

Report to: PLANNING COMMITTEE
Date of Meeting: 14 December 2017
Report from: Assistant Director of Housing and Built Environment

Application Address: **Castlemaine, 4 Avondale Road and
Castlemaine Cottage, 5 Gillsmans Hill, St
Leonards-on-sea, TN38 0SA**
Proposal: **Outline application,(seeking approval of
Access), for erection of up to 7 dwellings and a
replacement dwelling together with access and
parking**
Application No: **HS/OA/17/00522**

Recommendation: **Grant Outline Planning Permission**

Ward: MAZE HILL
Conservation Area: Yes - Springfield Road
Listed Building: No

Applicant: Quality Development Property Ltd. per Town &
Country Planning Solutions Sandhills Farmhouse
Bodle Street Green HAILSHAM BN27 4QU

Interest:

Existing Use:

Public Consultation

Site Notice: Yes
Press Advertisement: Yes - Conservation Area
Letters of Objection: 19
Petitions of Objection Received: 0
Letters of Support: 0
Petitions of Support Received: 0
Neutral comments received 0

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

1. Site and Surrounding Area

The application proposes residential development in the grounds of an existing 2-3 storey large detached care home. The immediate area when seen from Avondale Road is characterised by a mixture of modern semi-detached properties in Wingate Close to the west of the application site, detached residential dwellings to the east (Southwood Close) and large detached Victorian properties in use as care facilities or other residential use opposite. On the Gillsmans Hill frontage, a detached three-storey property identified as 'Satori' abuts the eastern boundary, with a row of terraced cottages to the east of this.

Castlemaine itself is partially screened from the road to the front elevation by established tree and hedge planting, with a grass verge directly adjacent to the road. No footpath fronts the property, although this is apparent elsewhere along Avondale Road. On-street parking is readily available and the care home is accessed by a gravel driveway close to the eastern boundary of the application site.

The portion of land within the application site, directly to the west of the care home, is currently fenced off and used as supervised recreational space for the care home's residents. This land is flat and well-maintained, and extends up to the rear boundaries of the properties in Wingate Close. The upper storey windows of Wingate Close properties are clearly visible from the application site. The remaining land to the rear of the care home comprises more open grassland, which is not currently actively used by the care home. Within this area are several large protected trees and other forms of vegetation. This slopes gently downwards towards a steep embankment on the Gillsmans Hill boundary at the rear of the site, where a stone retaining wall, fencing and boundary planting are in place. This frontage is almost entirely screened from the road. Castlemaine Cottage is sited in the north-west corner of the application site, accessed by a pedestrian entrance from Gillsmans Hill.

There are three TPO trees located along the northern (rear) site boundary, one TPO tree adjacent the proposed site entrance, two TPO trees are located to the south of the existing (to be demolished) house and there are two TPO trees located in the grounds of the care home to the east of the proposed site entrance.

Constraints

The following site constraints are relevant to this application:

- TPO 296 relating to individual trees
- 20m buffer zone of Conservation Area
- SSSI Impact Risk Zone

2. Proposed development

This is an outline planning application for the erection of up to 7 dwellings, with a replacement dwelling at the site of Castlemaine Cottage. All matters are reserved except for access. Reserved matter details relating to the appearance, layout and scale of the proposed housing will be submitted for approval should Members be minded to grant outline planning permission.

Taking account of the active use of the current care home which is to be retained, the development results in an L-shaped application site that has a 17m frontage on Avondale Road and an 80m frontage to Gillsmans Hill. In order to establish whether the proposed development can be accommodated on site, the applicant has submitted an indicative layout of the site, together with indicative elevations and floor plans for further clarification. The indicative plans show the following units:

Plot 1 - 1 x 2 bed detached dwelling

Plot 2 - 1 x 3 bed end of terrace dwelling

Plots 3 and 4 - 2 x 2 bed mid and end of terrace dwellings

Plots 5 and 6 - 2 bed semi-detached dwellings

Plot 7 - 1 x 3 bed detached dwelling

Plot 8 - 1 x 4 bed detached dwelling (in place of existing Castlemaine Cottage)

Plots 1-7 are identified as being located in the rear portion of the application site, behind the existing care home with plot 8 located in the north-west corner of the site in broadly the same position as Castlemaine Cottage which would be demolished. Plots 1-7 are to be located to the east of the replacement dwelling at Castlemaine Cottage, with rear gardens extending back towards the Gillsmans Hill boundary. The indicative plans show conventional pitched roofs with a varied ridge line, although the eaves height remains consistent.

Plot 8 is shown to comprise a detached chalet style bungalow, comprising accommodation over 2 storeys. This dwelling would be set back in the north-west corner of the site and would be located at the apex of the proposed access road from Avondale Road.

Bin storage areas are proposed either at the front or rear of the houses. Bike storage is proposed in the rear gardens.

The indicative layout proposes a communal parking area providing 17 parking spaces, enabling 2 per dwelling and 1 visitor space. This parking area is to be located on either side and at the end of the proposed access road. The access enters the site between 6 Avondale Road and Castlemaine Care Home and incorporates a turning head within the site to allow vehicles to enter and leave the site in forward gear. No access to Gillsmans Hill will be provided. A communal waste storage / collection area is proposed to be located to the east of this turning head on the eastern boundary of the site next to the care home.

New planting is proposed at various locations to provide additional screening. Most notably, this is identified on the eastern boundary separating the site from the rear garden of Satori on Gillsmans Hill and 1 Southwood Close; the front of the Plots 1-7, on the rear boundary of the care home, and to the east of the access road, also on the boundary with the care home. The indicative layout plan identifies further trees to be retained on site, as well as the relevant root protection zones.

Amendments

A revised indicative layout has been submitted during the course of the application to allow additional room for tree root protection areas along the northern boundary at the rear of plot 5 and 6. The footpath link to the rear of plot 5 has been removed and a shared footpath link for plots 6 and 7 is proposed with a repositioned footpath link for plot 8. The revised indicative layout demonstrates that the proposed layout can be implemented without harming the root protection area of TPO trees along the northern boundary. Plot 7 is now detached and this dwelling has moved slightly closer to the eastern boundary as a result.

The application is supported by the following documents:

- Planning Statement
- Preliminary Ecological Appraisal
- Bat Survey
- Bat Presence-Absence Report
- Tree Report
- Waste Management Plan
- Sustainability Statement

3. Relevant Planning History

HS/OA/16/00598 - Outline application, (seeking approval of Access) for the erection of up to 7 dwellings and a replacement dwelling together with access and parking – Refused on 17.03.2017 for the following two reasons:

1. The proposal fails to demonstrate the site's capability of accommodating the level of residential development proposed without potentially causing harm to European protected species. Further information is required to determine the presence or absence of bats within the application site, in order to determine the full extent of habitat loss and potential measures for mitigation if necessary. The application therefore fails to provide adequate information to ensure all material considerations are taken into account, demonstrate the population of protected species is strengthened, or that there will be no net loss of biodiversity, contrary to Policy EN3 of the Hastings Planning Strategy 2015 and Policy HN8 of the Development Management Plan 2015.

2. The proposed development is unable to demonstrate functionality and useability of space in respect of the excessive distances residents will need to travel from their homes to the waste storage point, and then to waste collection point on Avondale Road. The proposal therefore fails to achieve a good performance against nationally recognised best practice guidance on urban design and place-making, and causes difficulty and inaccessibility for the removal of waste. The development is therefore contrary to both Policies DM1(c) and DM3(c) of the Development Management Plan 2015.

4. National and Local Policies

Hastings Local Plan – Planning Strategy (2014)

Policy DS1 - New Housing Development

Policy FA1 - Strategic Policy for Western Area

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

Policy SC7 - Flood Risk

Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy H2 - Housing Mix

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 HN8 - Biodiversity and Green Space

Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

National Planning Policy Framework (NPPF)

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

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

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 109 requires the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

Paragraph 113 requires local planning authorities to set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

Paragraph 118 states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by ensuring that if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused

Government Circulars

Defra circular 01 2005, Biodiversity and geological conservation - statutory obligations and their impact within the planning system (2005) states that "it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision"

British Standards

BS42020 Biodiversity - code of Practice for Planning and Development explains that where European Protected Species are affected, planning conditions are only used to secure method statement and/or controls and restrictions in situations where protected species are present and where it can be demonstrated that the construction can proceed without an offence being committed.

5. Consultations comments

Highways - **No objection subject to conditions**

No major concerns raised from a highways perspective. Consider that in order for suitable pedestrian access to be provided, a footway to Avondale Road needs to be included in the plans to support the pedestrian demand generated by the proposal, so that public transport links can be reached on The Green. In accordance with the ESCC Parking demand calculator the development should be provided with 19 spaces (2 of which should be allocated for visitors). The 17 spaces provided therefore fall slightly short of what should be provided. The full parking requirement should be provided at reserved matters stage.

Conservation Officer - **Objection**

Consider the proposal may be too dense for the site and does not reflect the existing urban form. Proposal will not enable further planting between residences to lessen the impact of mass and scale that the illustrated scheme suggests. Suggest plots 1-7 are reduced to provide 3 pairs of semi-detached properties.

Environment and Natural Resources Manager – **No Objections subject to conditions**

The application has been accompanied by a Preliminary Ecology Survey in line with BS42020. The survey concludes that no further protected species surveys are required and identifies a number of good practice proposals for construction.

East Sussex County Council Flood Risk Management – **No Objection**

The applicant has amended the proposals and surface water and foul drainage would discharge to the combined sewer in either Avondale Road or Gillmans Hill. Suggest that the applicant consults Southern Water to confirm that they have sufficient capacity within their network to accept the proposals. Request surface water management proposals.

Southern Water - **No objection subject to conditions**

Request that a formal application is made for connection to the public sewer and that details of drainage are submitted for approval in writing.

Arboricultural Officer - **No Objection subject to conditions**

The amended layout sufficiently reduces the impact of the proposal upon retained trees.

Waste – **No Objection**

The re-submitted plans provide access for a refuse vehicle to enter and leave the site in forward gear and the layout provides an acceptable location for temporary refuse storage for refuse collection.

6. Representations

23 letters received from 21 different properties. The letters of objection raise the following concerns:

- Increased traffic and parking in Avondale Road
- Traffic safety concerns on Avondale Road and The Green
- Overdevelopment of site
- Out of character in Avondale Road
- Noise pollution due to the proximity of the car parking area to the rear of houses in Wingate Close and Southwood Close.
- Loss of neighbour amenity
- Loss of amenity trees
- Existing oak tree on the site boundary is dangerous.
- Impact on local wildlife.
- Loss privacy, light and overbearing impact to neighbouring properties
- Loss of privacy from plot 8.
- Impact to neighbour amenity adjoining the eastern boundary
- What consultation would occur when the reserved matters (layout, appearance, scale, landscaping) is submitted?
- Proximity of plot 7 to the shared boundary would not provide space for screening and maintenance.
- The development should consider arrangements to maintain an access strip of 2m wide along the western façade of plot 7 and boundary of Satori and Southwood Close.
- Damage and disturbance during construction (not a material planning consideration)
- The ecology report declaring that there are no great crested newts is over assumption.
- Amendments do not address neighbour objections.
- Impact of site drainage on neighbouring properties.
- Neighbours were not notified of the application by letter.

7. Determining Issues

This is an outline planning application with all matters reserved except for access. The main issue to be considered is whether the site is capable of accommodating the amount of development proposed and whether the proposed access is acceptable from a highways safety perspective, taking account of the ecological value of the site, impact on residential amenity and the character and appearance of the area. Consultation responses and

neighbouring objections have been assessed and considered within the main body of this report.

This is an amended version of the previously refused planning application (HS/OA/16/00598) for broadly the same form of development for seven new houses and replacement of one existing house. The principle of residential development at the application site was found to be acceptable during the previous application and this current application seeks to overcome the two refusal reasons; namely the potential impact on ecology / bats and the location of waste storage / collection facilities.

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. The site is within a sustainable location with reasonable/good 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. Impact on Character and appearance of area/Conservation Area

The site borders the boundary of the Springfield Road conservation area so its impact on the setting of this designated heritage asset must be fully considered. Appropriate materials should be used and the development needs to be respectful of the existing built form. The relative isolation of the site within the grounds of the existing care home also means that it is particularly important that new views into, and out of the site, are as high quality as possible. The area is generally characterised by large plots and established natural screening, although there is a mix of dwelling types and sizes surrounding the application site.

The majority of the development is proposed to take place to the rear of the existing care home and would therefore be screened from views by the 2-3 storey detached care home. The proposed location of the two-storey housing development at the rear of the site would not appear as a prominent form of development on Avondale Road and would preserve the setting of the conservation area, subject to an acceptable design and scale at reserved matters stage. The only significant change to the Avondale Road frontage would be the creation of the vehicle entrance and access road leading to the dwellings at the rear of the site and the parking proposed adjacent the access road and the viewpoints created as a result. Established trees are to be retained either side of the proposed access and two sections of wall would be located some 12.5m back from the highway. The trees and new wall would provide an element of screening from the parking areas proposed either side of the access road. The scheme would benefit from additional landscaping to the front of the new wall to soften the impact of the wall. However, appropriate materials, including road surfacing materials, respectful to the surrounding buildings should be incorporated in construction, in order to minimise the negative impact on the character and appearance of the area and the setting of the adjacent conservation area. The final design of the dwellings will be considered at reserved matters stage, although particular consideration will need to be given to the frontage of plot 8, which will be the most visible from Avondale Road. Subject to these details being agreed at reserved matters stage, as well as a robust landscaping scheme, it is not considered that significant harm will be caused to the streetscene when viewed from Avondale Road and the setting of the conservation area would be preserved.

The application site is currently well screened from Gillsmans Hill by an existing roadside embankment, established trees, fencing and shrubs. The existing care home is not easily visible from Gillsmans Hill. The roadside embankment and boundary treatment would be retained and no access points would be created into the site from this frontage. Therefore, subject to the use of appropriate materials and a suitable landscaping scheme that retains and enhances the screening adjacent to Gillsmans Hill as much as possible, it is not considered that the impact of the development on the streetscene would cause significant harm. Furthermore, additional planting along the Gillsmans Hill boundary will reinforce the existing screening which would reduce the visual impact of the proposed development upon the views and vistas within the conservation area.

The indicative plans indicate that the new dwellings will be of brick construction with cedar weatherboarding to the upper storey. Plain tiles are also proposed in the roof. Whilst these details will be considered further at reserved matters stage, subject to sympathetic colouring of bricks, tiles and weatherboarding, it is not considered that such materials would cause harm to the character or appearance of the area, or the setting of the adjacent conservation area.

Whilst the immediate Avondale Road area is generally characterised by large buildings within large plots, the new dwellings are to be located towards the rear of the site, with a closer relationship to 'Satori' and the Oak Terrace properties fronting Gillsmans Hill directly. Semi-detached and detached dwellings are also located nearby, and as such, it is not considered that the mix of detached, semi-detached and terraced dwellings as proposed is out of keeping with the character of the surrounding area, despite objections in this regard.

c. Layout

The application proposes the subdivision of an existing large plot occupied by the care home. The dwellings will be built towards the rear of the site, leaving the care home in situ, with just access from Avondale Road. This results in an L-shaped plot where development will mostly take place on the northern strip.

Positioning and density of development:

Objections have been raised that the 7 dwellings plus a replacement dwelling on this site would result in development too close to its boundaries. However, what is clear is that seven dwellings could be accommodated on site, the manner to be agreed by reserved matters. An informative (no.3) is attached to bring the applicants attention to concerns in respect of the position of plot 7 and its relationship to the neighbouring property.

The indicative layout attached to the previous application, demonstrated that seven dwellings could be accommodated on site and would not appear as a cramped form of development. The current layout proposes unit 7 is detached and moves closer to the boundary with Satori. This is considered to be a concern and is addressed under the 'residential amenities' section below.

Refuse storage and collection:

Two wheelie bin spaces per dwelling are proposed at either the front or rear of the dwellings, with private access to the rear gardens of plots 1, 2, 4, 5, 6 and 7. The rear of plots 3 can only be accessed through the dwelling with bin storage proposed at the front of plot 3. A bin collection point is proposed to the east of turning head, south of plot 1, to allow future occupiers to move their bins to this area on refuse collection days. The site entrance and turning head have been designed to allow a refuse vehicle to enter and exit the site in forward gear. The previous application proposed electric gates at the front of the site which would have prevented refuse access. The gates have been removed from the current proposal which would enhance the overall design and ensure the development is not a gated community and would also enable refuse vehicle to access the site. Due to the location of the temporary storage area and accessibility for refuse vehicle, future residents would not need to put their bins on Avondale Road on collection day and the previous reason for refusal in this regard has been overcome. The council's Waste Management Team raises no objection to the proposed location of the refuse storage area and collection point and has confirmed that refuse vehicles could enter the site. The proposal is therefore considered to be in accordance with the nationally recognised best practice guidance on urban design and place-making, contrary and Policy DM1(c) of the Development Management Plan 2015 and Policy DM3(c) of the Development Management Plan 2015.

External amenity space:

The indicative plans proposes some 10m long rear gardens for plots 1-7 with the replacement dwelling at plot 8, proposing a 4m rear garden, only. However, given the availability of space around the building, particularly the 10-12m at the front, it is not considered that living conditions of future occupiers would be harmed. It is also important to note that as this is a replacement dwelling in a similar position to the house that would be demolished; the amenity space layout is already established and considered acceptable.

Internal floorspace:

The submitted planning statement identifies the internal floorspace standards that could be achieved in the development. With the exception of plot 1, all the houses marginally meet the minimum standards as set out in the government publication "Technical housing standards – nationally described space standard" (CLG, May 2015). Plot 1 falls short of these standards by 2sqm, but given that this could be rectified by limiting the dwelling to be a 2 bed, 3 person dwelling rather than a 4 person dwelling, it is not considered that refusal of permission on these grounds could be adequately justified in this instance.

d. Loss of existing use

The care home would be retained in its existing use and, whilst its amenity space would be significantly reduced, there would still be several areas of space of adequate size for the residents' use. Therefore, the loss of the existing garden areas and rear portion of land (currently unused and fenced off) is not considered to be harmful in respect of the care home use.

e. Impact on Neighbouring Residential Amenities

Future Residential Amenities

Care home residents:

The northern projecting wing of the care home is sited opposite proposed plots 3 and 4 and will be the most affected in terms of any intrusion into the privacy of residents of the care home. This projection measures 6.8 metres in width and is located some 9m away from the front elevation of plot 3 and some 6.6m away from the front elevation of plot 4. The windows in the northern projecting wing of the care home serve bathrooms and are obscure glazed so it is not considered that the residential amenities of the residents will be harmed in terms of overlooking or loss of privacy. A distance of approximately 15m will separate the remaining rear elevation of the care home from the front of plots 4-7, which is considered an acceptable distance to reduce impacts from overlooking and loss of privacy. In addition, enhanced planting is proposed along this boundary, which, taken together with the existing trees to be retained, will help to ensure that the privacy of existing residents will be protected.

New occupiers:

As stated above, the windows in the closest projection of the care home are obscure glazed, minimising potential impact in terms of overlooking from the care home, towards the new dwellings. A distance of 15m separates the new dwellings from the main rear elevation of the care home, which taken together with enhanced landscaping, will bring the impact of overlooking from other rear windows of the care home to within acceptable limits.

Other neighbouring properties:

Whilst the upper floor windows of the properties in Wingate Close are clearly visible from the application site, they would be directed towards the proposed access road and parking area only and are not in line with the proposed dwellings. Therefore, the residential amenities of these and future occupiers will remain protected in terms of overlooking and loss of privacy. Objections have been raised with regard to noise pollution from the use of the parking area in proximity to the rear boundary / garden areas of the properties in Wingate Close. The parking spaces would be located behind existing hard and soft boundary treatment along the shared boundary which would serve to screen the parking areas and the spaces would be located some 10m from the rear elevation of the properties fronting Wingate Close. It is therefore considered that there would not be an unacceptable impact resulting from manoeuvring cars using the parking spaces.

An objection has been raised with regard to the proximity of plot 7 to the neighbouring property at 1 Southwood Close in that it will cause loss of light and overshadowing. 1 Southwood Close occupies a relatively large plot and the front elevation of new dwelling at plot 7 would be sited approximately 7m from the rear elevation of 1 Southwood Close, with the southeast corner of plot 7 located some 2m from the shared boundary with plot 7 orientated at an oblique angle to 1 Southwood Close. Given these distances, the additional screening proposed on the south and east boundary and the new dwelling being orientated at a slightly different angle, there would be no direct overlooking towards this neighbouring property and it is not considered that there will be a significant negative effect in terms of loss of light, overshadowing or loss of privacy to 1 Southwood Close. Notwithstanding this, it is considered that the dwelling proposed at plot 7 could be located further away from the

shared boundary as was the case in the previous application and an informative is attached advising the applicant of this point.

'Satori' is a 3 storey property located adjacent to the north-east boundary. The premises aligns with the rear garden of proposed plot 7. Objections have been raised with the lack of land separating this from the existing dwelling for maintenance and the potential for overlooking and loss of privacy.

The existing dwelling adjoins the boundary of the care home and it is not apparent that any additional land for maintenance is currently in existence. Fencing and established landscape already forms boundary treatment. The indicative site layout plan indicates additional planting on the north east corner of the site, between the front of Satori and at the north-east corner of the rear garden of plot 7. This planting will provide an element of screening between Satori and the application site, softening the visual effect of development in this location.

The western side elevation of Satori does not consist of any windows and so overlooking towards, or from, the adjacent garden area of plot 7 will be limited. In addition, it is noted that the rear elevation of plot 7 is generally in line with the rear of Satori, resulting in restricted visibility and oblique viewing angles towards the rear windows of the existing dwelling. The dwelling at plot 7 would be located some 3.5m from the rear garden of Satori with additional planting proposed along the shared boundary. The separation distances and additional planting would ensure the proposed development would not appear unacceptably overbearing from the rear garden area of Satori. Therefore, it is not considered that the impact on the amenity of the occupiers of Satori will be significantly affected by the development of plot 7.

The replacement dwelling at plot 8 would be located in broadly the same position as the dwelling to be demolished and by virtue of the proposed siting, scale and separation distance from the nearest neighbouring dwelling there would be no unacceptable amenity impacts arising from plot 8.

f. Impact on tree and landscape

Whilst this application relates to a substantial site, its positioning and existing screening makes for relative isolation. It currently contains both deciduous and evergreen trees of varying landscape value including several TPO trees.

21 trees would be removed in order to accommodate the proposed development. Of the trees proposed be removed, 5 are classed as category B trees and 16 are category C trees. No category A or TPO trees would be removed.

Subject to a robust landscaping and planting scheme being submitted, it is not considered that as a result of development, there would be a significant negative impact on the landscape and the Borough Arboriculturalist does not object to the proposal in terms of landscaping and impact on existing / retained trees. Significant trees potentially at threat from this development have been made subject to a Tree Preservation Order and root protection zones are identified on the indicative layout plan. The trees to be removed are located more centrally within the site and so the loss of these is not considered to cause harm to the wider landscape or streetscene. The loss of trees would be mitigated through new tree planting within the site and would be secured at reserved matters stage or by

condition.

(Conditions 1, 12, 13, 18 relate to tree protection, planting and landscaping details)

g. Ecology

The previous application was refused (inter alia) due to the potential impact on bats within the site and the absence of adequate information to assess the potential impact on bats.

Since the previous application two bat emergence surveys have been carried out at Castlemaine cottage to determine the presence or absence of bats within the application site. The completed surveys confirm the likely absence of any bat roosts at Castlemaine cottage. In turn, the proposed demolition of the property will not impact upon any bat roosts and works may proceed without the need for a European Protected Species Mitigation (EPSM) licence or detailed mitigation strategy. The Ecology Officer has advised that the surveys conclude that no further protected species surveys are required and identifies a number of good practice proposals for construction. The previous reason for refusal has therefore been addressed and ecology conditions are recommended in accordance with the NPPF to provide ecological enhancements within the site.

(Condition 17 relates to ecology protection and enhancements)

h. Air Quality and Emissions

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

i. Drainage

It is proposed to discharge surface water drainage to combined sewers in Avondale Road and Gillsmans Hill. Whilst Southern Water do not object to this method their permission for this new connection (and foul drainage connection) to the combined sewer will be required prior to approval of permission. The connection to existing sewers is controlled by the Water Industry Act and is a matter between the developer and Southern Water. East Sussex County Council's Flood Risk Management Team have raised no objection to the proposed drainage.

(Condition 7 and 24 relate to drainage)

j. Highway Safety/Parking

Approval of access is sought as part of this outline planning application, and the application proposes an access road to the west of the care home, from Avondale Road. Two parking spaces per dwelling are shown to be provided as well as a visitor space, together with a proposed footpath to the front of the site on Avondale Road. This new footpath will link to the existing footpath to the east of Southwood Close to provide for improved accessibility for residents, and will address objector concerns regarding pedestrian safety.

The design and position of the vehicular access is considered acceptable in this lightly trafficked area, and no objection is raised from the Highway Authority in this regard. The proposal for seven additional houses is not considered to result in a significant or severe increase in vehicle trips. As such the proposal is considered to be in accordance with the NPPF which advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The amount of parking provision proposed is slightly below East Sussex County Council's parking standards and two further spaces would be required to meet standards. It is considered that there is sufficient space adjacent the proposed parking spaces to accommodate two additional parking spaces and these details could be secured at reserved matters stage when the proposed layout is assessed.

As with the previous application, concern is raised regarding the location of the parking area at the front of the site, at least 20m away from plot 1 and 60m away from plot 7 in terms of its functionality and useability for residents. However, it is also noted that as set out in Manual for Streets (DfT, CLG, 2007) a balance does have to be struck between the desire of car owners to park as near to their dwellings as possible and the need to maintain the character of the overall setting and in this instance also the setting of the conservation area.

The access road and parking area are separated from the houses to the rear, which enables a clear pattern of residential development that is not interrupted by parking areas. Therefore, given that adequate parking could be provided within the boundaries of the application site, it is not considered that a refusal of permission of these grounds could be fully substantiated, in light of the attempt to achieve an appropriate setting of residential development in this sensitive location.

Manual for Streets also states that, where cars are parked in courts or squares, the design should ensure that they are overlooked by adjoining buildings. Whilst the new dwellings will not directly overlook the parking area, it will be visible from the first floor windows of the properties in Wingate Close and the first floor west facing windows of the care home. The parking areas would also be overlooked to some degree from the road toward the front of the site and it is therefore considered that adequate security to this area will be provided.

(Condition 19, 20, 21, 22, 23 relate to highways and parking)

8. Conclusion

This is an outline planning application with access considered at this stage and all other matters reserved for future consideration. Full details of appearance, scale, layout and landscaping will be submitted at the reserved matters stage, however, there is sufficient information to establish the principle of development at this site for the proposed development of up to seven houses and one replacement dwelling.

It is considered that the indicative plans show a well-designed development that would respond positively to the character and appearance of the locality. The number of dwellings as shown would not give rise to any over-development of the site and the development would be discreetly located towards the rear of the site thus preserving the setting of the conservation area and character of the area.

The development would also not impact upon existing residents to a significantly detrimental degree, with the ability to develop the site and to provide appropriate separation between the existing and proposed dwellings, which would ensure no unacceptable loss of neighbouring residential amenity. It is also considered that the living environment of future occupiers could be successfully accommodated.

Where appropriate, existing trees will be retained. There are some well-established trees within the site and around the perimeter which would be retained hereby ensuring that the character of the area and setting of the conservation area would not be compromised. There will not be any harm to ecology or the protected trees within or adjacent to the site subject to conditions.

The site can accommodate sufficient parking and there are no objections to the development in terms of the highways impact with the proposed point of access considered to be appropriate by East Sussex County Council. There are no objections therefore, on highway safety grounds or parking grounds subject to conditions.

The two previous reasons for refusal under application HS/OA/16/00598 in terms of ecological impacts and waste collection have been overcome.

Taking all matters into consideration, on balance, it is considered that this is an acceptable proposal and it is for this reason that it is recommended that Members give this application favourable consideration, and grant permission, subject to the imposition of suitable safeguarding 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.

9. Recommendation

Grant Outline Planning Permission subject to the following conditions:

1. Approval of the details of the layout, scale, external appearance of the building(s) and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, parking, cycle storage and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out in accordance with the following approved plans:

4970/16/LBP
4970/16/EX
4970/16/1/D
4970/16/2/B
4970/16/3/A
4970/16/4/A
6. No dwelling hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.
7.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority, in consultation with Southern Water.
 - (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 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.
8. The reserved matters details submitted for conditions 1 and 2 above shall include details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 of the Hastings Planning Strategy 2014. The details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Before the development hereby approved is occupied, provision shall be made for the ability to connect to fibre based broadband.

10. 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.
11. During any form or earthworks and/or excavations that are carried out as part of the development, suitable vehicle wheel washing equipment should be provided within the site. Details of this equipment should be submitted to and approved in writing by the Local Planning authority prior to the commencement of development.
12. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping, which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans (including replacement trees for those lost); written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
13. All planting seeding or turfing comprised in the approved soft landscaping scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
14. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant.
15. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

16. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the 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.
17. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecological Appraisal, Land at Castlemaine Care Home 4 Avondale Road St Leonards on Sea TN38 0SA prepared by The Mayhew Consultancy and dated February 2016 as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.
18. 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 BS5837:2012: Trees in relation to design, demolition and construction, standards and 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.
19. No part of the development shall be occupied until such a time as the vehicular access serving the development has been constructed in accordance with details to be submitted and approved by Local Planning Authority, to include the reposition of the lamp column.
20. Prior to the commencement of development on site, detailed drawings, including a new pedestrian footway to link eastwards to the existing footway network, site levels, sections and constructional details of the proposed access road, surface water drainage, outfall disposal, on-site turning, and street lighting to be provided, shall be submitted to the Planning Authority and be subject to its approval, in consultation with this Authority
21. The completed access shall have maximum gradients of 4% (1 in 25) from the channel line, or for the whole width of the footway/verge whichever is the greater, and 11% (1 in 9) thereafter.
22. The development shall not be occupied until parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use.

23. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the area[s] shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

24. No part of the development shall be occupied until provision has been made within the site in accordance with plans and details to be submitted to and approved by the Local Planning Authority, to prevent surface water draining onto the public highway.

Reasons:

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. In the interests of the visual amenity of the area.
7. To prevent increased risk of flooding.
8. To ensure a satisfactory standard of development in accordance with Policy SC3 of the Hastings Planning Strategy 2014.
9. To ensure a satisfactory standard of development in accordance with Policy SC1 of the Hastings Planning Strategy 2014.
10. To safeguard the amenity of adjoining residents.
11. To prevent contamination and damage to the adjacent roads.
12. In the interests of the visual amenity.
13. In the interests of the visual amenity.
14. To ensure a satisfactory form of development in the interests of the visual amenity.
15. To ensure a satisfactory form of development in the interests of the visual amenity.

16. In the interests of the visual amenity of the area.
17. To protect features of recognised nature conservation importance and to secure ecological enhancements.
18. To protect the retained trees within the site and adjacent the site boundary.
19. In the interests of road safety.

20. In the interests of highway safety and for the benefit and convenience of the public at large
21. To ensure the safety of persons and vehicles using the access and/or proceeding along the highway.

22. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway

23. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

24. In the interests of road safety.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. The applicant is advised that the reserved matters details should show the house at plot 7 sited further from the shared boundary than shown on the indicative layout, to safeguard the amenities of the neighbouring properties. The applicant is advised to contact the planning department prior to the submission of the reserved matters to discuss this matter in greater detail.
4. Southern Water advise that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

5. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water.
6. In respect of condition 7 the applicant is advised that surface water management proposals should be supported by detailed hydraulic calculations.
7. The proposed access and footway will need to be secured through a Section 278 Legal Agreement between the applicant and East Sussex County Council.

Officer to Contact

Mr A Jolly, Telephone 01424 783250

Background Papers

Application No: HS/OA/17/00522 including all letters and documents