fences, exclusion barriers and warning signs.
  - Provide full details of a scheme for the protection of slow worms.

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.

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 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. The development shall be constructed in accordance with the approved plans and the details and recommendations of the following submitted reports:
- Gabriel Geo-Consulting Ltd ‘Interpretive Report on Ground Investigations (GIR) and Slope Stability Analyses’ (May 2017)
  - Addendum to Interpretive Report on Ground Investigations (GIR) and Slope Stability Analyses (January 2018).

Unless otherwise first agreed in writing with the local planning authority.

19. The 70m<sup>3</sup> of excavation beneath the southern part of the house, in addition to the basement of the specified dimensions as shown on the scheme drawings, has been calculated using the estimated weight of the new house provided in order to achieve the required slight unloading; a certified survey by a suitably qualified professional of the sub-floor area before and after excavation to verify that the required volume of excavation has been achieved must be submitted to and approved in writing by the local planning authority prior to construction of the new dwelling above slab level. If the weight of the proposed structure is revised then the required weight/volume of excavation must be accordingly re-calculated, verified and submitted to and approved in writing by the Local Planning Authority prior to final construction of the new dwelling above slab level. Excavated soils must be sustainably disposed off-site.
  
20. The design of all retaining walls associated with this scheme shall be checked and approved by a suitably competent engineer to ensure adequate allowance has been made for maintaining the stability of the supported slope. A report of the approved checks from a suitably competent engineer to confirm that adequate allowance has been made must be submitted to the local planning authority.
  
21. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or as may be subsequently amended or re-enacted no extension to the property or development of ancillary out buildings shall take place 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. To provide car-parking space for the development.
4. In the interests of highway safety and for the benefit and convenience of the public at large. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.
5. In the interests of highway safety and for the benefit and convenience of the public at large.
6. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.

7. In the interests of highway safety and the amenities of the area. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account for the construction of the development and thus go to the heart of the planning permission.
8. In the interests of road safety
9. In the interests of the visual amenity of the area.
10. In the interests of the visual amenity of the area and to protect the special character of the conservation area.
11. In the interests of the visual amenity, the protection / enhancement of biodiversity and the prevention of increased flood risk. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission
12. In the interest of sustainable development.
13. To prevent increased risk of flooding. It is considered necessary for this to be a pre-commencement condition as such details need to be taken into account in the construction of the development and thus go to the heart of the planning permission.
14. To safeguard the amenity of adjoining residents.
15. In the interests of safe access in accordance with planning policy DM4 of Hastings Development Plan 2015 that states that planning permission will be granted provided that safe access into (and within) the development for all users is provided. It is considered necessary for this to be a pre-commencement condition as the requirement for safe access goes to the heart of the planning permission.
16. For the protection of endangered species. It is considered necessary for this to be a pre-commencement condition as protection needs to be taken into account throughout the construction phase of the development and thus goes to the heart of the planning permission.
17. For the protection of trees and biodiversity. It is considered necessary for this to be a pre-commencement condition as protection needs to be taken into account throughout the construction phase of the development and thus goes to the heart of the planning permission.
18. In the interests of ensuring the stability of the land.

19. In the interests of ensuring land stability.
20. In the interests of ensuring land stability.
21. To protect stability of the land and the special character of the conservation area.

### **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 will be required to enter into a Licence with East Sussex Highways before undertaking any works that affect the highway. The applicant is requested to contact East Sussex Highways on 0345 60 80 193 to commence this process. The applicant is advised that it is an offence to undertake any works within the highway prior to the licence being in place.
4. The applicant must contact the Structures team at East Sussex Highways on 0345 60 80 193 before commencement of development regarding the required Approval in Principle for the retaining wall.
5. Throughout the development works, trees on the site must be suitably protected in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - recommendations.
6. A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk). Please note that SW ask that the detailed design of the drainage scheme take into account the possibility of surcharging within the public sewerage system.
7. Should Japanese Knotweed be found on site the Local Planning Authority (LPA) must be immediately informed and appropriate measures must be undertaken for its safe eradication to be carried out to the satisfaction of the LPA.
8. The applicant is advised that regard should be had to paragraph 120 of the National Planning Policy Framework that states:  
"To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner."



9. Southern Gas Network (SGN) should be contacted direct for information on gas pipes that may possibly be crossing the site. Please contact SGN - Plant Location Team telephone: 0800 912 1722.

Up-to date SGN plans and information booklet "General safety measures to avoid injury and damage to gas plant" are available from SG web-site [www.sgn.co.uk](http://www.sgn.co.uk) or email: [plantlocation@sgn.co.uk](mailto:plantlocation@sgn.co.uk). Please note that privately owned gas pipes or ones owned by or other GTs may be present in this area and information regarding those pipes needs to be requested from the owners.

<https://www.linesearchbeforeudig.co.uk/> is recommended as a helpful web facility for carrying out a line search.

Please note that it is the responsibility of the owner / developer to identify the presence of any underground/aboveground assets in and around your proposed site.

10. There may be a badger sett close to the site. Badgers are a protected species under the Protection of Badgers Act 1992 and your attention is drawn to your legal responsibility regarding the protection of badgers.
11. It is recommended that the parking bays shall be constructed as a suspended deck, supported on piled foundations except at the front (eastern) side of the deck, without the addition of any fill material beneath the deck.
12. The applicant is advised that the assessment and conclusions in respect of the land stability are based on the proposed position of the new dwelling as shown on the drawings hereby approved. Should there be any wish to revise the position of the dwelling in any manner a further planning application will be required, before works are undertaken.
13. Waste needs to be presented on St. Mary's Terrace boundary on the day of collection.

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### **Officer to Contact**

Ms N Ranson, Telephone 01424 783253

### **Background Papers**

Application No: HS/FA/17/00849 including all letters and documents