

Report to: PLANNING COMMITTEE

Date: 04 February 2015

Report from: Development Manager

Application Address: **The Ramparts, 101 Castle Hill Road,
Hastings, TN34 3RD**

Proposal: **Erection of 5, four-bedroom homes, with
associated gardens, garages, landscaping
and access.**

Application No: **HS/FA/14/00558**

Recommendation: **Grant Full Planning Permission**

Ward: CASTLE
File No: CA80103V
Applicant: Teamwork 2000 Ltd per ZED Factory 21
Sandmartin Way Surrey SM6 7DF

Interest: Freeholder
Existing Use: Partially developed land.

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG11, C1, C3 and C6
Conservation Area: Yes - Old Town
National Planning Policy Framework: Sections 6, 7 and 12
Hastings Planning Strategy: DS1, FA2, SC1, SC2, SC3, SC4, EN1, H1, H2
and T3

Hastings Local Plan, Development
Management Plan, Revised
Proposed Submission Version: LP1, DM1, DM3, DM4, HN1, HN4 and HN5

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 7
Petitions Received: 0
Letters of Support: 3

Application Status: Not delegated - More than 2 letters of objection
received

Summary

The application site relates to 101 Castle Hill Road, Hastings - a piece of partially developed land at the upper end of Castle Hill Road.

The applicant wishes to erect 5 x three-storey four-bed terraced houses with garages. The

development is proposed to be zero carbon.

The main issues to consider are the impacts upon heritage assets including Hastings Castle and the Old Town Conservation Area, the impacts on neighbouring residential amenities and the highway/parking matters. The previous application submitted for the site is particularly relevant given that this is a similar proposal that has been submitted to overcome the previous concerns raised.

The proposed development is a modern contemporary design with good sustainable credentials. Its design, although in contrast with its surroundings, is of sufficient quality to be acceptable in the context of the surrounding heritage assets and a decent standard of accommodation is being provided.

Concerns with neighbouring amenities have been overcome, the development provides sufficient parking and there are no highway safety concerns. Any other relevant matters, such as drainage, can be adequately controlled by condition.

I recommend that planning permission be granted subject conditions.

The Site and its Location

The application site relates to 101 Castle Hill Road, Hastings. This is a piece of partially developed land (a large concrete base for a previous development has been constructed) at the upper end of Castle Hill Road near to the remains of Hastings Castle.

It sits between Castle View Mews, which is set lower to the west, and 103 Castle Hill Road to the east. To the rear of the site is a new development of two pairs of semi-detached houses on Castledown Avenue. Opposite the site are the ramparts of Hastings Castle.

The site is situated within the Old Town Conservation Area. Hastings Castle is a scheduled monument and Grade I Listed Building.

Details of the Proposal and Other Background Information

The applicant wishes to erect 5 x three-storey four-bed terraced houses with garages. The development is proposed to be zero carbon.

The applicant proposes to orientate the properties at right angles to Castle Hill Road. This allows for an access from Castle Hill Road with a row of garages beneath a series of raised gardens.

A previous application which followed this general arrangement (the properties were not zero carbon) was refused and dismissed upon appeal.

The applicant has submitted this application as they consider the new scheme overcomes the appeal Inspector's decision. There were no pre-application discussions.

Previous Site History

HS/FA/12/00804 Erection of 5, three-storey, four-bed houses, and 5 garages.
Refused 11 January 2013 and Appeal Dismissed 05 February 2014

HS/FA/07/00303 Proposed complementary medical centre with activity space, seven town

houses, small retail unit, eight parking spaces and shared facilities.
(Amendment to Planning Permission HS/FA/04/00438)
Granted 20 July 2007

HS/FA/04/00438 Complementary medical centre with activity space, seven town houses, small retail unit, eight parking spaces and shared facilities.
(Resubmission)
Granted 21 July 2004

HS/FA/03/00783 Complementary medical centre with activity space, seven town houses, small retail unit, eight parking spaces and shared facilities.
Refused 11 November 2003

HS/FA/97/00685 Amendment to existing planning permission for eight flats - changes to design of building
Granted 07 January 1998

HS/FA/92/00011 Erection of block of 8 flats (amended proposal - originally submitted for 4 houses)
Refused 23 July 1992 but Appeal Allowed 13 November 1992

HS/FA/88/01320 Erection of 4, 3 storey houses with integral garages
Granted 06 January 1989

HS/FA/88/00668 Erection of pair of semi-detached houses
Withdrawn 21 October 1988

Details of Consultations

The **Housing Needs & Enabling Manager** has raised no objection.

The **Local Highway Authority** has no objection subject to conditions.

Southern Water has raised no objection subject to conditions and informatives.

Building Control has raised no objection

The **County Archaeologist** has no objection. The site has been heavily truncated and disturbed in the past and as such it is not considered that any significant archaeological remains are likely to be affected by these proposals

English Heritage has no objection. They consider that the development is well designed and fits with local context but did provide a number of comments in relation to possible improvements. These comments were passed onto the applicant's agent who subsequently sent in some amended drawings.

The consultation with members of the public has attracted seven objections and three letters of support. Objections include:

- Proposal is out of character for the area.
- Proposal is too tall.
- Proposal is overdevelopment.
- Proposal will impact upon parking.
- Concerns regarding construction and how the development can be achieved.

- Impacts upon neighbouring residential amenities.
- Security concerns.
- Poor garden design – will plants grow?
- Poor refuse storage.

Reasons for support include:

- Sensible use of land.
- Good design given the site's historical constraints.
- Zero-carbon approach is good.
- Much better proposal compared with previous schemes.
- Decent parking provision.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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 main policies/guidance that apply are found in the Hastings Local Plan 2004 (HLP), the Hastings Local Plan: The Hastings Planning Strategy (HPS) and the Hastings Local Plan: Development Management Plan (DMP). The relevant policies are listed above. The main issues to consider are the impacts upon heritage assets including Hastings Castle and the Old Town Conservation Area, the standard of the accommodation proposed, the impacts on neighbouring residential amenities and the highway/parking matters.

Impact on heritage assets including Hastings Castle and the Old Town Conservation Area

As explained above this proposal follows the refusal of planning application HS/FA/12/00804. The 2012 application was also for a development of five houses but it was not considered appropriate in terms of its design and the appeal Inspector generally agreed with the Council's decision on this in dismissing the application at appeal. The Inspector also made their own, very specific comments about the development proposal.

In order to overcome the concerns with the previous proposal, the applicant sought the expertise of an architect who specialises in zero-carbon design. The result of this is that a scheme which, in general terms, is similar to the previous scheme but, in detailed design, has a very different appearance.

As mentioned above the applicant is now proposing a zero-carbon, zero-bills development hut other changes include:

- The design now includes a photovoltaic roof system and revised roof form which is optimised for solar gain.
- The unit adjacent to the newly built properties on Castledown Avenue has been scaled down to lower the eaves height and reduce the impact on these adjacent residents. This has a double benefit as it helps in the transition between the proposed properties and the new properties on Castledown Avenue.
- Complete redesign of surface treatments, materials, facades and fenestration which results in a more modern contemporary design that reflects the zero-carbon approach.

- Changes to layouts and windows to reduce concerns about privacy.
- Improvements to hard and soft landscaping on south elevation – including reductions to the proposed retaining walls – to reduce the bulky appearance in the streetscene.

English Heritage were consulted on the proposals and did not object to the scheme. They did have some suggestions about how the design could be improved and these were passed to the applicant's agent who recently sent in revised drawings.

The applicant did not fully agree with the suggestions made but made changes where they considered it appropriate and otherwise explained why certain aspects remained the same.

I consider that the revised scheme put forward by the applicant is a good one. The south elevation with Castle Hill Road is much improved, the scale better relates to the development north of the site on Castledown Avenue and the design is otherwise of a sufficient contrast and interest to work with the surrounding historic architecture.

Some specific elements of the scheme, such as the colour of some of the rendered walls, needs to be further addressed but these matters can be dealt with by condition.

The proposed development is of sufficient quality and adequately overcomes the concerns raised by the appeal Inspector to be considered acceptable. It is considered to comply with the relevant development plan policies listed above including policies DG1 and C1 of the HLP, policies SC1, SC2, SC3 and EN1 of the HPS, and policies DM1 and HN1 of the DMP.

Standard of accommodation

The proposed development will provide a good standard of accommodation. Levels of daylight and sunlight will be high, outlook will be good, room sizes are sufficient and each property will benefit from a dedicated parking space.

The development does not provide 10m long gardens in accordance with policy DG11 of the HLP and policy DM4 of the DMP but given the constraints of the site this would never be achievable unless a lesser amount of development were proposed. This is unrealistic and the development is otherwise providing what is likely to be the first zero-carbon, zero-bills development in the Borough. Furthermore the development is close to the public open space on West Hill. Given these other benefits the smaller garden sizes are considered acceptable.

Impact on neighbouring residential amenities

The main concern with the previous application in terms of neighbouring amenities was the impact of the development on the new properties being built on Castledown Avenue. These properties have now been completed.

This proposal reduces the size of the house proposed closest to the Castledown Avenue properties and this is considered to improve the relationship to an acceptable level.

The initial drawings submitted with this application introduced another issue which was potential overlooking to 103 Castle Hill Road. The applicant acknowledged this concern and revised the layout of the buildings to allow for obscured glazing to the second floor which will resolve this issue.

The proposed development is no longer considered to have any detrimental impact on neighbouring residential amenities and is considered to comply with policies DG1 and DG3 of

the HLP and policy DM3 of the DMP.

Parking and highway matters

The proposed development does not raise any highway safety concerns and no objections have been made by the LHA.

The parking guidelines indicate that a development of this size requires 9 parking spaces, and whilst only 5 are proposed, this is acceptable given the location of the development close to the town centre and the close proximity to shops, services and public transport.

Appropriate stopping-up orders and highway consents will be required to deal with the pedestrian stairs and vehicular access.

The development is considered to comply with policy DG2 of the HLP, policy T3 of the HPS and policy DM4 of the DMP.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004. I recommend that planning permission be granted subject to conditions.

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

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:

CAS009-P01, 297/4/401, 297/4/410A, 297/4/411A, 297/4/412B, 297/4/413, 297/4/420, 297/4/450B, 297/4/450B, 297/4/451, 297/4/452B, 297/4/453B and 297/4/453C
3. No development shall take place above ground until samples and/or details of the materials to be used in the construction of the external surfaces of the dwellings and associated development hereby permitted have been submitted to or made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. Before it is applied the colour used to paint the exterior of the buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved paint colour.
5. Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no part of the property shall be painted in a different colour to that approved by condition 4 above without the grant of an additional planning permission.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or as may be subsequently amended or re-enacted no extensions, improvements, alterations, outbuildings, chimneys, flues, soil and vent pipes or microwave antennas to the properties or within their curtilages shall take place without the grant of an additional planning permission.
7. The development hereby approved shall be completed in accordance with the measures described in the 'sustainability' chapter of the submitted Design & Access Statement dated July 2014.
8. 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; 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.
9. 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.
10. 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; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); 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.
11. 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.

12. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include the size of vehicles, routing of vehicles, and hours of operation. Given the restrictions of the access and/or the approach road the size of the vehicles should be restricted. The development should be carried out in accordance with the approved details.
13. During any form of earthworks and/or excavations that are carried out as part of the development, suitable vehicle washing equipment should be provided within the site, to the approval in writing of the Local Planning Authority, to prevent contamination and damage to the adjacent roads.
14. Prior to the commencement of development on site, detailed drawings of the proposed footway, access and site turning area, including visibility splays, levels, sections and construction details, surface water drainage and outfall disposal to be provided, 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.
15. Prior to the occupation of the development a dropped kerb shall be completed in accordance with details submitted to and approved in writing by the Local Planning Authority.
16.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management, including details of the measures to protect and/or divert the public sewers that run through the site, have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats 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.
17. The second floor east elevation windows and north facing dormer windows shall remain obscure glazed and fixed shut at all times.
18. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.

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. In the interests of the character and amenity of the Old Town Conservation

Area.

4. In the interests of the character and amenity of the Old Town Conservation Area.
5. In the interests of the character and amenity of the Old Town Conservation Area.
6. In the interests of the character and amenity of the Old Town Conservation Area.
7. To ensure the development is completed to the standard described in the application in the interests of justifying the modern contemporary design in the historic setting and to meet the requirements of policies SC3 and SC4 of the Hastings Local Plan: The Hastings Planning Strategy.
8. In the interests of the character and amenity of the Old Town Conservation Area.
9. In the interests of the character and amenity of the Old Town Conservation Area.
10. In the interests of the character and amenity of the Old Town Conservation Area.
11. In the interests of the character and amenity of the Old Town Conservation Area.
12. In the interests of highway safety and for the benefit and convenience of the public at large.
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15. In the interests of highway safety and for the benefit and convenience of the public at large.
16. To prevent increased risk of flooding.
17. In the interests of the amenity of the neighbouring residential occupiers. (Hastings Local Plan 2004 Policy DG1)
18. To ensure the development complies with policy SC1 part (f) of the Hastings Local Plan: The Hastings Planning Strategy.

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. A stopping up order will be required to remove highway rights from the area to be covered by the revised stairs.
4. A licence from ESCC will be required to construct a dropped kerb on the public highway.
5. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
6. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/14/00558 including all letters and documents