

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 06 March 2019

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

**Application Address:** **Cave within East Hill behind no 31, Rock a Nore Road, Hastings**

**Proposal:** **Installation of a concrete slab with beam and column and mass fill around a rock column**

**Application No:** **HS/FA/18/01007**

**Recommendation:** **Grant Full Planning Permission**

Ward: OLD HASTINGS 2018  
Conservation Area: Yes - Old Town  
Listed Building: No

Applicant: Hastings Borough Council per Hastings Borough Council Muriel Matters House Breeds Place Hastings TN34 3UY

**Public Consultation**

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

Application Status: Not delegated -  
Application on Council owned land

## 1. Site and surrounding area

The subject site is located on land at the East Hill Caves to the rear of No.31 Rock a Nore Road. Access to the site is currently restricted by gates and anti-rock fall fences. The cave in question is relatively small and does not extend into the cliff for any great distance. The cave is also quite exposed to the elements. The cave is approximately 4-5m deep and 9-10m in width. The cliff and cave are visible when stood on Rock a Nore Road, above the dense scrub and protective fencing.

### Constraints

Conservation Area - Hastings Old Town

Site of Special Scientific Interest

SSSI Impact Risk Zone

Area of Outstanding Natural Beauty

Archaeological Notification Area

Hastings Country Park

Local Nature Reserve

Local Wildlife Site

## **2. Proposed development**

This application seeks permission for stabilization works within a cliff on the East Hill. The works involve the erection of a concrete slab, beam and column along with mass fill around a rock column. These works are proposed to provide structural protection and support to the natural rock pillar to reduce the rate of its deterioration and thereby reducing the likelihood of its potential failure and any subsequent cliff collapse.

Within the accompanying Structural Report it states that risk mitigation and remedial works are recommended. The report goes on to state that these works are a high priority as any further deterioration in the condition of the pillar will increase the risk of collapse of the pillar and rock mass above; the risk to persons and property below the cliff and the risk of undertaking any remedial works.

This application is retrospective with the works commencing at the end of February, due to concerns about the stability of the cliff and the requirement to complete the works prior to the bird nesting season. The applicant has been advised of the requirement to carry out a photographic catalogue during the works on site. A condition (No.2) is to be imposed requiring this catalogue be submitted upon completion of the works.

The application is supported by the following documents:

- Design and Access Statement
- Heritage Statement
- Ecological Appraisal
- Remediation Specification

### **Relevant planning history**

None relevant

### **National and local policies**

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy EN1 - Built and Historic Environment (Archaeological Notification Areas)

Policy EN1 - Built and Historic Environment (CA1 OLD TOWN)

Policy EN3 - Nature Conservation and Improvement of Biodiversity (SSSI (Sites of Special Scientific Interest))

Policy EN3 - Nature Conservation and Improvement of Biodiversity (Local Nature Reserves)

Policy EN3 - Nature Conservation and Improvement of Biodiversity (Country Park)

Policy EN3 - Nature Conservation and Improvement of Biodiversity (Local Wildlife Sites)

Policy EN5 - Local Nature Reserves (LNR)

Policy EN6 - Local Wildlife Sites (LWS)

Policy EN7 - Conservation and Enhancement of Landscape (Country Park)  
Policy EN7 - Conservation and Enhancement of Landscape (AONB)

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

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Policy DM5 - Ground Conditions

Policy HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas) (CA1 OLD TOWN)

Policy HN2 - Changing Doors, Windows and Roofs in Conservation Areas (CA1 OLD TOWN)

Policy HN3 - Demolition involving heritage assets (CA1 OLD TOWN)

#### National Planning Policy Framework (NPPF)

Paragraph 11 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 9 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

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

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
  - \* Layout
  - \* Architecture
  - \* Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
  - \* Building types
  - \* Materials
  - \* Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

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

### **3. Consultation comments**

Conservation Officer - **No objection, subject to conditions** (1 & 2)

Natural England - **No objection, subject to conditions** (1, 2 & 3)

Building Control - **No objection**

East Sussex County Flood Risk Authority - **No objection**

Environment and Natural Resources Officer (Ecology) - **No objection**

East Sussex County Archaeologist - **No objection**

### **4. Representations**

In respect of this application a site notice was displayed and an advert placed in the local paper. No responses were received.

### **5. Determining issues**

#### a) Principle

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

#### b) Impact on character and appearance of the Conservation Area

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

This is supported by Policy HN1 of the Hastings Development Management Plan which states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) must be fully assessed, to ensure that the proposed development sustains and enhances the significance of the heritage asset. This policy goes on to state that permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including conservation areas).

As stated above the entrance to the cave is visible from Rock a Nore Road, however, these views are distant and somewhat removed. The impact on the visual amenities and significance of the Conservation Area must be assessed, however, overriding consideration must be given to the stability of the cliff and the potential impact on health and safety.

The majority of the concrete slab will be contained within the cave with only a small portion protruding outside the entrance. It has been suggested by the Conservation Officer that this

element of the structure be painted black, however, it is considered that this may draw more attention to the structure. As a result of this, it is suggested that the structure be left in its natural colour. The visual impact of the structure will also lessen over time due to the natural foliage growing on the cliff face.

Taking these factors in to account, it is considered that the development would not have an overriding detrimental impact on the character of the surrounding area or the wider Conservation Area. The works would also ensure the stability of the cliff and in so doing aid in preserving the significance of the surrounding designated heritage asset. The proposal therefore meets the requirements of the above quoted policies HN1 and DM1 of the Hastings Development Management Plan 2015.

#### c) Impact on landscape

Policy EN5 of the Hastings Planning Strategy states that areas designated as Local Nature Reserves (LNR) will be safeguarded and protected. Proposals for development within Local Nature Reserves, or likely to have an adverse effect on them directly or indirectly, will only be permitted if:

- a. The need for development outweighs the importance of the site for nature conservation; and
- b. Any harm to the nature conservation interest of the site is clearly and demonstrably kept to a minimum.

This is supported by Policy EN6 which states that development proposals within or adjacent to Local Wildlife Sites (LWS) will only be permitted where there is a local need which outweighs any harm to the nature conservation interest.

Policy EN7 is also relevant in that it requires that the Council to protect and enhance the town's landscape including

- The distinctive landscape setting of the town, particularly the structure of ancient gill woodlands, open spaces and the relationship and clear division between the unspoiled coastline of Hastings Country Park Nature Reserve, the surrounding countryside and the built-up area
- The High Weald Area of Outstanding Natural Beauty
- The undeveloped coast

As stated above, the works are proposed with the aim of providing structural protection and support to the natural rock pillar. This is proposed with the aim of reducing the rate of deterioration and the likelihood of potential failure and subsequent cliff collapse.

The majority of the concrete slab will be contained within the cave with only a small portion protruding outside the entrance. As a result of this, it is considered that the proposed works would not have an unacceptable impact on the AONB, Local Wildlife Area or the Local Nature Reserve.

#### d) Land stability

Policy DM5 of the Hastings Development Management Plan states that, in order to protect human health and water quality, planning permission will not be granted unless assessments of existing ground conditions are undertaken, and details submitted. This policy goes on to state that on land potentially subject to instability (such as steeply sloping sites or in areas with a history of land instability), convincing supporting evidence (from a relevant and suitably

qualified professional) must be supplied before planning permission is granted. This evidence is to show that any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures. At the application stage, for those sites with a history of instability, information about the extent of remediation and/or mitigation measures will be required. Any further detail that may be required will be conditioned.

Accompanying this application is a Remediation Specification (dated December 2018) compiled by Coffey Geotechnics Limited. This document includes a detailed assessment of the site as existing, along with full details of the proposed stabilization works for the cave. This document outlines the urgency of the works and the potential outcome should the works not take place.

It is considered that this document provides sufficient justification for the works, in accordance with Policy DM5 of Hastings Development Management Plan as quoted above.

#### e) Ecology

In support of this application a Preliminary Ecological Appraisal prepared by The Mayhew Consultancy has been submitted. This report identifies that no further surveys are considered necessary, however, the following mitigation measures are recommended;

- Mammals - During the construction phase gaps should be left beneath any perimeter fencing to allow free access for foraging mammals.
- Mammals - During the construction phase any trenches left open overnight should incorporate a ramp – such as a scaffolding plank – to allow any trapped wildlife to escape.
- Nesting birds - The timing of any construction activity should recognise the possibility that nesting birds might be present. Disturbance should therefore be avoided during the recognised bird nesting season which ranges from the beginning of March to the end of July.
- Reptiles – Any vegetation should be regularly maintained at a short height - or removed - to prevent the development of habitat which is favourable to reptiles.
- Reptiles – Site clearance of vegetation should be done with care, and in such a way as to enable any reptiles that might be present to be safely driven towards retained or adjacent habitat.
- Reptiles – Piles of debris, including rubbish and vegetation all have the potential to be colonised by reptiles; such material should not be allowed to accumulate. If such debris does appear it should be removed off site by dismantling it carefully by hand, which will then allow any reptiles that may be present to escape.

Taking the findings of the ecological appraisal into account, it is considered that the development would not have a detrimental impact in terms of ecology or biodiversity.

## **6. Conclusion**

Taking the above into account, it is considered that the proposal complies 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 carried out in accordance with the following approved plans:

8247 - WML-00-XX-DR-S-01-P2, Block Plan, Site Location Plan, Remediation Specification - 02578AE\_R\_001B\_RP\_Hastings Cave Spec - (December 2018), Preliminary Ecological Appraisal - EA/69818 - (December 2018).

2. A full photographic record is to be made before and during the works hereby approved with the documentation being submitted to the Local Planning Authority upon completion of the works.

The record images shall be in colour and be dated and could be as simple as a series of overlapping images that record the sedimentary structures (cross-bedding, ripple lamination, soft sediment deformation structures). Each image should include a scale and be linked to a plan showing the location of each image. Each image should also have a coverage of no more than a square metre.

Copies of the images and the plan of their locations are to be provided to Natural England for their records.

3. If the concrete is to be matched to the surrounding exposure in terms of similar texture and colour, a clear level of definition between the existing surface and the concrete should be retained to ensure the stabilization works and bedrock cannot be confused with each other.

### **Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. To ensure suitable recording of the geological features.
3. To allow for future recording of the geological features.

### **Notes to the Applicant**

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraph 38 of the National Planning Policy Framework.
3. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk) Telephone 020 802 61089 or Environment and Natural Resources on [parks@hastings.gov.uk](mailto:parks@hastings.gov.uk) Telephone 01424 451107 prior to commencement of any works.
4. Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, it is recommend that they seek advice through the Natural England Discretionary Advice Service.

---

### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

### **Background Papers**

Application No: HS/FA/18/01007 including all letters and documents