

Report to: PLANNING COMMITTEE

Date: 25 May 2016

Report from: Assistant Director of Housing and Built Environment

Application Address: 3 North Street, St Leonards-on-sea, TN38 0EY

Proposal: Change of use of ground floor shop to single private dwelling, single storey rear extension, alterations to front elevation to remove 'shopfront' and addition of window at first and second floor. As amended by planB080.02B received 19.01.2016 (amended description).

Application No: HS/FA/15/00338

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS

File No: NO75003

Applicant: Mrs Burlington per Kent Architecture 101 Station Road Polegate East Sussex BN26 6EB

Interest: Freeholder

Existing Use: Vacant unit

Policies

Conservation Area: Yes - St. Leonards East

Listed Building: No

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 4

Petitions Received: 0

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

Summary

This application is for the conversion of the ground floor to a residential unit, a single storey rear extension and the installation of new windows in the front elevation.

The main issues are the impacts on the amenity of the neighbouring properties and the impact on the St Leonards East Conservation Area.

After considering these matters, the application is recommended for approval subject to conditions.

The Site and its Location

The application site consists of a three storey terraced property on the south side of North Street in central St Leonards. The area is characterised at this point by a mixture of 2 and 3 storey terraced properties in a residential use. The site is located within the St Leonards East Conservation area but is not a Listed Building. The premises is currently vacant on all floors and is in a poor state or repair.

Details of the Proposal and Other Background Information

This is a fully detailed application. The main focus of this application relates to the change of use of the ground floor shop unit to residential accommodation. However, it is also proposed to carry out alterations to the exterior of the property. These alterations include the installation of a new shop front at ground floor level and the creation of window openings at first and second floor in the existing blanks. To facilitate the conversion of the ground floor to residential it is also proposed to erect a small single storey rear extension.

There is an existing maisonette unit on the first and second floor that although shown on the proposed plans, which does not form part of this application.

Previous Site History

- HS/FA/88/01407 Conversion of ground floor from shop to self contained 1 bedroom flat
Granted 22/02/1989
- HS/FA/90/00551 Change of use from shop to snack bar, sandwich bar, restaurant, wine bar opening between 7.30- 7.00pm daily
Refused 14/11/1990
- HS/AA/80/00810 Erection of illuminated projecting box sign
Granted 22/12/1980

Development Plan Policies and Proposals

Hastings Local Plan - Development Management Plan (2015)

DM1 - Design principles

DM3 - General amenity

DM4 - General access

HN1 - Development affecting the significance and setting of designated heritage assets

HN2 - Changing doors, windows and roofs in Conservation Area

HN3 - Demolition involving heritage assets

HN4 - Development affecting heritage assets with archaeological interest or potential

Hastings Local Plan - Planning Strategy (2014)

FA2 - Strategic Policy for Central Area

FA4 - Strategy for Central At Leonards

SC1 - Overall strategy for managing change in a sustainable way

EN1 - Built and Historic Environment (area of archaeological notification)

EN1 - Built and Historic Environment - St Leonards East Conservation Area

T3 - Sustainable transport

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.

Details of Representations

As part of this application 16 neighbouring properties were consulted, a site notice was displayed and an advert was placed in the local paper. In response to these 6 letters of objection to the proposal were received.

The concerns within these letters include:

- Over development of the first and second floors
- Loss of the window blanks
- Lack of amenity space for the maisonette
- Lack of refuse storage
- Detrimental impact on the Conservation Area as a result of the alterations to the exterior.

Within the submitted letters of objection there were also elements of support for the proposal, including:

- I am all in favour of the works proposed to the ground floor
- The accommodation will work well and be an asset
- The ground floor seems fine
- The amended proposal has much improved the bay window design on the first and second floor
- The timber sliding sashes are welcomed.

It should be noted that although shown on the proposed plans, the layout of the upper floor residential accommodation does not form part of this application. The use is existing and as such the internal layout is not a matter for consideration as part of this application.

Details of Consultations

Conservation -

No objection subject to conditions.

County archaeology -

No objections to the proposal and no conditions considered necessary.

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".

Impact on Residential Amenity

Policy DM3 of the Hastings DMP 2015 states that, in order to achieve a good living standard for future users of proposed development and its neighbours, it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This Policy goes on to state that dwellings with 1 bedroom require a minimum internal floor area of 51m².

The Department for Communities and Local Government also recently produced Technical Guidance for Space Standards (TGSS). These standards require that the minimum internal floor area for a 1 bedroom/1 person, single storey unit is 39m².

Clearly there is some discrepancy between these two figures and, having calculated the floor area of the unit, it is apparent that it meets the DCLG requirement and not the HBC figure. In light of this further guidance has been sought from the Hastings DMP. Paragraph 2.32 states that the Council may deem it necessary to refer to national guidance on housing quality, particularly that from the Homes and Communities Agency (HCA), who cite the Housing Quality Indicators of 2008 as a good grounding for assessing the standard of proposed new homes. The guidance within the TGSS is therefore a material consideration. As with design, this is a dynamic and changing subject area. It is, however, considered that a standard for internal space that is appropriate in new build housing is to provide at least a minimum of liveable space. The management and orientation of that space can be negotiated on a site specific basis.

When taking this paragraph into account, it is considered that, as the proposed residential unit meets the size requirements of the DCLG, the internal living area is acceptable.

To the rear of the property there is an existing L shaped yard/garden area which is accessed directly from the ground floor unit. This rear yard has an existing maximum depth of approximately 6 metres and, although this area falls short of the 10 metres suggested by point (g) of Policy DM3, and will be further reduced as a result of the proposed extension, it is considered acceptable given the proposed residential unit is not designed for family use and similar small amenity spaces can be found in the immediate locality, as might be expected in an urban area.

The extension is shown to project out from the rear elevation by 2.5 metres and have a width of 2.2 metres. It is shown to have a flat roof and in-fills the space between the existing rear projection and the boundary wall with No. 2 North Street. The boundary between the properties is depicted by a tall brick wall approximately 2.4 metres in height. The proposed extension is shown to be 2.6 metres in height and, as a result, will project slightly above the top of the wall. In light of the existing wall, it is considered that the erection of the extension would not materially affect the neighbouring property in terms of levels of sunlight and daylight. Similarly, as a result of the existing wall there would be no material impact on the existing levels of privacy to the neighbours at No. 2 North Road. As a result of these factors, the proposed extension is considered acceptable.

Loss of Retail

Policy SA3 of the Hastings DM Plan relates to shops and services outside the shopping areas. This policy states that proposals for the change of use or redevelopment that would result in the loss of a local shop or service outside the defined commercial areas will only be permitted when:

- a) there is an alternative within reasonable walking distance; or

b) it is demonstrated that the existing use is no longer viable.

It is acknowledged that as a result of this proposal an existing retail unit would be lost; however, due to the proximity of the site to the St Leonards central shopping area, which is less than a five minute walk, it is considered that the proposal is in accordance with requirements of Policy SA3 as quoted above.

Impact on Character of the Conservation Area

As stated above, the site is location within the St Leonards East Conservation Area. Policy HN2 of the Hastings Planning Strategy relates specifically to the changing of doors, windows and roofs in Conservation Areas

This policy states that in Conservation Areas, the Council will seek to maintain the form and appearance of original windows, doors and roofs where these contribute to the character of the building and the significance of the wider conservation area. It goes on to state that, to ensure properties are repaired and maintained to a good standard, planning permission will be given for new windows that reflect the traditional proportions, materials, finishes and opening arrangements of those that were originally fitted in the building.

The application proposes three main changes to the front elevation: the replacement/renovation of the existing windows and the addition of two new windows, one at first floor and one at second floor.

Having visited the site, it is apparent that the windows in situ are not original to the building, are in a poor condition and, as a result, detract from the character of the building. As part of this application, it is proposed to remove the existing mis-matched timber and UPVC windows and replace them with double-glazed timber sliding sashes. The proposed new windows are also shown to have glazing bars and horn detailing. It is also proposed to remove the mis-matched front doors and replace them with more sympathetic timber panelled doors with an opening transom window above.

On the first and second floor of the front elevation there are two recesses roughly the shape of smaller windows. Advice from the Conservation Officer is that these recesses were for design purposes rather than blocked up windows. The application proposes to place windows here. Concerns have been raised by local objectors in relation to the resultant loss of symmetry between the pair of properties at No.2 and No.3. Although this is a valid consideration, especially within a Conservation Area, it must be acknowledged that, although historically the properties would have been a matching pair, due to multiple alterations having been carried out to the exterior of these properties, the majority of the symmetry has been lost. The Council's Conservation Officer has raised no objection to the insertion of windows within these recesses. The plans show the replacement windows will be the same size as the recesses.

With regard to the single storey rear extension, it is apparent that this will not be visible from the road and as such will have no impact on the character on the Conservation Area.

Taking these factors into account, it is considered that the proposed works to the exterior and the extension to the rear would not have a detrimental impact on the character of the property or the wider Conservation Area. As a result the proposal is considered to meet the requirements of Policies HN1 and HN2 of the Hastings DMP.

Archaeological Interest

A portion of the yard/garden area falls within an Archaeological Notification Area (ANA), however the premises and location of the proposed extension does not. Although the site of the proposed extension does not fall within the ANA, due to its proximity the County Archaeology Team were consulted. No objections were received and it was advised that the proposal would not have a significant archaeological impact and no conditions in relation to archaeology are required.

Affordable Housing

In line with Policy H3 of the Hastings Planning Strategy the Council requires an affordable housing contribution to accompany this application. Having discussed this requirement with the applicant, an agreement in principle has been made to the Council confirming that a financial contribution will be made in line with the requirement of this Policy or evidence to demonstrate the viability of the scheme will be submitted. In light of this, it is suggested that the application be recommended for approval subject to a resolution on this issue.

Sustainable Development

The NPPF sets a presumption in favour of sustainable development (paragraph 14), which aims to boost significantly the supply of housing (paragraph 47) and encourages local planning authorities to identify the type and tenure of housing required (paragraph 50).

In this case the proposal has been designed to minimise the impact on the neighbouring properties and, taking these factors into account, it is considered that the proposal represents sustainable development and will help achieve the aims of both local and national planning policy.

Evidence of Community Involvement

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

Recommendation

A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure a financial contribution towards the provision of off-site affordable housing, unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 25 August 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.

B) Grant permission subject to the above

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 materials to be used in the construction of the extension hereby permitted shall be those indicated on the approved plan B080.02B
3. The new and replacement windows in the front elevation shall be slim-line double glazed units.
4. 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.
5. The development hereby permitted shall be carried out in accordance with the following approved plan: B080.02B.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the finished extension matches the appearance of the existing dwelling.
3. To ensure that the finished development takes proper account of the character of the surrounding area in its use of materials in the interests of the amenity of the area.
4. To safeguard the amenity of adjoining residents.
5. For the avoidance of doubt and in the interests of proper planning.

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 proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/15/00338 including all letters and documents