

Report to: PLANNING COMMITTEE

Date: 20 April 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: **Shop and Premises, 26 George Street, Hastings, TN34 3EA**

Proposal: **Conversion of basement from ancillary storage to a bar area in connection with the existing premises at ground floor**

Application No: **HS/LB/15/01024**

Recommendation: **Grant Listed Building Consent**

Ward: OLD HASTINGS

File No:

Applicant: Mr Dean per Meridian Surveyors 3 Alexandra Parade Park Avenue Hastings, East Sussex. TN34 2PQ

Interest: Freeholder

Existing Use: Bar

Policies

Conservation Area: Yes - Old Town

Listed Building: Grade II

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Affects a Listed Building

Letters of Objection: 4

Petitions Received: 0

Letters of Support: 1

General Comments: 1

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

Summary

The Site and its Location

26 George Street is a Grade II Listed Building within the Old Town Conservation Area of Hastings and draws its significance from its architectural character and appearance as a building of the local vernacular. The building is a three storey mid-terrace building comprising the basement, bar at ground level and two floors of residential space above.

Details of the Proposal and Other Background Information

Proposed Development

This Listed Building consent application seeks permission for conversion of basement from ancillary storage to a bar area in connection with the existing premises at ground floor.

The basement is part of the premises and it is not a separate use, it is currently used as storage space ancillary to the ground floor. The change of use in 2001 from retail to food and drink covered the ground floor and the basement. As such planning permission is not required to use the basement as a bar area as it is not an independent planning unit.

The proposed basement floor plan shows a function room, bar area, 2x storage areas, WCs and the existing rear yard and fire escape via a flight of stairs.

The application is supported by the following documents:

Revised application form, dated 23.02.2016
nr995/15/01 (Existing plans & Location Plan),
Revised nr995/15/02 (Proposed Plans & Location Plan)
nr995/15/03 (Proposed door to wc)
nr995/15/04 (Proposed Gate to Rear Yard)
nr995/15/05 (Proposed opening into rear year area wc)
nr995/15/06 (Proposed Bar with Counter Flap)
Staircase Details
Design & Access Statement

A similar Listed Building application was granted consent on this site recently, see Listed Building permission HS/LB/15/00210 and site planning history below. The changes proposed as part of this application includes:

- 1) Reconfiguration of the toilet to include a small storage area.
- 2) Installation of fixed gate to rear yard at basement level. Openable only in event of fire.

Previous Site History

HS/FA/01/00041 Change of use from retail to food and drink
Granted subject to Conditions 19/3/2001

HS/LB/01/00106 Internal modifications of shop area (ground floor)
Granted Subject to Conditions 11/4/2001

HS/FA/01/00337 Variation of condition of planning permission to allow opening Monday to Saturday to 12pm and 11pm Sunday
Granted Subject to Conditions 27/7/2001

HS/LB/15/00210 Conversion of basement from ancillary storage to a bar area in connection with the existing premises at ground floor.
Granted Subject to Conditions 04/06/2015

Development Plan Policies and Proposals

This is an application for Listed Building Consent. The Hastings Local Plan - Planning Strategy (2014), Hastings Local Plan - Development Management (2015), the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 and the National

Planning Policy Framework (NPPF), Section 12 all apply.

Hastings Local Plan – Development Management (2015)

LP1: Considering Planning Applications

HN1: Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)

Hastings Local Plan – Planning Strategy (2014)

EN1: Built and Historic Environment

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.

Section 12 of the NPPF states that conserving and enhancing the historic environment are the government's policies for the protection of heritage. The policies advise a holistic approach to planning and development, where all significant elements which make up the historic environment are termed 'heritage assets'. These consist of designated assets (such as listed buildings or conservation areas) non-designated assets (such as locally listed buildings) or any other features which are considered to be of heritage value. The policies within the document emphasise the need for assessing the significance of heritage assets and their setting in order to fully understand the historic environment and inform suitable design proposals for changes to significant listed buildings.

Details of Consultations

Conservation and Design officer stated the following on 26.12.2016:

"The documents submitted are directly in line with officer's advice on site and as such the submitted information is considered supportable.

The information provided is very comprehensive and as such Conservation and Design would only require two conditions:

- 1. All making good to be on a like for like basis to match existing materials and finishes*
- 2. Samples of materials for the proposed stone covering to the existing stairs."*

Representations

The application has been subject to two consultation periods. The second related to an amendment of the red line to include the fire escape. The re-consultation period was for 21 days and ended on 16 March 2016.

A total of 6 representations have been received over the combined consultation periods:

1 letter of support submitted stating the following:

- a) Resident of the area for 6 years and have never had a problem with the Whistle Trago.
- b) This bar always plays by the rules and has the interests of the nearby residents at heart.
- c) Stroke of genius having a bar downstairs which will help keep noise to a minimum.

The same supporter left a voice mail on 15.03.2016 reiterating the points already raised above.

1 general comment letter submitted stating the following:

- a) *"The rear yard area should only be used in the case of emergencies and not for any smoking or public space. This is necessary to protect the residential amenities which are contained to the upper floors of George Street and properties to the rear in West Street."*

4 letters of objection have been received raising the following concerns:

- a) Use of fire escape/staircase when located outside applicant's ownership.
- b) Use of the rear yard will result in associated noise/disturbance plus privacy.
- c) Access by the public using the fire escape would completely change the quiet back street nature of West Street and the privacy of its occupants.

Determining Issues

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

Impact on Character and Appearance of Area

The proposed works include:

- 1) New wrought iron gate to the rear yard
- 2) Existing doorway to the rear infilled with brick work and finished with lime render to match existing
- 3) Existing plasterboard ceiling to be removed and upgraded with fireline board
- 4) Proposed bar with counter flap
- 5) New radiator connected to existing pipework
- 6) Damp affected walls to have paint removed and returned as exposed brick work
- 7) New door to WC
- 8) New WCs
- 9) New stone tread to staircase between basement and ground level plus new continuous handrail to be fitted as well as spindles

Externally the property is generally in good order requiring only minor decoration works to the rear of the building. Internally, the basement area has been neglected for many years as a result of it only being used for storage purposes. The majority of works required however are only of a cosmetic nature. No structural repair works are required.

A similar Listed Building application was granted on this site recently; see Listed Building permission HS/LB/15/00210. This proposal has provided more comprehensive details in line with recent on-site officer's advice and as such the submitted information is considered to be acceptable and negates the need for multiple conditions as per the previous Listed Building permission.

The proposed works will not affect the character and appearance of this Grade II listed building. The Conservation and Design officer does not object to the application. Furthermore, the proposed works will preserve and enhance the property at no.26 George Street.

Other considerations

The objections to the application centre around the means of escape, the rear yard and neighbouring amenity. This has already been covered within the representations section above.

The concerns above relate principally to the use rather than the works for which listed building consent is being sought. The use already has approval, see planning application HS/FA/01/00041.

The rear yard will not be used as a smoking area or as another form of entrance to the basement.

Drawing number nr995/15/02 shows a gate located at the rear of the premises which provides the only access from the basement to the yard. The gate will only open in the event of a fire and this is automated. As such the yard will not be used by customers or staff other than in the event of a fire.

The exit from the emergency fire escape passing over a neighbouring property is not a planning matter but a civil legal issue between the neighbouring properties.

Conclusion

It is noted that several letters of objection raise concerns regarding the fire escape in that they are outside of the applicant's ownership. The applicant has served notice on the owners of the land and therefore has met the procedural requirements in planning terms. The question whether the owner of the land will permit the applicant to use this land is a private legal matter between the applicant and the land owner.

As per the Section 12 of the NPPF, policy HN1 of Hastings Local Plan – Development Management (2015) and policy EN1 of the Hastings Local Plan – Planning Strategy (2014) seek to protect heritage assets. The proposed works on site are in accordance with these policies and considered to be acceptable as the proposal will have a neutral impact on the Listed Building.

The proposed works are not considered to harmfully affect the historic significance of the Listed Building. It is recommended that this proposal should be granted Listed Building consent subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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

Recommendation

Grant Listed Building Consent subject to the following conditions:

1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.
2. The works hereby permitted shall be carried out in accordance with the following approved plans:

nr995/15/01, nr995/15/02 (revised), nr995/15/03, nr995/15/04, nr995/15/05, nr995/15/06 & Staircase Details
3. 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.
4. No works shall take place until a sample of the proposed stone covering to the existing internal stairs between the ground floor and basement is submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.
5. All making good to be on a like for like basis to match existing materials and finishes.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. In the interests of the amenity of the neighbouring residential occupiers.
4. To ensure the architectural and historic character of this Grade II Listed Building is adequately protected.
5. To ensure the architectural and historic character of this Grade II Listed Building is adequately protected.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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 Assistant Director of Environment & Place must be consulted with regard to the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Health and Safety at Work Etc. Act 1974. Please email foodsafety@hastings.gov.uk or call 01424 451078.

Officer to Contact

Mr Y Watt, Telephone 01424 783336

Background Papers

Application No: HS/LB/15/01024 including all letters and documents