

Report to: PLANNING COMMITTEE

Date of Meeting: 28 February 2024

Report from: Planning Services Manager

Application address: Flat 9, Lamorna Court, 32 De Cham Road, St Leonards-on-sea, TN37 6JA

Proposal: Replacement of 2x timber framed windows with Upvc double glazed windows in white (amended description)

Application No: HS/FA/23/00897

Recommendation: Grant Full Planning Permission

Ward: GENSING 2018

Conservation Area: Yes - NO

Listed Building: No

Applicant: Hastings Borough Council per Phi Capital Investments Ltd First Floor Chertsey House 61 Chertsey Road Woking, Surrey. GU21 5BN

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - Council application on Council owned land

1. Site and surrounding area

This application relates to Flat 9, Lamorna Court, De Cham Road. Flat 9 is a first floor flat within the large purpose-built block of flats located on the eastern side of De Cham Road. Lamorna Court is set back from the public highway with an area of hardstanding to the front and bounded by a low brick wall on all sides. Adjacent to the southeast boundary, land levels rise to the northeast and a row of garages are present allowing views of this elevation of the application site. The area is residential in nature with a variety of dwellings present. The

application site is not listed nor is it within a conservation area.

Constraints

SSSI Impact Risk Zone - the relevant thresholds are not exceeded.

Historic Landfill Site 250m Buffer

Archaeological Notification Area

Flooding Surface Water 1 in 30

Flooding Surface Water 1 in 100

Flooding Surface Water 1 in 1000

GCN District Licensing Scheme Green

Land Owned or Leased Licensed or held by Tenancy at Will by HBC

2. Proposed development

This application seeks permission to replace 1no. side elevation timber framed windows and 1no. rear elevation timber framed window with Upvc windows of the same and design and colour of the existing.

This is an application made by Hastings Borough Council for works on a property owned by Hastings Borough Council. Therefore, the application will be decided at Planning Committee.

The Council is replacing the windows due to their overall condition and to support improvements to the ventilation and thermal performance of the flat. The existing windows have double glazing which doesn't meet modern standards and the frames are deteriorating and have areas of isolated decay.

The application is supported by the following documents:

- Window details
- Flood Mapping
- External and Internal window photographs

Relevant planning history

Application No.	HS/FA/87/00229
Description	ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768 ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768
Decision	Appeal Allowed
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Application No.	HS/FA/86/00768
Description	Erection of four storey extension to provide 4 flats
Decision	Permission with conditions on 23/12/86
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Application No.	HS/FA/87/00229
Description	ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768
Decision	Refused on 07/05/87

Application No.	HS/FA/87/00664
Description	CONVERSION OF PROPERTY TO FORM 4 SELF-CONTAINED FLATS
Decision	Permission with conditions on 02/10/87
Application No.	HS/FA/87/00229
Description	ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768 ERECTION OF 4 STOREY EXTENSION TO FORM 3 SELF-CONTAINED FLATS AS ADDITION TO 4 FLATS APPROVED UNDER REF NO. HS/FA/86/768
Decision	Appeal Allowed on 23/12/87
Application No.	HS/FA/88/00369
Description	INTERNAL ALTERATIONS AND FORMATION OF ADDITIONAL UNIT
Decision	Permission with conditions on 01/06/88
Application No.	HS/FA/08/00865
Description	To change rear patio door and side lights and side elevation bedroom window
Decision	Permission with conditions on 09/06/09

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA4 - Strategy for Central St Leonards

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

Policy SC3 - Promoting Sustainable and Green Design

Policy SC4 - Working Towards Zero Carbon Development

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Other policies/guidance

National Design Guide

National Planning Policy Framework (NPPF)

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 135 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
 - Layout
 - Architecture

- Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
 - Building types
 - Materials
 - Arrangement of streets

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 139 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 140 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

Estates – No Objection

4. Representations

In respect of this application a site notice was displayed to the front of the application site. No responses were received.

5. Determining issues

The main issues to consider when determining this application are the impacts the proposal may have on the character and appearance of the area and the residential amenities of neighbouring properties.

a) Principle

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

b) Impact on character and appearance of area

Policy DM1 of the Hastings Local Plan - Development Management Plan (2015) states, all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account:

- protecting and enhancing local character;
 - showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.
- The application proposes the replacement of the existing timber framed windows with Upvc windows to the side (southeast) and rear elevation windows of the first floor flat . The rear

elevation windows are considerably obscured from public view and as such would not have an impact on the character and appearance of the area.

The side elevation windows are visible from the public realm; however, the proposed replacement uPVC windows replicate the opening arrangement and appearance of the original timber windows and would be deemed to have a neutral impact on the character and appearance of the area within this context. Although the block has retained some the original sliding sash timber windows, there are many examples of UPVc windows within the host building and immediate area. The application site is not within a conservation area. The proposal is therefore considered to be in agreement with Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) states, 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. Permission will be given for development where:

- the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The proposed windows would replace the existing ones within the side and rear elevations of the first floor flat with no new openings proposed. Therefore, it is considered that there will be no additional impact to the neighbouring residential amenities in terms of outlook, privacy and loss of daylight.

6. Conclusion

In light of the above assessment, it is considered that the proposal is acceptable and in line with Policies DM1 and DM3 of the Hastings Local Plan – Development Management (2015), Supplementary Planning Document - Householder Development: Sustainable Design and the relevant sections of the National Planning Policy Framework. Therefore, it is recommended that permission is granted for the proposed works subject to the attached 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.

7. 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:

ES2130/23/01 REV A

3. The materials to be used must match [as closely as possible, in type, colour and texture] those listed in Materials Section of the application form.
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.

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. To ensure that the finished development takes proper account of the character of the surrounding area in its use of external materials in the interests of the amenity of the area.
4. To safeguard the amenity of adjoining and future residents.

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 paragraph 38 of the National Planning Policy Framework.
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Officer to Contact

Zoe Taylor, Telephone 01424 783255

Background Papers

Application No: HS/FA/23/00897 including all letters and documents