

<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	20 April 2022
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application address:</b>	<b>Land opposite 34-35 St Marys Terrace, Hastings, TN34 3LS</b>
<b>Proposal:</b>	<b>Construction of a raised deck for 4 parking spaces opposite 34 and 35 St Mary's Terrace (amended description).</b>
<b>Application No:</b>	<b>HS/FA/21/01132</b>
<b>Recommendation:</b>	<b>Grant Full Planning Permission</b>
Ward:	CASTLE 2018
Conservation Area:	Yes - Old Town
Listed Building:	No
Applicant:	Datta per Casper Cummins Architects Rock House 2nd Floor 49-51 Cambridge Road,, Hastings. TN34 1DT
<b>Public Consultation</b>	
Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0
Application status:	Not delegated - Application by serving employee in restricted post

## 1. Site and surrounding area

The application site is located on the western side of St Marys Terrace. The falling topography affords little in the way of existing development and is largely given over to raised car parking decks. The exceptions being The Beacon, a substantial brick constructed detached Victorian property and No.s 64 & 65 St Marys Terrace, a pair of semi- detached

properties with hipped slate roof which replicate the appearance and proportions of the properties opposite.

On the eastern side of the road are stuccoed, terraced properties generally of three storeys plus attics with a combination of tiled and slate roofs and small garden frontages provide a rising, urbanized backdrop.

The site is part of the Old Town Conservation Area.

### Constraints

SSSI Impact Risk Zone, thresholds of which are not exceeded

Great Crested Newts Impact Risk Zone - Green

Old Town Conservation Area

## **2. Proposed development**

It is proposed to construct a reinforced concrete parking deck to serve no. 34 and no. 35 St Marys Terrace. The deck is similar in size and position of a previously approved deck, which was part of a larger scheme to provide a new dwelling with access steps down from the parking bay under application HS/FA/17/00849. The new dwelling is not proposed as part of this application.

The proposed deck will provide four car parking spaces and has been designed to avoid cutting into the slope and as such protects against disturbance of the land by way of a supporting steel frame and piled foundations.

The proposed walls to the deck are generally painted rendered reinforced concrete with coping stone and on the north elevation there would be galvanized steel guarding, painted in black.

The application is supported by the following documents:

- Preliminary Ecological Assessment by Martin Newcombe Wildlife Management Consultancy dated 31st March 2021 (revised 19.12.21)
- Waste Minimisation Statement
- Structural Engineers Email from E.A.R Sheppard dated 8th November 2021
- Heritage Statement
- Supporting Statement by Casper Cummins Architects

### **Relevant planning history**

<b>Application No.</b>	HS/FA/17/00849
<b>Description</b>	Proposed new dwelling on undeveloped site North of The Beacon and construction of 4 parking spaces on St Mary's Terrace, Hastings
<b>Decision</b>	Permission with conditions on 08/03/18
<b>Application No.</b>	HS/FA/20/00983
<b>Description</b>	Construction of a raised deck for 4 parking spaces opposite 34 and 35 St Mary's Terrace and an access stair down to the garden of The Beacon. One parking space and the access stair will be assigned to The Beacon; one parking space will be assigned to 34 St Mary's Terrace; and two parking spaces will be assigned to 35 St Mary's Terrace.

**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 EN1 - Built and Historic Environment

Policy SC3 - Promoting Sustainable and Green Design

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 Asset (including Conservation Areas)

Other policies/guidance

National Design Guide

ESCC Minor Planning Application Guidance 2017

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan,

permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 130 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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 199 states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 200 states that, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 202 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

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

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

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

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

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

### **3. Consultation comments**

Environment and Natural Resource Manager - No objection, with conditions.

ESCC Highways - No comments to make and referred officer to the minor planning application guidance.

Building Control - No objection.

Conservation Officer - Objection, less than substantial harm (this has been overcome through the submission of further information).

### **4. Representations**

In respect of this application site notices were displayed at the front of the application site and on Milward Road 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 of the Hastings Local Plan - Development Management Plan 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 requires that all proposals must reach a good standard of design, which include efficient use of resources, and takes into account, amongst other things, protecting and enhancing local character and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The application site is part of the Old Town Conservation Area and therefore Policy EN1 of the Hastings Planning Strategy 2014 is relevant, which states that there is a presumption in

favour of the conservation of heritage assets and their settings. It goes on further to say that, any harm or loss will require clear and convincing justification.

The proposed development would see the creation of a parking deck on the western side of St Marys Terrace to provide four parking spaces serving no. 34 and no. 35 St Marys Terrace, which are immediately opposite. The proposed walls of the decking are generally rendered reinforced concrete with coping stone, the agent has confirmed the coping stone will be twice-weathered and precast in light grey. The north elevation shows a galvanized steep guarding, painted black.

The Conservation Officer has provided comments stating that much of this side of the road has been developed to provide car parking decks and the proposed form has been structurally designed not to cause disruption to the existing topography, in conjunction with the fact the proposed works formed part of a previous (albeit lapsed) permission, it is considered that the works are considered supportable in principle. The Conservation Officer asked for further justification for the use of the galvanized steel on the north elevation.

In response to this, the parking deck as proposed includes space of 0.5 metres width either side and to the rear to allow bikes to be parked rear of the cars and the agent has advised that a boundary wall would be wider and thereby restrict access along the northern side.

Furthermore the intention is that an existing parking deck adjacent to the application site and opposite no. St Marys is likely to be redeveloped at some point in the future and will likely form an extension to this parking deck. This design future proofs the scheme, because in the event that the neighbours parking deck is rebuilt, it could abut the parking deck proposed as part of this application; and the use of the metal guarding can then be relatively easily unbolted and adapted to suit.

Based on the above, it is considered that the parking deck for four cars would be acceptable in this location and would not harm the character and appearance of the Old Town Conservation Area in accordance with Policy DM1 of the Development Management Plan and Policy EN1 of the Planning Strategy.

#### c) Impact on neighbouring residential amenities

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

The proposed car park deck is well detached from the surrounding residential properties and due to the nature of the development it would not result in loss of light, overshadowing, impact outlook or loss of privacy. As such, the development is in accordance with Policy DM3 of the Development Management Plan.

#### d) Ecology

The application is supported by a Preliminary Ecological Assessment (PEA) by Martin Newcombe Wildlife Management Consultancy dated 31st March 2021 (revised 19.12.21). It concludes that there was no evidence of, or habitat suitable for protected or notable species within the survey area, so there is no impact and no requirements for mitigation. There will, though, be a requirement to avoid damaging or disturbing nesting birds in the scrub during the nesting season. Informative 4 advised that no site clearance should be carried out between the 1st March and 31st July inclusive in any year.

The Environment and Natural Resources Manager has raised no objection to the proposed development and has advised that all ecological measures and/or works shall be carried out

in accordance with the details contained within the PEA (condition 4).

### Impact on Great Crested Newts

The development falls within the green impact risk zone for great crested newts. This is a minor application and is more than 250m from a pond. As such there is no requirement to consult NatureSpace in respect of Great Crested Newts. Informative 5 is added should Great Crested Newts be found on site at any stage of the development works.

### e) Land Stability

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 to the Local Planning Authority under the following circumstances:

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.

The west side of St Marys Terrace, where there are numerous raised parking decks, has a history of local land instability. According to the supporting statement submitted with the application, many of these have experienced partial collapse. This application is supported by drawing H5896/01 Rev B by E.A.R Sheppard who are qualified consulting civil and structural engineers. The drawing is a cross-section of the deck and demonstrates how the construction of the deck would work. In addition to the plan, an email from Roger Bunney of E.A.R Sheppard confirms that 'whilst the drawing is intended only for planning purposes at this stage, I can confirm that it has been subject to initial structural design, taking account of the required British Standard vehicular loadings and the parameters indicated within the geological investigation report undertaken in the relevant area'. Furthermore, 'the scheme has been devised to avoid the need for cutting into the slope protecting against disturbance of the land'. Condition 5 secures the structural design of the deck.

Based on the information that has been submitted, I am satisfied that the proposed deck could be constructed without being affected or affecting local land stability.

### f) Highway Safety/Parking

St Marys Terrace is a narrow road which is congested with parked cars along one side. Many properties do have parking decks opposite their respective dwellings, however some of these are not deep enough and many cars protrude into the road. The proposed parking deck in this application would provide four parking spaces, two for no. 34 St Marys Terrace and two for no. 35 St Marys Terrace. Each space measures 2.5 metres by 5 metres and where the spaces are adjacent to a wall, a further 0.5 metres is added which is required by the ESCC Minor planning application guidance. Overall the decking is 5.5m deep and 11.5 m wide. The proposed parking for four vehicles would help to alleviate the parking demand along St Marys Terrace and therefore the proposal is likely to improve highway safety.

### g) Sustainable Design

The proposed development will include space for cycle parking and vehicle charging points both of which promote sustainable development in accordance with policy SC3 of the Hastings Planning Strategy.

## **6. Conclusion**

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

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

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

## **7. Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
SMT048-03A, SMT048-02A, SMT048-01B and H5896/01 Rev B
3. The materials to be used must match [as closely as possible, in type, colour and texture] those listed in Section [ 7 ] of the application form.
4. All ecological measures and/or works shall be carried out in accordance with the details contained in Land opposite 34 and 35 St. Mary's terrace Hastings East Sussex: preliminary ecological assessment by Martin Newcombe, 31st March 2021 (Revised 19/12/21) as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
5. The car deck hereby approved shall be constructed in accordance with the 'outline structural arrangement for parking deck' drawing no. H5896/01 Rev B by E.A.R Sheppard.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.



4. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
5. To ensure that the car park deck does not affect and is not affected by matters of local land stability.

### **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 retaining walls in excess of 1.5m in height, taken from the lowest ground level adjacent to the retaining wall, will require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988 - Retaining Walls. The application should include detailed structural calculations. Works should not commence until the approval of any such application. The applicant is advised to contact the East Sussex Building Control Partnership at Wealden District Council on 01892 602005 or by email: [building.control@wealden.gov.uk](mailto:building.control@wealden.gov.uk) for further advice and to ascertain whether a separate Retaining Wall Act application is required.
4. No site clearance or tree or hedge removal shall be carried out on site between the 1st March and 31st July inclusive in any year, unless otherwise approved in writing by the Local Planning Authority.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at [www.naturespaceuk.com](http://www.naturespaceuk.com)

Contact details: [info@naturespaceuk.com](mailto:info@naturespaceuk.com)

6. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: [building.control@wealden.gov.uk](mailto:building.control@wealden.gov.uk)

7. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
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**Officer to Contact**

Mrs E Evans, Telephone 01424 453251

**Background Papers**

Application No: HS/FA/21/01132 including all letters and documents