

MATTER 2: HOUSING - Relating to Issue 2.4 (and 2.2)

2.4 I believe site allocations CLB1 and CLB2 are neither legally compliant nor legally sound as these allocations appear to be contrary to a number of policies/NPPF paragraphs regarding the ground conditions, the historic environment and sustainable development. CLB1 should not be allocated and that CLB2 should retain the buildings that are an integral part of the Victorian fabric of the station and restrict any development on the rest of the site to single storey.

CLB1 - Land Instability and the Railway Tunnel.

2.4.1 Application HS/OA/13/00207 was granted planning permission in the absence of a land stability report in spite of being a steeply sloping site that apparently has a history of land instability and in spite of Network Rail's comments on the application, even though this means that Network Rail would accept no liability for any resultant incident involving the tunnel. The previous and very similar outline application HS/OA/08/00121 was also granted planning permission in the absence of a land stability report.

2.4.2 From Network Rail's comments on application HS/OA/13/00577:

2. ASPRO has raised concerns that the illustrations do not indicate whether the development will have an impact upon the tunnel as a zone.

3. As is made clear by ASPRO, Network Rail is concerned that the council will be determining a planning application that has not been assessed over the impact construction works and fully commissioned scheme will have on the existing stability of the tunnel in this area. This may have an adverse effect on the operational safety of the railway infrastructure. The Hastings Local Plan policy DG21 states that:

“Planning permission will be granted for development on land potentially subject to instability only where the applicant provides convincing supporting evidence that any actual or potential instability can be overcome through appropriate remedial, preventative or precautionary measures”.

4. At this stage due to the potentially induced instability, the applicant clearly has not supplied any convincing supporting evidence as to how to overcome the instability. As is stated in the Local Plan policy DG21 planning permission can only be granted with this evidence.

5. Network Rail would accept no liability for any resultant incident involving the tunnel if any proposed development was granted permission without investigation prior to consent. The seriousness of this should not be disregarded, as NPPF paragraph 109 states:
“The planning system should contribute to and enhance the natural and local

environment by: preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability;

6. There is sufficient justification for Network Rail to be satisfied with this situation before any approval can be granted. This is supported by NPPF paragraph 120 which details that:

“Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.”

2.4.3 My mother requested Network Rail’s/Railtrack’s comments on HS/OA/08/00121 (the previous outline application). She was informed by HBC that Network Rail were consulted by HBC on 18 March 2008, but that they do not keep copies of standard consultation letters, and that they have no record of a reply.

2.4.4 In addition, it appears to be the case that 1-3 Chapel Park Rd does have a history of land instability. A local resident who writes as a resident since 1979 and as a former Chair of the Management Board of the Southwater Area Renewal Project (1998-2004) has submitted a number of comments to HBC regarding this site having a history of land instability:

1. From comments on the Documents page of planning application HS/OA/13/00577 listed as dated 15 August 2013:

I notice that the Proposed Submission Version of the Local Plan 2013 amplifies Policy DG21 in the 2004 Local Plan: the penultimate sentence of Policy DM5a] [2013, p.26] states:

“At the application stage, for those sites with a recorded history of instability, information about the extent of remediation and / or mitigation measures will be required. “

Subsidence was what necessitated the major rebuild of no. 1, and the railway was exonerated. We in the vicinity are only too conscious of being on clay, though fortunately to a lesser extent.

I am unable to put you in touch with the former owner of no. 1 for a first-hand account as Mrs Walsh no longer appears in the phone directory, which was how I tracked her down in 2008. I can only suggest that conditions relating to stabilisation might appear in records of SRB funding in the Southwater Area Renewal Project, probably for 2004/05. This was among the last grants made due to the lengthy enquiry [and reluctant insurance company].

I have briefly met the present occupant of 1 Chapel Park Road, who believes there may be signs of movement again.

2. From comments on the Documents page of planning application HS/OA/13/00577 listed as dated 21 August 2013:

- It should be noted that number 1 Chapel Park Road, underwent a major rebuild following subsidence, less than 10 years ago and aided by SRB funding once the railway had been exonerated.

- I write as a resident since 1979 and as a former Chairman of the Management Board of the Southwater Area Renewal Project (1998-2004), which included Chapel Park Road, and of the Residents' Association, which wished to enhance and capitalise on the Area's Victorian heritage as an adjunct to community renewal.

3. From comments on the Documents page of planning application HS/OA/08/00121, (the previous outline application) listed as dated 31 March 2008 (Unfortunately I couldn't find the submission that accompanies this note on the case file.):

A note to accompany my submission.

Since the proposed scale and layout of this have been dictated by the proposal for so many dwellings, I have briefly covered the latter as well in view of the concern it causes.

A primary concern is that the principles behind the Southwater Renewal Project, which involved us in an enormous amount of time and nervous energy, appear to have been dumped and forgotten. In particular, it should be unthinkable even to consider demolishing a project supported by S.R.B. It was one of the last and went on for over a year, so probably completed less than 5 years ago.

2.4.5 In light of the above and the NPPF, I would like to make a few suggestions regarding DM5 to make i:

i. The phrase '**before development takes place**' should be replaced by '**prior to planning permission being granted**'.

ii. Something like the following should be included in Policy DM5:

The Council will not grant planning permission or grant any extension to extant planning permission, in the absence of relevant statutory consultees being satisfied with regard to safety issues.

iii. '**recorded history**' should be replaced by '**history**'.

The Historic Environment, Sustainable Development and CLB1 and CLB2

2.4.6 Studies such as Impact of Historic Environment Regeneration (English Heritage 2010) demonstrate the positive contribution heritage-led regeneration makes to the social and economic life of towns and cities. Proposed Site Allocations CLB1 And CLB2 would allow developments that would seriously degrade the historic environment of the station area and Kings Road Conservation Area and, therefore, harm the economic and social life of the local area and that of the borough more generally.

2.4.7 Landmark multi-storey blocks which would be in accordance with CLB1 and CLB2 would be acts of heritage vandalism and are the last thing Central St Leonards, the most deprived and by far the most densely populated ward in East Sussex, needs. According to East Sussex in Figures, Central St Leonards is by far the most densely populated ward in East Sussex (According to Ward level data in the Joint Strategic Needs Assessment for East Sussex 2013, CSL continues to be the most deprived ward in East Sussex - see Local Authority View - Scorecard 2.1 on page 57, which is modelled from the Index of Multiple Deprivation. According to Census data CSL was the most densely populated ward in East Sussex in 2001. By 2011 its population density had risen from 84.9 to 105.4 persons per hectare and **no** other ward in East Sussex had a density greater than 80.00. From this data I have calculated that in 2011 CSL was 31.75% more densely populated than any other ward in East Sussex!)

2.4.8 CLB2 is next to the station and in the Kings Road Conservation Area (KRCA) and CLB1 is immediately adjacent to the Kings Road Conservation Area on three sides (Nicholas Antram in his 2007 draft St Leonards Conservation Area recommended 6-8 Ellenslea Rd and 1-3 Chapel Park Rd be given conservation area status. Both sites are very important in townscape terms and 1-3 Chapel Road are cited as buildings of townscape merit. 6-8 Ellenslea Rd were subsequently included in the KRCA, but 1-3 Chapel Park Rd illogically were not.)

2.4.9 Excerpts from Nicholas Antram's draft St Leonards Conservation Area Appraisal 2007 demonstrate the importance of the heritage assets that would be degraded and/or destroyed if the landmark multi-storey blocks, that site allocations CLB1 and CLB2 would allow, are realised:

P1

- The aim of this appraisal is to increase awareness of the special character of the area and to assist in the management of change, ensuring that the character and appearance of the area is enhanced and not harmed.

P2

- All of the buildings identified as being of townscape merit are considered to make a positive contribution to the character or appearance of the area and demolition will be resisted unless the PPG15 criteria are met.

P23

- The slopes to Warrior Square Station provide a contrasting open interlude in the built up frontage and striking views across the valley and to the railway station and tunnel entrance and the terraces on St John's Road stepping up the hill.

P27

Buildings of Townscape Merit

- Warrior Square Railway Station, opened in 1851 as Gensing Station. It was designed by William Tress (architect of most of the stations on the line to Tunbridge Wells) and was renamed Warrior Square in 1870. Italianate design.

P31

- From St John's Road views across the open land around the railway station to the villas on London Road are dramatic.

P33

Buildings of Townscape Merit

Chapel Park Road

Nos.1-3(odd). Built around 1870. Symmetrical pair of stucco villas with large two-storey canted bays with gables above and central double porch.

P35

St John's Road

- Nos.1-16(consec). 1880s. The Railway Hotel turns the corner with a curved bay and turret. Rusticated stucco ground floor with round-arched windows. Red brick above with stucco dressings, giant pilasters, aedicules to first floor windows and bracketed eaves. Nos.3-15 step up the hill with a striking run of projecting pedimented bays, each floor different and an array of chimneystacks. The curve of the street at the upper end is reflected in a stepping back of the houses, with No.16 having its principal elevation facing up the hill, forming a visual; stop to views down. An imaginative and different design for a sloping site. Prominent in views from London Road and Station Approach.

Conclusion and overview P47-8

- St Leonards on Sea is not Eastbourne or Brighton but the quality of its townscape is just as unique and memorable and offers an immensely strong sense of place.

- Much has been achieved in improving King's Road and it is important that this acts as a catalyst for further improvements which enhance the unique period character of the area to engender confidence in further investment and to build on the strong image and character of this unique street.

- The quality at St Leonards on Sea is high and if it is well cared for will stimulate investment and regeneration

Appendix 1 – Proposed boundary changes

P50

Nos.1-3 Chapel Park Road and Nos.6-7 Ellenslea Road are particularly prominently sited and overlook and are visible from the area around Warrior Square station. Nos.7-19 Chapel Park Road are good quality Victorian buildings in the setting of the listed Baptist Chapel already within the conservation area.