

Planning Agenda

Thursday, 22 October 2020 at 6.00 pm

Meeting to be held digitally. A viewing link to the meeting will be posted on our website nearer the time.

For further information, please contact Democratic Services on 01424 451484 or email: democraticservices@hastings.gov.uk

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Present: Councillors Roberts (Chair), Cox (Vice-Chair), Bacon, Beaver, Bishop, Davies, Edwards, Marlow-Eastwood, O'Callaghan and Scott.

211. APOLOGIES FOR ABSENCE

None received.

212. DECLARATIONS OF INTEREST

Councillor	Minute	Declaration
Cllr Bacon	214.1	Prejudicial - Has publicly expressed view regarding the application and been in contact with the petitioner.
Cllr Beaver	All items relating to highways	Personal – East Sussex County Councillor
Cllr Scott	All items relating to highways	Personal – East Sussex County Councillor

213. MINUTES OF PREVIOUS MEETING

RESOLVED – that the minutes of the meeting held on 12 August 2020 be approved by the Chair as a true record.

214. PLANNING APPLICATIONS ATTRACTING A PETITION

214.1 Land at 63 Boyne Road, Hastings (HS/FA/20/00316)

Proposal	Proposed dwelling
Application No	HS/FA/20/00316
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 14 letters of objection, 1 petition of objection

Due to a prejudicial interest Cllr Bacon left the meeting for the duration of this item.

The Planning Services Manager presented the application for a proposed dwelling on land at 63 Boyne Road. The Committee were notified of an update to the application. An amended Tree Plan had been submitted to accurately reflect the removed and retained trees on the site.

The site comprises part of the garden of 63 Boyne Road, a semi-detached two storey dwelling. The land slopes from north to south and is located at the corner of Boyne Road and Lodge Road. The area is principally residential in character.

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The new dwelling will be two storeys with an additional lower-ground level. The property will be detached which is not typical of the pattern of development in the area. However, the contrast between the proposed dwelling and the neighbouring semi-detached properties is not harmful to the area and most of the elements of the proposal are similar to the existing properties.

The proposal provides sufficient car parking for both the new and existing properties and meets the requirements set by East Sussex County Council.

There is one first floor side window facing 63 Boyne Road which is to be obscure glazed as per condition 14. The proposal also includes a rear balcony which does overlook neighbouring properties. As this is a common feature of properties in this area, and there already is an element of mutual overlooking, this has been determined as acceptable.

The Arboricultural Officer was consulted in regard to the loss of category B trees and raised no objections. Some trees had already been removed although a number of additional trees were proposed to be planted.

Councillors were shown plans, photographs and elevations of the application site.

The petitioner Mrs Day was present and spoke against the application. Mrs Day said that the design of the proposal is not uniform with the rest of the street and will therefore stick out. Mrs Day raised concerns that no site notices were put up in the area. There are also concerns regarding the safety of children as many use Lodge Road on their way to and from local schools. Lodge Road is an unmade road which has received many repairs over the years but is in a constant state of degeneration. There is a blind spot where Boyne Road joins Lodge Road and with heavy vehicles turning the road could be further damaged or someone could get hurt. Mrs Day said that she hopes the replanting of trees will take place as they were severely cut back in June and there was a constant bonfire. The trees removed were of mixed species.

There were no questions to Mrs Day from Councillors.

The agent Mr Waterhouse was present and spoke in favour of the application. Mr Waterhouse said the application meets the required policies within the National Planning Policy Framework and of the Hastings Development Plan. There were no comments or objections from the consultees. The proposal utilises the existing levels of the site well and the design is quite similar to other properties in Boyne Road. Some landscaping elements have been introduced to the proposal, maintaining the existing screening along Lodge Road. Parking areas have been provided to both proposed and existing dwellings. Mr Waterhouse said that the applicant employed a civil engineer to confirm that the proposal would not cause any instability to the land. Mr Waterhouse concluded that the application is a sustainable development and asked the Committee to follow the recommendation for approval.

Councillors asked questions of the agent.

Cllr Louise, ward councillor for Old Hastings, was present and spoke against the application. Cllr Louise asked the Committee to note that there are a significant number of objections to the application and more might have been gained had notices

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been displayed. There is a feeling that the site is too small for a detached dwelling of this size and there is genuine fear and concern about adding to the car parking pressure on Boyne Road. Cllr Louise said the area is very green and raised concerns about the amount of soil and vegetation being removed, which will be of detriment to local wildlife. The character of the proposal is not in keeping with the character of the other properties on the same side of Boyne Road. There is a fear that there will be increased traffic generally, not just during construction. Cllr Louise urged the Committee to take the local objections into account when considering the application.

The Planning Services Manager confirmed that the application was publicised correctly. As the application was received during lockdown the council issued neighbour letters to residents that live immediately adjacent to the site.

It was confirmed that the Category B trees have been removed but as the site is not in a Conservation Area those trees can be cut down at any time as there are no restrictions in place.

Responding to the issue of land stability the Planning Services Manager confirmed that a civil engineer's report had been submitted by the Applicant. The report recommended retaining walls and this is a condition of the application.

Councillors asked questions of the Planning Services Manager.

A question was raised regarding access to the site and damage to Lodge Road and Boyne Road. The Planning Services Manager responded that the Applicant will be required to submit a report on the state of the road to provide evidence of the condition before and after development. Amending the conditions to restrict the access of heavy vehicles to the site would not be enforceable. However, an Informative Note could be added to say that heavy vehicles shouldn't access the site outside of normal working hours.

The Committee debated the application.

Councillor Davies proposed a motion, seconded by Councillor Beaver, subject to the addition of Informative 7, to approve the planning application as set out in the resolution below.

RESOLVED - (unanimously) that full planning permission be granted 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: 20.190.1.A, 20.190.3.B and 20.190.2.F
3. No development shall take place, until a Construction Method Statement has been submitted to, and approved in writing by the Local Planning Authority. The Construction Method Statement shall provide for: a) turning of delivery vehicles; b) parking of the vehicles of site operatives and visitors; c) storage of plant and materials

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used in constructing the development; d) any temporary traffic measures required in Boyne Road and Lodge Road; e) measures to control the emission of dust and dirt during construction; f) the method of access and egress and routeing of vehicles during construction; g) restoration of any damage to the highway [including vehicle crossovers and grass verges]; h) construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

4. No development shall take place until the tree protection measures as set out in the Arboricultural Report by The Mayhew Consultancy Ltd dated May 2020, (Ref AR/8642) including the Tree Protection Plan in appendix B of that report have been erected. The protection measures shall be retained during the construction of the development in accordance with the Arboricultural Report. All other arboricultural and tree measures shall be carried out in accordance with the details contained in the same Arboricultural Report by The Mayhew Consultancy Ltd (AR/86420) dated May 2020 and submitted as part of this planning application, and agreed in principle with the Local Planning Authority prior to determination.

5. Notwithstanding the approved plans, no development shall take place above ground until full details 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.

6. Prior to commencement of development above ground, full details of the soft and hard landscape works are to be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved prior to occupation or within the time scales agreed by the Local Planning Authority. These details shall include, but not be restricted to the following;

- A proposed soft landscaping and planting plan (including tree planting);
- A schedule of plants, noting species, plant sizes, proposed numbers and densities (where appropriate) together with an implementation programme;
- Finished levels or contours;
- Means of enclosure/boundary treatment
- Details of the proposed materials for the new parking area along with method for dealing with water run-off;
- Proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

If within a period of five years from the date of the planting of any tree, that tree or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or

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defective, another tree of the same species and size as that originally planted shall be planted at the same location.

All trees produced abroad but purchased for transplanting shall spend at least one full growing season on a UK nursery and be subjected to a pest and disease control programme. Evidence of this control programme, together with an audit trail of when imported trees were needed and their origin and how long they have been in the nursery will be supplied to the Local Planning Authority prior to the commencement of any tree planting.

7. Prior to commencement of development above ground, details of biodiversity enhancement measures shall be submitted to and approved in writing by the Local Planning Authority. The agreed measures shall be fully implemented prior to the occupation of the dwelling and retained thereafter.

8. (i) Prior to the occupation of the development, a scheme for the disposal of foul and surface water (i) from the development shall be submitted to and approved in writing by the Local Planning Authority. Any proposals for the use of infiltration to manage surface water runoff should be supported by findings of infiltration testing in accordance with BRE365, alongside detailed drainage drawings and calculations.

(ii) Development shall then 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.

9. Prior to occupation of the development, evidence (including photographs) shall be submitted showing that the drainage system has been constructed as per the final agreed detailed drainage designs.

10. Prior to occupation of the development, details of cycle storage must be submitted to and approved in writing by the Planning Authority. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

No part of the development shall be occupied until the approved details have been implemented.

11. The development hereby approved shall not be occupied until the parking area for 63 Boyne Road and the new dwelling has been provided in accordance with the approved plan (20.190.2.F) unless otherwise approved in writing by the Local Planning Authority. The parking area(s) shall be used solely for the benefit of the occupants of their respective dwellings and their visitors and for no other purpose and permanently retained as such thereafter.

12. The development shall not be occupied until a bin store [and refuse bin collection point] has been provided in accordance with approved plan 20.190.2.F and shall thereafter be retained for that purpose.

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13. The dwelling hereby approved shall be constructed in accordance with the Engineers Report by W.K Elson dated 16th July 2020 which provides design parameters for the retaining walls.

14. The first floor window located on the side (west) elevation shall be obscure glazed at all times.

15. 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 protect the amenity of surrounding occupiers and to safeguard highway safety.
4. To protect trees identified as having a high visual amenity value.
5. In order to protect the visual amenities of the area and to secure a well-planned development.
6. To secure a well planned development that functions well and in order to protect the visual amenities of the locality.
7. To preserve and enhance biodiversity and habitats.
8. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
9. In order to secure a well-planned development that functions properly and in order to prevent increased risk of flooding.
10. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
11. To provide adequate space for the parking of vehicles.
12. In order to secure a well planned development that functions properly.
13. To ensure that the building does not affect and is not affected by matters of local land stability.

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14. To safeguard neighbouring amenity.
15. 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.
3. East Sussex County Council, must be consulted regarding the provision of a vehicular pavement crossing to Highway Authority's standard of specification and construction and at the applicant's expense. Contact: highways@eastsussex.gov.uk 0345 6080 193.
4. A formal application for connection to the public foul sewerage system is required in order to service this development. Please read the New Connections Services Charging Arrangements documents which are published at <https://beta.southernwater.co.uk/infrastructure-charges>
5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119). Website: southernwater.co.uk or by email at: developerservices@southernwater.co.uk.
6. The applicant is advised that they must ensure the proposed works, hereby approved, do not contravene laws protecting wildlife including the Countryside and Wildlife Act 1981. Where the applicant is in doubt they should contact Natural England on wildlife@naturalengland.org.uk Telephone 020 802 61089 or Environment and Natural Resources on parks@hastings.gov.uk Telephone 01424 451107 prior to commencement of any works.
7. The applicant is advised that heavy good vehicles should only visit the site between 9am and 5pm Monday to Friday and not on a Saturday or Sunday.

215. OTHER PLANNING APPLICATIONS

Cllr Bacon returned to the meeting for the following items.

215.1 Little Warren Cottage, Hastings Country Park, Fairlight Road, Hastings (HS/FA/20/00175)

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Proposal	Retention of chicken coop, shepherds hut and storage shed.
Application No	HS/FA/20/00175
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 11 letters of objection, 31 letters of support

The Planning Services Manager presented the application for retention of chicken coop, shepherds hut and storage shed.

The site comprises a single storey detached property on the south side of Fairlight Road within Hastings Country Park. The boundary is lined by trees which are subject to a group and individual Tree Preservation Order.

This application follows an earlier application which was withdrawn following concerns raised by the Local Planning Authority regarding the design of the main storage shed.

Councillors were shown plans, photographs and elevations of the application site.

The Planning Services Manager advised that the chicken coop was not fixed to the ground and was not considered harmful to the character of the area. The shepherds hut was well landscaped and also not harmful to the character of the area.

Councillor Beaver proposed a motion, seconded by Councillor Davies, to approve the planning application as set out in the resolution below.

RESOLVED - (unanimously) that planning permission be granted subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: LWC-07C, LWC-03A, LWC-05A, LWC-06 & LWC-04A
2. The shepherd hut and main storage shed/summerhouse, shall be ancillary to the main dwelling house and used solely for the purpose incidental to the host dwelling and not to be let as or rented as holiday or for additional income.
3. No additional pruning to the 2 x Alder, 1 x Oak and 1 x Field Maple shall take place adjacent to the workshop/summerhouse, until the precise details have been submitted to and agreed in writing by the Local Planning Authority.
4. No further development shall take place to the workshop/summerhouse until temporary protective fences as illustrated in Appendix B, 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

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and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of the adjoining country park.
3. In the interests of the health of the trees and the visual amenity of the area.
4. In the interests of the health of the trees and to protect the visual amenity.

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.
3. There is a Tree Preservation Order affecting the land and (subject to the terms of the order) the applicant must contact the Borough Arboriculturist and submit any necessary applications before any future works to trees are carried out, including pruning, or removal of overhanging branches on this site.
4. No further development shall be carried out on this site without written confirmation that either permission is not required, or planning permission is required and granted.

215.2 33 St Dominic Close, St Leonards on Sea (HS/FA/00123)

Proposal	Loft conversion and rear dormer extension together with single storey rear extension and raised patio area with screening and detached side tandem garage (amended description).
Application No	HS/FA/20/00123
Conservation Area	No
Listed Building	No
Public Consultation	Yes – 11 letters of objection

The Planning Services Manager presented the application for loft conversion and rear dormer extension together with single storey rear extension and raised patio area with screening and detached side tandem garage.

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The site consists of a semi-detached bungalow at the end of a cul-de-sac. The area is predominantly residential in character. The proposed dormer window is located to the rear and won't be visible from the public realm.

The Planning Services Manager informed the Committee that the proposed extension is considered to be of a scale and design that would not be harmful to neighbouring residential amenity.

Councillors were shown plans, photographs and elevations of the application site.

Councillor Roberts proposed a motion, seconded by Councillor Cox, to approve the planning application as set out in the resolution below.

RESOLVED - (unanimously) that planning permission be granted 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: 4269-100B, 4269-101D, 4269-105D and 4269-106H 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. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building, with the exception of the flat roof.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order), the garage shall be used only for purposes incidental and ancillary to the enjoyment of the dwelling house and for no other purpose and from which it shall not be let, sold separately, or severed thereafter.
6. Prior to the commencement of works on site, a Land Stability Report by a qualified engineer shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme of works shall be implemented before the construction of the development hereby approved.
7. Prior to the use of the rear raised patio area hereby approved, the 1.8m high obscure glazed privacy screen positioned along the south side and part of the west side of the raised patio area shall be constructed and completed in line with approved

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drawing no. 4269-106 H and thereafter retained and maintained in good order in perpetuity.

8. No development shall take place, including any ground works or works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved plan shall be implemented and adhered to in full throughout the entire construction period.

9. Notwithstanding the provisions of Classes A, B and C of Schedule 2 (Part 1) of the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order with or without modification), no additional openings shall at any time be inserted in any elevation of the dwelling, unless otherwise agreed in writing by the Local Planning Authority upon submission of a planning application in that behalf.

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 safeguard the amenity of adjoining and future residents.
4. In the interests of the visual amenity of the area.
5. To maintain planning control in the interests of amenity of the site.
6. In the interests of land stability and the protection of the development.
7. To safeguard the amenity of adjoining and future residents.
8. To safeguard the amenity of adjoining and future residents.
9. To maintain planning control in the interests of amenity of the site.

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.
3. The applicant is advised that this notice of decision does not grant consent or imply any grant of consent for the applicant to enter onto any adjoining land, to either construct or subsequently to maintain the proposed development.

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4. Your attention is drawn to the requirements of the Party Wall etc. Act 1996

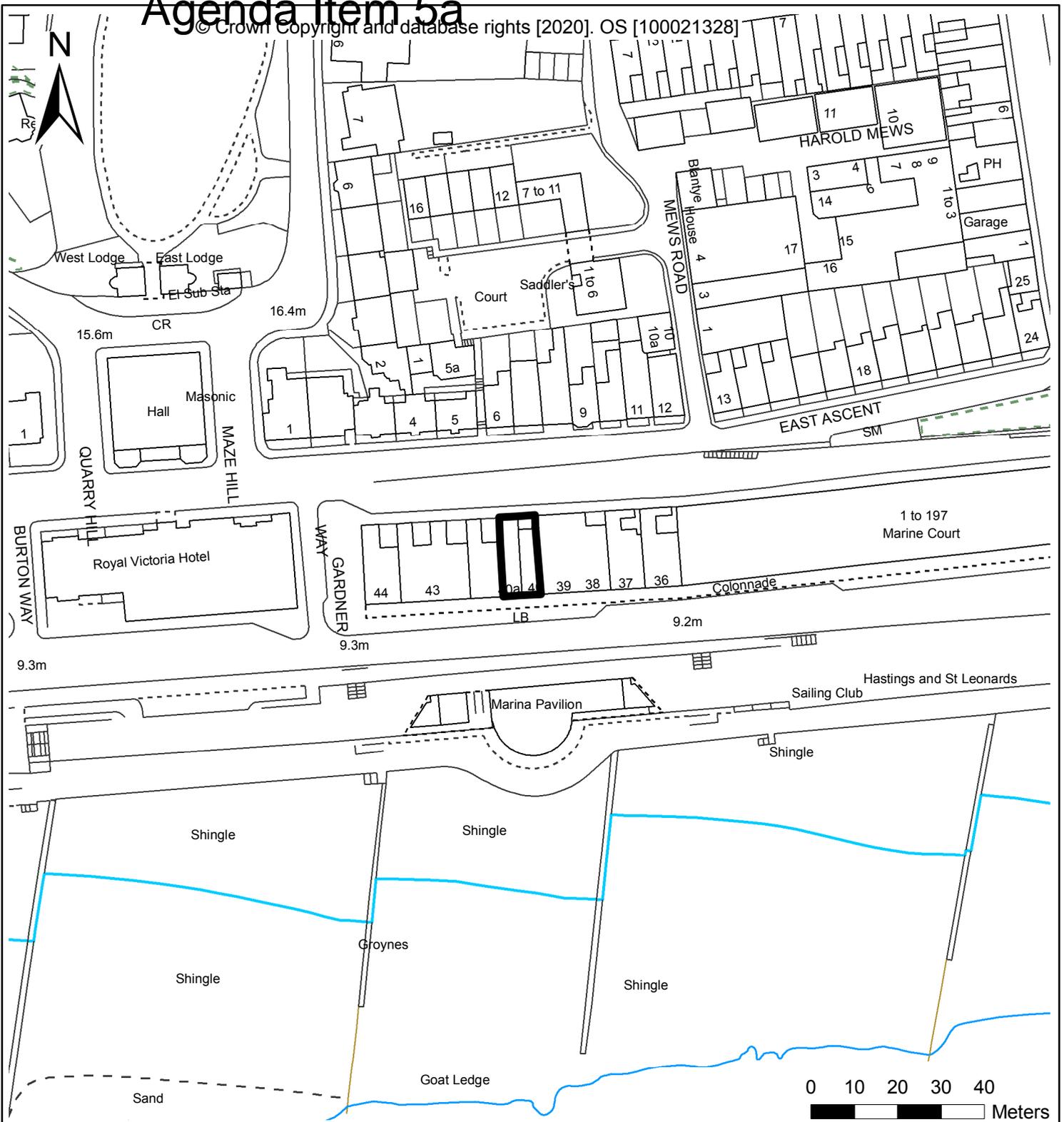
216. PLANNING APPEALS AND DELEGATED DECISIONS

The Committee noted the report.

(The Chair declared the meeting closed at 7.32pm)

Agenda Item 5a

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**40 Marina
St Leonards-on-sea
TN38 0BU**

Proposed new shop front, rear fenestration changes, minor internal changes and change of use to mixed use A1 and D1



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Jul 2020

Scale: 1:1,250

Application No. HS/FA/20/00230

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Report to: PLANNING COMMITTEE

Date of Meeting: 22 October 2020

Report from: Assistant Director of Housing and Built Environment

Application address: 40 Marina, St Leonards-on-sea, TN38 0BU

Proposal: Proposed new shop front including pavement lights, rear fenestration changes, minor internal changes. Change of use to mixed use E and F1 under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Application No: HS/FA/20/00230

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - Burtons' St. Leonards
Listed Building: Grade II

Applicant: Mr Ballon per Mr Derhun 1 Crown Studio 1 Crown Lane Hastings TN34 3DJ

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Affects a Listed Building Amended Plans
Neighbour Letters:	Yes
People objecting:	12
Petitions of objection received:	1
People in support:	9
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - Petition received

1. Site and surrounding area

40 Marina comprises of a small shop unit with a basement below and flats above totalling 4 storeys. Originally developed as the Eastern colonnade of the Burton St Leonards development, each shop front is fronted by columns of the doric order that support the roof of the covered colonnade. The shop front for No. 40 has been removed and boarded over, though

No. 40A which neighbours 40 to the west does possess a shop front of what appears to be a late 19th Century/ early 20th Century design with fluted mullions and some curved transoms. Previous uses of the neighbouring No. 40A includes a post office which is evident by steel clad walls in some areas of No. 40. Historically, No. 40 was part of a much larger department store 'Philpots', which spanned Nos. 37-40 Marina from the 1930's until its closure in the 1980's. Following the closure of Philpots, Hampdens opened for business and remained there until the 1990's. Since then further subdivision has been undertaken and the implications of this are further discussed under section 5.

Although the Eastern Colonnade was originally a residential development, shops and retail in particular has been established here since the 1920's.

Constraints

Burton St Leonards Conservation Area

Grade II Listed Building

SSSI Impact Risk Zone

Cultural Quarter

Local Shopping Area

2. Proposed development

The proposal seeks to install a new shopfront to the front elevation, install sound insulation and a new ceiling, create toilet facilities on both floors, install a floating floor in the basement area, repair and or replace windows to the rear, block up access apertures at ground floor level to 39 Marina, and carry out refurbishment works to a room to the rear basement. Removal of concrete block wall and 1970's shopfront. The application also seeks a change of use of the ground floor and basement level from an abandoned A1 use to Class E and F1 under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

The application is supported by the following documents:

- A Clarification of Use Document
- Heritage Statement
- Site waste minimisation statement
- Various letters to case officer from agent

Relevant planning history

Application No.	HS/FA/19/00620
Description	Proposed new shop front, rear fenestration changes and minor internal changes
Decision	Withdrawn on 10/03/20

Application No.	HS/LB/19/00621
Description	Proposed new shop front, rear fenestration changes and minor internal changes
Decision	Withdrawn on 10/03/20

Application No. 55/00823

Description	Removal of cornice at rear.
Decision	Permission with conditions on 10/01/56
Application No.	75/0448
Description	REMOVAL OF EXISTING IRON RAILINGS FROM BALCONY AND REPLACEMENT BY TEAK AND ARTIC GLASS.
Decision	Refused on 13/10/75
Application No.	HS/FA/98/00039
Description	CHANGE OF USE TO INTERNATIONAL CHESS CENTRE.
Decision	Permission with conditions on 18/03/98
Application No.	HS/FA/04/00529
Description	CONVERSION OF FIRST FLOOR TO RESIDENTIAL USE. (SELF CONTAINED FLAT)
Decision	Permission with conditions on 01/10/04
Application No.	HS/LB/04/00531
Description	FORMATION OF FIRST FLOOR APARTMENT
Decision	Listed Building Refusal on 13/10/04
Application No.	HS/LB/05/00631
Description	Conversion & internal alterations to form self-contained apartment
Decision	Withdrawn on 17/10/05
Application No.	HS/LB/06/00192
Description	Conversion and internal alterations to form self contained apartment.
Decision	Listed Building Consent with Conditions on 24/05/06
Application No.	HS/LB/09/00462
Description	Reinstatement of original architectural features to front elevation of building and repairs to Grade II Listed Building. Removal of existing shopfronts and replacement with new shopfronts (HS/FA/09/00461 also applies).
Decision	Withdrawn on 06/10/09
Application No.	HS/FA/09/00461
Description	Reinstatement of original architectural features to front elevation of building and repairs to Grade II Listed Building. Removal of existing shopfronts and replacement with new shopfronts (HS/LB/09/00462 also applies).
Decision	Withdrawn on 07/10/09
Application No.	HS/FA/09/00644
Description	Restoration of external building envelope, including: Re-instatement of original architectural features to front elevation, replacement of 2no. shop fronts, re-modelling of dormers & stair 'tower', removal of roof coverings and replacement with slate and lead, re-instatement of pavement lights, replacement of 'modern' windows with traditional sliding sash windows, rationalisation of satellite dishes &

Decision	drainage. Permission with conditions on 11/02/10
Application No.	HS/LB/09/00645
Description	Restoration of external building envelope, including: Re-instatement of original architectural features to front elevation, replacement of 2no. shop fronts, re-modelling of dormers & stair 'tower', removal of roof coverings and replacement with slate and lead, re-instatement of pavement lights, replacement of 'modern' windows with traditional sliding sash windows, rationalisation of satellite dishes & drainage.
Decision	Listed Building Consent with Conditions on 11/02/10
Application No.	HS/LB/17/00354
Description	Proposed sealing up of existing openings between numbers 37 and 38 and numbers 39 and 40.
Decision	Listed Building Consent with Conditions on 26/07/17
Application No.	60/00599
Description	Installation of boiler and erection of flue.
Decision	Permission with conditions on 26/07/60
Application No.	HS/71/01222
Description	Erection of fire escape at the rear.
Decision	Permission with conditions on 26/11/71
Application No.	73/01233
Description	Installation of new shop front
Decision	Permission with conditions on 09/10/73
Application No.	HS/AA/76/00366
Description	Erection of four Flag Poles on front elevation at first floor balcony level.
Decision	Permission with conditions on 20/08/76
Application No.	HS/AA/81/00508
Description	Erection of an illuminated projecting sign 10'0" x 1'10"
Decision	Refused on 09/09/81
Application No.	HS/AA/81/00631
Description	To illuminate existing fascia sign and columns with five 5ft neon tubes
Decision	Permission with conditions on 11/11/81

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA6 - Strategic Policy for The Seafront

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

Policy EN1 - Built and Historic Environment

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 CQ1 – Cultural Quarters

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

HN2 - Changing Doors, Windows and Roofs in Conservation Areas

HN3 - Demolition involving Heritage Assets

Policy SA2 – Local Shopping Area

National Planning Policy Framework (NPPF)

Paragraph 2 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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 sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 170 states that Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
- c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
- d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
- f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Paragraph 180 states that planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:

- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life;
- b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
- c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

Paragraph 192 states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 193 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) Grade II listed buildings, or Grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3. Consultation comments

Conservation Officer – **The case officer is a qualified building conservation officer. As such further comment is not required.**

Environmental Health - Noise – **No Objection subject to conditions:**

- The use hereby permitted shall not commence until details of the acoustic insulation have been submitted to and approved in writing by the Local Planning Authority. The acoustic insulation, as approved, shall then be installed prior to the use hereby approved commencing (condition no 4)
- Work which is audible at the site boundary and deliveries to and from the premises,

during construction, shall not take place before 08:00 and after 18:00 hours Monday-Friday or before 08:00 and after 13:00 on Saturdays and at no time on Sundays or Bank Holidays (condition no 5)

4. Representations

In respect of this application a site notice was displayed outside the property and an advert placed in the local paper.

1 General comment neither supporting nor objecting to the scheme was received supporting the application but raising concern regarding the long term plan for the area.

9 Comments of support from 8 different properties were received generally citing:

- The opportunity for the reuse of the shop.
- The associated enhancement to the character and appearance of the Conservation Area.
- The enhanced offering of the shopping area.
- The additional cultural offering

20 letters of objection from 11 different properties and a petition were received citing reasons including:

- The development would cause noise disturbance that would have an adverse effect on neighbouring residential amenity and thus failing to satisfy paragraph 170 (e) of the NPPF.
- Potential for commercial deliveries to be made to the rear door of the building creating disturbance
- The insensitive nature of the proposal with little background historical research
- Introduction of a new shopfront and door where there is no historical precedent
- Inaccuracies on the application form.
- Concerns regarding work that has already been carried out both in terms of heritage value and structural safety.
- 2 shopfronts will be present within the freehold area of 40 Marina. Namely the proposed and 40A Marina which is considered by objectors as unsympathetic and an irregularity when compared to surrounding shops.
- Lack of specified trading hours
- Comparing buildings on Marina with Marine Court creates a misleading impression

5. Determining issues

The main issues for determination are the impact of the new shopfront on the character and appearance of the conservation area, the proposed use of the unit and the potential impact upon neighbouring amenity.

a) Principle

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.

b) Impact on character and appearance of the Conservation Area

Shopfront and fenestration changes

The main bulk of the proposal that affects the character and appearance of the Conservation Area is the installation of a new shopfront. Although the unit does not currently have a shopfront in place, it has had until recently a glazed elevation wall with no entrance door. The previous installation carried no architectural merit and did not contribute to the heritage values that make up the overall significance of the Grade II Listed Building or the wider Conservation Area. The absence of a shopfront in this section was due to the unit being part of a larger development 37-40 Marina up until relatively recently. Apertures between 39 and 40 Marina allowed access into no40. However, those apertures have been blocked up and has created a situation where there was no access from Marina into the shop area. This is considered as a clear and convincing circumstance where a shopfront layout including entrance door is required.

The blocking up of the walls at ground floor level did not benefit from listed building consent; however, HS/LB/17/00354 did provide consent for similar works at basement level. It is considered that the blocking up reverts the shop unit back to a pre-Philpotts state, reflects a previous layout of the building, which in conservation terms is considered acceptable.

It is acknowledged that works to the listed building had commenced without listed building consent being granted. The elements removed were modern interventions in the form of a concrete block wall as part of an extension to the rear and a 1970's shopfront glazing arrangement without a door to the front. However, the applicants were advised to cease works until a full assessment of the demolished areas could be made in this application and the associated listed building consent application. It is considered that the small flat roof extension at the rear basement level and previous glazed shopfront that was in place until July 2019 were of little significance and did not contribute positively to the aesthetic value of the designated heritage asset. It should also be noted that being of relatively recent construction (mid to late 20th Century) the areas demolished had no evidential, historical or communal value. These values are the main factors adopted by Historic England when assessing the significance of a heritage asset.

Restoration implies that a building is restored to a previous point in the buildings history. This proposal reverts the building back to a 1920's external state which giving consideration to the economic and residential provision in the immediate vicinity; is fully supportable and is appropriate for our current circumstances where surrounding properties are also in a mixed residential and commercial use.

The proposed design for the shopfront was initially unsuitable but revision in design replicates the design of the neighbouring shopfront of 40A Marina which is traditional in form and proportion. A reclaimed shop door carries the required proportion and suitably reflects an appropriate traditional design. This element of the proposal is to great advantage and shows that the applicant has considered the context of the building and the desire to enhance the

character of the Conservation Area. The need for a shopfront is both clear and convincing, and in the public interest. Therefore it is considered that the proposal satisfies paragraphs 194 and 196 of the NPPF with the harm to the significance of the Conservation Area being negligible. The proposal also satisfies paragraph 192 of the NPPF by way of showing the positive contribution the shopfront makes to enhancing character and distinctiveness of the Conservation Area including returning the shop to a viable use that will also enhance the economic vitality of the immediate area.

Change of use of the shop and internal alterations

Although the property was originally built as a 17 bedroom house for residential use, it is clear by way of its location, size, lack of outdoor amenity space and ownership over several separate leases makes the prospect of a whole house restoration remote. It is also considered reasonable that commercial use of the ground floor is consistent along the terrace and beyond to Marine Court, noting its location in a designated shopping area, as should be the case in 40 Marina. Therefore, to allow residential use of the ground level would cause harm to the appearance of the conservation area, be contrary to policy HN1 of the Local Plan and remove a viable ongoing use which would be considered as being against the public interest contrary to paragraph 196 of the NPPF.

The use of the ground floor as a shop would contribute to sustaining the viability and vitality of the shopping area which in turn is beneficial to the character and appearance of the Conservation Area.

The change of use of the building will not impact on the character and appearance of the Conservation Area and the proposed commercial use is in accordance with the character of this area of St Leonards.

Separation into 2 shopfronts

Objectors have also cited that the proposal will result in 2 shopfronts being present within the freehold area of 40 Marina. Namely the proposed location and 40A Marina. This is considered by objectors as unsympathetic and an irregularity when compared to surrounding shops. In response to this the site location plan shows the applicant to be the leaseholder of the entirety of the basement level, at this level the original width of the building can be appreciated, however the shop width was reduced at ground floor level due to the introduction of 40A as a separate shop in the 1920's.

It is acknowledged that there is an irregularity with regard to shopfront consistency and the overall width of each unit however, it is not possible to amalgamate 40 and 40A back to one single unit.

Whereas objectors have cited this issue, the same objectors also cite the use of 40 Marina as 2 shops dating back to 1923.

'1900 Archive records show 40 Marina still listed as a single dwelling house. Around 1910 onwards a watchmaker is listed living & working at the property. 1923 Archive plans show 40 Marina ceases to be a dwelling house. It was converted into two shops with three residential flats above. From 1923 archive records show a Post Office was based in shop 40A, remaining there until 2007. The resident & watchmaker is listed in the other shop up until the 1930's.'

Historical images show 'Cave.Austin and Co Ltd' occupying 41 Marina and the signage of 40 Marina being half of the size. What is now 40A Marina displays the sign 'tobacconist' and the other half is not identifiable but is assumed to be Philpotts as the photo appears to be from the late 1950's or early 1960's. Nevertheless the photo confirms the separation into 2 retail units. A 1973 application for a new shopfront was made by Philpotts department store in which the council officer in charge of the case lamented in the resulting loss of a 'Victorian shop front' and 'loss of the western door' this information is publicly available on request in the planning archive: MA40037V document folder 1. This western door, that was lost, could have been in the façade of 40 Marina, but it cannot be confirmed as the archived details are incomplete.

With no clear evidence and only some minor indications, the original form of the shopfront cannot be confirmed without doubt. The proposed development will provide another shopfront which is an irregularity within the street scene, albeit with a historic precedent. This irregularity is relatively minor and not considered to harm the listed building, the setting of neighbouring listed buildings or the character and appearance of the Conservation Area at this point. It is considered unreasonable to not allow the installation of a new shopfront with a door for access to the shop. It is also considered that the previous glazed installation was detrimental to the wider character of the area.

The current proposal therefore is reflective of a plausible and attainable approach to external restoration. The only other alternative is no access to a shop unit which is contrary to public interest as detailed in paragraph 196 of the NPPF.

Heritage Summary

The demolition carried out is considered to enhance the character and appearance of the Conservation Area and Grade II Listed Building and satisfies Policy HN3 of the Hastings Development Management Plan.

Overall, with regard to Policy HN1 of the Hastings Development Management Plan the proposal is considered to enhance the heritage asset and the Conservation Area in terms of appearance, design and demonstrating how the proposed scheme better reveals the significance of the Conservation Area.

c) Proposed use

Information gathered shows that the ground floor of the building had been used as a retail shop since early in the 20th Century and prior to the 1947 Planning Act. The unit was amalgamated with no's 37,38, and 39 to form a department store 'Philpotts' which remained trading until the late 1980's. Following the closure of Philpotts, Hampdens opened for business from the amalgamated shop units 37-40. Hampdens closed its doors in the 1990's.

In 1998 a planning application was made by Hastings Borough Council to change the use of the former shop units to a D2 sports club use for the Hastings International Chess Club to use as a base. The applicant has provided evidence from the Chess Club that despite planning permission for the change of use being granted, it was never implemented. As such, the time for commencement of the D2 use permission has expired and the lawful use remained as retail. Until 2012 it was believed that the property continued as a retail shop in the form of a Mace convenience store, after which it remained vacant.

Objectors to the proposal have cited 40 Marina as being storage use. There has been no evidence of this being the case in planning use terms. It is accepted that the unit whilst part of the amalgamation (37-40 Marina) may have been ancillary storage to the retail use, but no history of planning permission or business rates valuation show the principal use for storage for either 40 Marina or any of the other units that were part of the previously amalgamated shop.

In 2017 listed building consent was granted to reverse the amalgamation of the units 37-40 Marina and return them to individual units at basement level. No such consent was granted at ground floor level but at some point subdividing walls have been erected blocking access between the units. This issue is addressed in the associated listed building consent to regularise these works. Therefore with regard to clear access to the retail areas, it is unknown when ground floor access from 37-39 to 40 was ended.

Based on the evidence supplied and the planning history of the unit it is noted that the unit in both the original and amalgamated forms has been used for A1 retail use. The subdivision of the units meant that there is now no internal access between nos 39 and 40 and moreover that there was no direct access from customers or staff from Marina into the unit. As such whilst the last know permission would have been retail, the works carried out and vacancy of the unit is such that it is considered that the retail use has been abandoned and a new planning unit has been created at ground and basement levels which has nil use.

Abandonment is not a term defined in legislation but a common law principle. Abandonment is where a property has been disused to the extent that it has lost its existing use rights and has zero status in planning terms. It is a subjective test based on a matter of fact as degree. In *Hartley v Minister of Housing and Local Government* the court found clear authority to confirm that an existing used can be abandoned and that abandonment is decided as an objective question of fact.

The following factors are to be considered in determining whether a property has been abandoned or not:-

- The physical condition of the property
- The length of non-occupation – this can be extremely variable and to a large extent relies on the level of physical deterioration
- How a property has been used / any alternative uses
- The intentions of the owners or occupiers of the property.

Where it is unclear when the property was last occupied, the onus is on the applicant to demonstrate that the use has not been abandoned.

This essentially means that no use in planning terms can be confirmed and a new application must include a use element to rectify the issue.

Therefore, this application includes a change of use to Class E and F1 to rectify the

abandonment issue.

The new use class orders were introduced in September 2020 to simplify the use class system for commercial properties and allow greater flexibility in the use of commercial units.

Class E allows for the following: Shops, restaurants, financial and professional services, indoor sport, recreation or fitness, not involving motorised vehicles or firearms, health or medical services, creche, nursery or day centre principally to visiting members of the public, an office, research and development, or any industrial process that can be carried out in any residential area without detriment to amenity.

Class F1 allows for non residential institutions such as Schools, non-residential education and training centres, museums, public libraries, public halls, exhibition halls, places of worship, and law courts.

It is considered that the site is ideally located for use as a retail unit and photographic art gallery. The installation and use of a large scale inkjet printer in the basement is considered reasonable for the types of work being carried out. The Class E use shall occupy approximately 25% of the 192 sqm total. The remaining 75% shall consist of the F1 space and ancillary areas, such as an office, DDA compliant toilet facility and small store room. The two uses (E and F1) will coexist within the same areas on both ground floor and basement levels allowing for a modern approach to retail and the display of photographic art. The new use class order does allow for a flexible approach to commercial property usage, however the full and unrestricted use of the premises under class E and F1 is considered to pose a risk to the amenity of residents neighbouring the site.

Therefore the use of the property shall be restricted to use as a retail shop, provision of financial and professional services, and use as an office under Class E. Under Class F1 the site shall be restricted to use as a Museum and exhibition hall. (condition 7)

It is considered reasonable that commercial activity should not be allowed in the courtyard area to the rear other than for the servicing of the commercial unit. As such a condition shall be imposed restricting commercial use of the basement and ground floors applies to the internal areas of the building only. The rear courtyard may not be used for commercial purposes. (condition 8)

Whereas the site is located within the Burton St Leonards Conservation Area, it is also within a Local Shopping Area and within the St Leonards Cultural Quarter as detailed in the Hastings Development Management Plan Policies SA2 and CQ1 respectively. This proposal increases A1 retail use and as such satisfies Policy SA2. With regard to Policy CQ1 the proposal is considered to contribute to a mix of offerings that will enhance the attraction of the area to visitors, and as such satisfies that policy. It is considered therefore that the proposed uses will be in keeping with the aims of these policies and are acceptable.

d) Impact on neighbouring residential amenities

It is considered reasonable to have a door to enter a shop unit from the front elevation and the disturbance caused by the operation of a photographic art gallery and retail element under Class E and F1 unit is considered to be low. Its location, in a designated shopping area is

considered to be a reasonable location for such activities. It is also considered to be reasonable that a separate retail unit has a way of gaining access from the front elevation of the building in the same way as neighbouring retail units.

It is suggested by an objection letter that 40A Marina benefits from sound insulation which protects the property above from noise disturbance, and that 40 Marina does not have such insulation.

Many objections have cited noise and disturbance as a main issue for consideration. The application and drawings show that sound proofing will be installed between ground floor (commercial) and first floor (residential) levels to address this concern. It should be noted that the change of use permitted within this report obliges the applicant to apply for building regulations approval separately.

Guidance from the council's Environmental Health team was sought to provide advice regarding the potential for noise disturbance. The advice received did not clarify whether the proposed noise insulation should be secured by condition. However subsequent advice from Environmental Health states that a condition should be placed on the permission, in the event planning permission is granted to secure noise insulation. As such condition 4 and 5 requires that the noise insulation should be provided and approved by the local planning authority prior to occupation of the premises.

Therefore, it is considered that the proposed development together with its obligation to comply with Building Regulations will not contribute to unacceptable risk from noise pollution and any noise disturbance is considered to be of a reasonable and acceptable level when considering the residential accommodation is situated above a shop. Moreover it is considered that the proposal satisfies para170 section E of the NPPF in relation to matters of noise.

e)Waste

Trade effluent is any liquid waste (effluent), other than surface water and domestic sewage that is discharged from premises being used for a business, trade or industrial process. It is considered reasonable that trade effluent requiring disposal would not be generated at this location given the nature of the uses proposed, however it is reasonable to suggest that some trade waste will be generated by the business. Further information was received confirming the nature of any waste and its storage location. Waste will be stored in bins located in the rear courtyard and placed at the front of the shop for collection on collection day. Based on the nature of the waste and the method of storage it is considered that the risk of an increase of vermin activity is not increased and the arrangements are acceptable on days of collection. However a condition (condition no 6) shall be imposed requiring that details of waste storage shall be provided to the Local Planning Authority for approval.

f) Highway safety, Access and parking

The site is located in a parade of shops situated on the seafront to the east of the St Leonards district centre. Although immediate parking is somewhat limited for a small district shopping area, the parking situation does benefit from a public car park within a short distance. The shop also benefits from being on a local bus route and directly opposite the national cycle route. Therefore, additional parking facilities are not considered to be required due to its sustainable location.

Objections have suggested that the use of the rear door of the premises be used for commercial deliveries and commercial/public access. It would not be appropriate to have

deliveries to the lower rear door on Undercliff when a loading bay is within an extremely short distance of the shop at the front of the building. Moreover, the use of the rear door for public access is not required as this proposal introduces a front access door in the shopfront.

It is considered to restrict the use of the rear door by condition is unreasonable, however restricting commercial deliveries to the front of the building and within specified times does create an acceptable balance between commercial need and residential amenity (condition 5).

g) Other considerations

Other grounds for objection were considered and are examined below

Structural Damage – The proposed works do not appear to affect the overall structure of the building and a substantial RSJ (Rolled Steel Joist) was observed above the shopfront that appears to support the building above. The removal of the shopfront or block walls to the rear did not appear to result in a structural change as the elements did not appear to accommodate a structural load. Moreover, the need to ensure proposed works are structurally adequate is the responsibility of Building Control. The NPPG states that matters of structural stability are the owner's responsibility and is not a planning matter.

Inaccuracies on the application form - In order to address the inaccuracies the applicant submitted a new revised application form. The application was re-advertised for a further period of 2 weeks. Further comments were received from original objectors citing similar grounds as previous. Further queries were made with the applicants to clarify any points.

The new application lacked confirmation that the Certificate B notices had been issued to all parties with an interest in the property. This was later carried out, another application was received and another period of public consultation was conducted. Therefore the application is valid, the application form correct, the necessary publicity carried out and the correct notices served.

Following the amendments to the application form and serving of relevant notices, the application form is now reflective of the proposal and public consultation has been conducted for 11 weeks in total.

Site location plan inaccuracies - The application was deferred from the August planning committee in order to address a minor error on the site location plan. The site location plans of the basement and ground floor levels failed to include a vaulted area located under the pavement and the pavement lights at ground floor level. The site location plans have since been amended and a further 21 day consultation has been conducted, this reconsultation also included the new use class amendments.

Lack of specified trading hours – trading hours have since been specified in the 'Clarity regarding use document' and are considered as reasonable for a cultural offering combined with a retail element. However, to ensure neighbouring amenity is not adversely effected an hours of opening condition will be imposed, (condition no 5).

General theme of objection – It is considered that many objections are lacking in any suggestion of viable alternatives to what is proposed. Where in principle many objectors

approve of the principle of a shop to support regeneration, the objectors equally disapprove of a means to access the proposed retail area and oppose the installation of a shop front, despite this proposal including sound insulation that must be fitted to the satisfaction of building regulations objectors cite disturbance to residential amenity as a reason for refusal. The suggested use of the rear of the property for commercial activities is largely unsubstantiated and commercial delivery activity will be restricted to the front by condition.

Without allowing access to a commercial area the only other alternative would be the restoration of the building as a residential dwelling which is not viable as the building is sold to many different leaseholders.

The continued abandonment of a desirable, commercially viable unit within a district shopping area that has been designated a cultural quarter and in need of regeneration would be considered to be contrary to several policies including the aims of Policy CQ1 and HN1 of the Hastings Development Management Plan.

6. Conclusion

Although the proposal has attracted some objection this report demonstrates that the applicant has addressed many of the concerns where appropriate. The use as an art gallery and retail space is considered appropriate and not likely to cause unacceptable levels of disturbance to neighbouring residents. The applicant will have to comply with current Building Regulations which include the control of sound. The proposal enhances the cultural and retail offering of the area and is satisfactory when considered against Policy CQ1 and SA2 of the Hastings Development Management Plan.

Moreover, concerns relating to sound insulation, use, commercial deliveries, opening hours and use of the rear courtyard are controlled by condition. These conditions are considered to adequately protect neighbouring residential amenity from unwanted disturbance.

The evidence and historic detail provided to inform the case has been thoroughly examined and taken into account during the decision making process.

The proposal satisfies Policy HN1 and Policy HN2 of the Hastings Development Management Plan with regard to understanding the significance of the building, demonstrating how the chosen scheme enhances the building and Conservation Area, materials, finish and appearance. Where any harm is caused it is considered that the harm is less than substantial and carries 'clear and convincing justification' to mitigate that harm. This is in accordance with paragraph 194 of the NPPF. In addition to this the reopening of a retail unit will stem the aesthetic decline and lack of retail offering in the immediate vicinity, this is not only beneficial for the local economy but also gives a designated heritage asset a viable on going use which is considered that both reasons being clearly in the public interest and satisfies paragraph 196 of the NPPF.

The proposal satisfies Policies DM3 and DM4 in terms of utilising considerate design solutions to avoid adverse impact on the amenity of neighbouring properties, and providing good access for all in terms of creating access to the shop from Marina and providing Disability Discrimination Act compliant toilet facilities within the shop unit.

The proposal has been fully considered in accordance with the Hastings Development Management Plan, reflects relevant international obligations and statutory requirements as per paragraph 2 of the National Planning Policy Framework.

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:

SD/725/01a, SD/725/02c, SD/725/03b, SD/725/04d, SD/725/05a and SD/725/06a

3. Building works required to carry out the development and the delivery of goods to and from the premises during construction 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. The use hereby permitted shall not commence until details of the acoustic insulation have been submitted to and approved in writing by the Local Planning Authority and has also been approved by the Building Control Partnership. The acoustic insulation, as approved, shall then be installed prior to the use hereby approved commencing.

5. The development may only open to the public between the following times:

Monday - Sunday 9am - 9pm inclusive of Bank Holidays.

Deliveries of goods to the premises shall be made to the front of the building (Marina) and may only occur between the following times:

Monday - Saturday: 8am - 6pm

Sunday and Bank Holidays: 8am - 4pm

6. The development shall not be occupied until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. If the refuse bins or storage area is located within a building, suitable ventilation and sound proofing, where appropriate, shall be included within the details. Details shall also include refuse bin collection points, where relevant.

The use approved shall not commence until the all the approved details have been implemented. The refuse store and bin collection point (if required) shall thereafter be retained in perpetuity.

7. Notwithstanding the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 the use of the property shall be restricted to use as a retail shop, provision of financial and professional services, and use as an office under Class E and as a Museum and Exhibition Hall under class F1.
8. The commercial use of the basement and ground floors, hereby approved, applies to the internal areas of the building only. The rear courtyard may not be used for commercial purposes.

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 safeguard the amenity of adjoining residents.
4. To safeguard the amenity of adjoining residents.
5. To safeguard the amenity of adjoining residents.
6. In order to secure a well-planned development that functions well, protects the visual amenities of the area and the living conditions of future residents.
7. To safeguard the amenity of adjoining residents.
8. To safeguard the amenity of adjoining 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.

3. The proposal is a material change of use to which the Building Regulations 1991 apply and a building regulation submission is necessary before the occupation of the property and change of use takes place.

Officer to Contact

Mr Simon Richard, Telephone 01424 783320

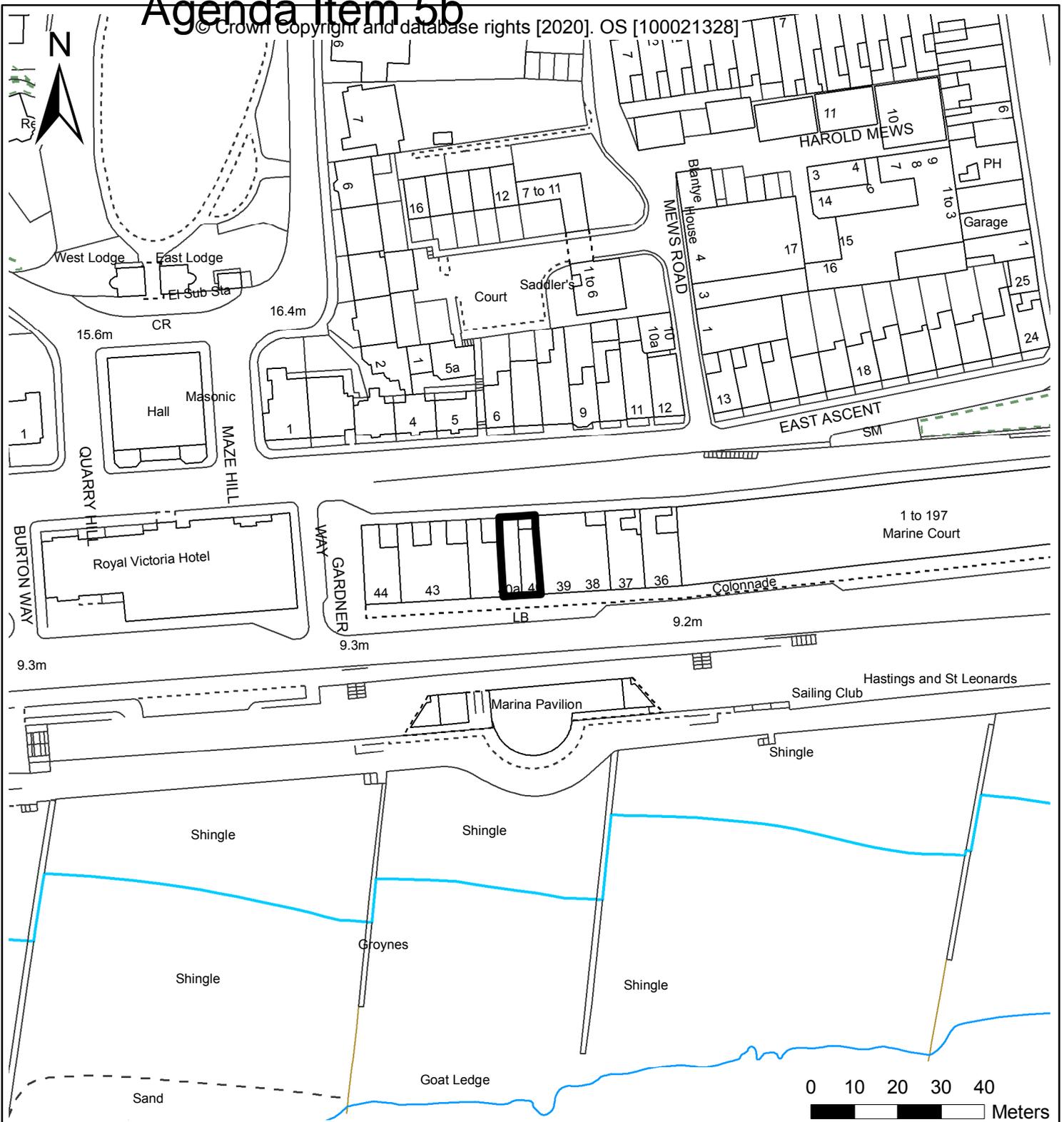
Background Papers

Application No: HS/FA/20/00230 including all letters and documents

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Agenda Item 5b

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**40 Marina
St Leonards-on-sea
TN38 0BU**

Proposed new shop front, rear fenestration changes, minor internal changes and change of use to mixed use A1 and D1



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Jul 2020

Scale: 1:1,250

Application No. HS/LB/20/00231

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Report to: PLANNING COMMITTEE

Date of Meeting: 22 October 2020

Report from: Assistant Director of Housing and Built Environment

Application address: 40 Marina, St Leonards-on-sea, TN38 0BU

Proposal: Proposed new shop front including pavement lights, rear fenestration changes, minor internal changes. Change of use to mixed use E and F1 under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

Application No: HS/LB/20/00231

Recommendation: Grant Listed Building Consent

Ward: CENTRAL ST LEONARDS 2018
Conservation Area: Yes - Burtons' St. Leonards
Listed Building: Grade II

Applicant: Mr Ballon per Mr Derhun 1 Crown Studio 1 Crown Lane Hastings TN34 3DJ

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Affects a Listed Building Amended Plans
Neighbour Letters:	Yes
People objecting:	7
Petitions of objection received:	1
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - Petition received

1. Site and surrounding area

40 Marina comprises of a small shop unit with a basement below and flats above totalling 4 storeys. Originally developed as the Eastern colonnade of the Burton St Leonards development, each shop front is fronted by columns of the doric order that support the roof of the covered colonnade. The shop front for No. 40 has been removed and boarded over, though No. 40A which neighbours 40 to the west does possess a shop front of what appears to be a

late 19th Century/ early 20th Century design with fluted mullions and some curved transoms. Previous uses of the neighbouring No. 40A includes a post office which is evident by steel clad walls in some areas of No. 40. Historically, no. 40 was part of a much larger department store 'Philpots', which spanned nos. 37-40 Marina from the 1930's until its closure in the 1980's. Following the closure of Philpots, Hampdens opened for business and remained there until the 1990's. Since then further subdivision has been undertaken and the implications of this are further discussed under section 5.

Although the Eastern Colonnade was originally a residential development, shops and retail in particular has been established here since the 1920's.

Constraints

Grade II Listed Building

Burton St Leonards Conservation Area

SSSI Impact Risk Zone

Listing Details

St Leonards on Sea MARINA Nos 36 to 44 (consec), No 40A (Eastern Colonnade) (formerly listed under THE MARINA, St Leonards previously listed as Nos 39 to 47 (consec)) 19.1.51.

GV II 1828 by James Burton. One of a pair of terraces with Western Colonnade, on either side of the Royal Victoria Hotel. Much altered. Early C19. Stuccoed. Parapet and cornice.

Four storeys. Ground floor projecting Doric colonnade over pavement, the central two columns having been restored. Cornice over second floor in places mutilated with only two remaining of central six Ionic engaged columns on first and second floors, four pilasters to end house (No. 44). At the other end No. 36 has been cement rendered and lost all its details. Sash windows in moulded architraves, many have been altered, Nos. 37 and 38 have late C19 embellishments with rusticated first floor architraves, pediments and balustered aprons to second floor windows with modillion cornices over. Behind the colonnade are modern shop fronts. Slate roofs, some later attic dormers. Part of James Burton's design for St Leonards.

Nos 36 to 44 (consec) and No 40A (Eastern colonnade), Royal Victoria Hotel, Nos 48 to 53 (consec) (Western Colonnade), No 57 and Nos 60 to 62 (consec) form a group of which Nos. 60, 61 and 62 are of local interest only.

Listing NGR: TQ7997608831

2. Proposed development

The proposal seeks to install a new shopfront to the front elevation, install sound insulation and a new ceiling, create toilet facilities on both floors, install a floating floor in the basement area, install replacement pavement lights, repair and or replace windows to the rear, and carry out refurbishment works to a room to the rear basement. The proposal also seeks to regularise the demolition of a rear wall and front ground floor facade, the infilling of apertures between nos 40 and 39 Marina and permit a change of use to mixed use E and F1 under the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020.

The application is supported by the following documents:

Heritage Statement

Waste Management Statement

Relevant planning history

Application No. HS/LB/19/00621

Description Proposed new shop front, rear fenestration changes and minor internal changes

Decision Withdrawn on 10/03/20

Application No. HS/LB/04/00531

Description FORMATION OF FIRST FLOOR APARTMENT

Decision Listed Building Refusal on 13/10/04

Application No. HS/LB/05/00631

Description Conversion & internal alterations to form self-contained apartment

Decision Withdrawn on 17/10/05

Application No. HS/LB/06/00192

Description Conversion and internal alterations to form self contained apartment.

Decision Listed Building Consent with Conditions on 24/05/06

Application No. HS/LB/09/00462

Description Reinstatement of original architectural features to front elevation of building and repairs to Grade II Listed Building. Removal of existing shopfronts and replacement with new shopfronts (HS/FA/09/00461 also applies).

Decision Withdrawn on 06/10/09

Application No. HS/LB/09/00645

Description Restoration of external building envelope, including:
Re-instatement of original architectural features to front elevation, replacement of 2no. shop fronts, re-modelling of dormers & stair 'tower', removal of roof coverings and replacement with slate and lead, re-instatement of pavement lights, replacement of 'modern' windows with traditional sliding sash windows, rationalisation of satellite dishes & drainage.

Decision Listed Building Consent with Conditions on 11/02/10

Application No. HS/LB/17/00354

Description Proposed sealing up of existing openings between numbers 37 and 38 and numbers 39 and 40.

Decision Listed Building Consent with Conditions on 26/07/17

National and local policies

Understanding significance and heritage values

Decisions about the conservation of a heritage asset – a historic building or place- should always be based on a thorough understanding of its cultural significance (the sum of its heritage values), its physical condition, and how its significance may be vulnerable to physical deterioration or other threats. Developing this understanding, then using it as a basis for devising conservation policies or strategies to sustain the significance of the heritage asset, part of the process known as conservation planning.

Principle 3.2 of English Heritages 2008 Conservation Principles States 'The significance of a place embraces all the diverse cultural and natural heritage value that people associate with it, or which prompt them to respond to it. These values tend to grow in strength and complexity overtime, as understanding deepens and peoples perception of place evolve.

English Heritages Conservation Principles 2008 identifies four primary categories of heritage value:

Evidential Value

Evidential value derives from the potential of a place to yield significant evidence, usually from physical remains, about past human activity. Physical remains provide the sole source of information about undocumented aspects of the past, making age a strong indicator of relative evidential value. It is frequently associated with the research potential of archaeological deposits. All buildings encapsulate unique information about there own evolution; for example, of their evolving form or design, chronology, or decorative schemes, whether visible or having the potential to be revealed through research. The relative evidential value of a building tends to be related to its historical and aesthetic values

Historical Value

Historical value stems from the ways in which the present can be connected by a place to people, events and aspects of life in the past. This may be illustrative, by demonstrating important facets of past lives and helping understand the historic environment, or it may be associative, through being linked to a notable historical person or event.

Aesthetic Value

Aesthetic Value derives from the ways in which people draw sensory and intellectual stimulation from a place. This includes fortuitous qualities which have evolved naturally in a place over time; including the effects of weathering and the patina of age, as well as design values attached to a deliberately created building, group of buildings or landscape.

Communal value

Communal value stems from the meaning of a place for the people who relate to it, or for whom it is part of a collective experience or memory: a shared cultural frame of reference. This can include commemorative and symbolic values important to collective memory, social values which contribute to peoples identification with particular places, or the spiritual values people associate with special buildings and places, whether attached to organised religions or not.

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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 sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;

- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 193 states: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states: Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 196 states: Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3. Consultation comments

Conservation Officer – The case officer is a qualified Building Conservation Officer. As such further comment is not required as considered in the report.

4. Representations

In respect of this application a site notice was displayed outside the property and an advert placed in the local paper.

8 households have made objections, in some cases individuals made several objections which although are considered as 1 objection, each point will be considered. The objections cited reasons including:

- The development would cause noise disturbance that would have an adverse effect on neighbouring residential amenity and thus failing to satisfy paragraph 170 (e) of the NPPF.
- Potential for commercial deliveries to be made to the rear door of the building creating disturbance.
- The insensitive nature of the proposal with little background historical research.
- The building was constructed as a residential dwelling in 1828 and is implied that this is

the most viable use.

- Introduction of a new shopfront and door where there is no historical precedent.
- Inaccuracies on the application form.
- Concerns regarding work that has already been carried out both in terms of heritage value and structural safety.
- 2 shopfronts will be present within the freehold area of 40 Marina. Namely the proposed and 40A Marina which is considered by objectors as unsympathetic and a irregularity when compared to surrounding shops.
- Lack of specified trading hours

This application refers to matters of heritage only and matters of neighbouring amenity will be considered in the associated planning permission application under reference HS/FA/20/00230.

5. Determining issues

In determining listed building applications consideration needs to be given to matters of heritage. Permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected. Significance of a designated heritage asset is determined by analysis of the building's heritage values. These values are laid out in Historic England's Conservation Principles and are described as historic value, aesthetic value, communal value and evidential value.

a) Heritage

The proposal includes many aspects that will be considered individually for their merit and impact on the building. It should also be noted that each heritage asset has differing conservation needs, largely based upon the materials they are constructed from, their use and overall design.

Installation of new shopfront

The main bulk of the proposal that affects the character and appearance of the conservation area is the installation of a new shopfront. Although the unit does not currently have a shopfront in place, it has had until recently a glazed elevation wall with no entrance door. The previous installation carried no architectural merit and did not contribute to the heritage values that make up the overall significance of the Grade II Listed Building or the wider conservation area. The absence of a shopfront in this section was due to the unit being part of a larger development 37-40 Marina up until relatively recently. Access was gained previously by way of entering via 38 Marina. The recent subdivision of the larger planning unit by the blocking up of the walls took the layout back to the original shop form within no 40, however in doing so, as the shop front relating to no. 40 had no door, there is now no direct access from Marina into the shop. It is clear that in order to bring this unit back into use, pedestrian access is required within the shopfront. This is considered as a clear and convincing circumstance where a shopfront layout including entrance door is required. The blocking up of the walls at ground floor level between nos. 39 and 40 did not benefit from listed building consent. There is however consent (HS/LB/17/00354) for similar works at basement level. Works carried out without formal consent, such as the subdivision of nos. 39 and 40 at ground level, are now being regularised in this application. Those works are listed at paragraph 2 and include insertion of walls to separate nos. 39 and 40 Marina. It is considered that the formation of a wall between nos. 39 and 40 reverts the shop unit back to a pre-Philpotts state, reflects a previous layout of the

building, which in conservation terms is considered acceptable.

Regarding the buildings heritage values there is a clear benefit in terms of increasing the buildings aesthetic value within this element of the proposal, no loss of evidential or noteworthy historical value has occurred, and there does not appear to be a communal value attached to the old frontage either.

Restoration implies that a building is restored to a previous point in the buildings history. This proposal reverts the building back to a 1920's external state which giving consideration to the economic and residential provision in the immediate vicinity; is fully supportable and is appropriate for our current circumstances.

The proposed design for the shopfront was initially unsuitable but revision in design replicates the design of the neighbouring shopfront of 40A Marina which is traditional in form and proportion. A reclaimed shop door carries the required proportion and suitably reflects an appropriate traditional design. This element of the proposal is to great advantage and shows that the applicant has considered the context of the building and the desire to enhance the character of the conservation area. The need for a shopfront is both clear and convincing, and in the public interest. Therefore it is considered that the proposal satisfies paragraphs 194 and 196 of the NPPF with the harm to the significance of the conservation area being nil. The proposal also satisfies paragraph 192 of the NPPF by way of showing the positive contribution the shopfront makes to enhancing character and distinctiveness of the conservation area including returning the shop to a viable use that will also enhance the economic vitality of the immediate area.

The shop front at no. 40 is narrower in width than other shops within the marina. This because no. 40 was itself subdivided to create nos.40 and 40a. Objectors consider the smaller shopfront width as unsympathetic and an irregularity when compared to surrounding shops. In response to it is noted that the shop width was reduced at ground floor level with the introduction of 40A as a separate shop in the 1920's.

It is acknowledged that there is an irregularity with regard to shopfront consistency however it is not possible to amalgamate 40 and 40A back to one single unit. Moreover, the resultant appearance of the shop fronts is not considered to harm the character and appearance of the conservation or the listed building.

Whereas objectors have cited this issue, the same objectors also cite the use of 40 Marina as 2 shops dating back to 1923.

'1900 Archive records show 40 Marina still listed as a single dwelling house. Around 1910 onwards a watchmaker is listed living & working at the property. 1923 Archive plans show 40 Marina ceases to be a dwelling house. It was converted into two shops with three residential flats above. From 1923 archive records show a Post Office was based in shop 40A, remaining there until 2007. The resident & watchmaker is listed in the other shop up until the 1930's.'

Historical images show 'Cave.Austin and Co Ltd' Occupying 41 Marina and the signage of 40 Marina being half of the size. What is now 40A Marina displays the sign 'tobacconist' and the other half is not identifiable but is assumed to be Philpotts as the photo appears to be from the late 1950's or early 1960's. Nevertheless the photo confirms the separation into 2 retail units. A 1973 application for a new shopfront was made by Philpotts department store in which the

council officer in charge of the case lamented in the resulting loss of a 'Victorian shop front' and 'loss of the western door' this information is in the planning archive: MA40037V document folder 1. This western door that was lost could have been in the façade of 40 Marina, but it cannot be confirmed as the archived details are incomplete.

With no clear evidence and only some minor indications, the original form of the shopfront cannot be confirmed without doubt. The installation will provide another shopfront but it is considered unreasonable to not allow this, and the previous glazed installation was detrimental to the wider character of the area.

The current proposal therefore is reflective of a plausible and attainable approach to external restoration. The only other alternative is no access to a shop unit which would be contrary to public interest as detailed in paragraph 196 of the NPPF.

Installation of a new ceiling with sound insulation set between the joists

The proposal has been amended to remove the ceiling on the ground floor to allow the insertion of sound insulation between the joists above. This was considered necessary as a suspended ceiling would interfere with the proposed new shopfront.

An assessment of the significance of the ground floor ceiling concluded that the ceiling was a later addition and was most likely installed during the period where the shop was part of the department store 'Philpots' or 'Hamptons'. It has some aesthetic qualities but is constructed of modern gyproc plasterboard. As such in the interests of peaceful enjoyment for all concerned and the proportionality of the new shopfront is maintained, the removal of this ceiling is allowed. Regarding the heritage values the existing ceiling that will be removed, is not considered to have aesthetic, evidential, historic or communal value to such an extent to warrant its protection.

This is considered as clear and convincing justification under paragraph 194 of the NPPF which mitigates against the less than substantial harm caused.

Creation of toilet facilities on the Ground Floor

The proposal includes the installation of toilet facilities on the ground floor to the north western end of the shop. Evidence at the rear of a cast iron soil pipe and the presence of a small sash window in this area provide some basic evidence of some facility being in the location previously. It is considered reasonable to provide such facilities and the associated cupboard space in an area that is accessible and will not have a particularly detrimental effect on the sense of space and scale.

The toilet proposed will be DDA compliant which also is a consideration that is appropriate mitigation against the less than substantial harm caused.

Basement

Formation of kitchen area and toilet.

To the southern end of the basement a sandstone vaulted area is located under the public footpath and illuminated by glass pavement lights above. The proposal seeks to install a small partition to create a toilet and a floating floor to equalise the level of the vaulted area to the rest

of the basement. The area does have the relevant soil connection and would be largely reversible and is considered as a sensible use of space that gives this area a reasonable function. The installation of the replacement pavement lights also allow light into the kitchen area and prevent egress of water into the basement which is considered as beneficial.

Replacement of rear window (facing east)

The existing window is an unsympathetic modern window that can be seen from the public realm. The replacement is proposed to be a timber sliding sash window in the Georgian multi-pane style which matches the design of window at the rear for the properties above.

Repair of steel window

The northern window requires repair, however this is considered to be only repair on a like for like basis and does not affect the character of the building. Therefore this element is considered as not requiring consent.

Refurbishment of rear room

The rear room is formed within a outrigging extension from the main body of the building. It lacks any historic finish and is a bare brick finish with a concrete floor. The proposal is not considered to cause any particular harm or further loss of historic fabric. However the materials detailed on the proposal lack vapour permeability and as such a condition will be placed that requires the applicant to provide a specification of the finishing plaster (which should be lime based) to be used to the local authority for approval. (condition 3)

Demolition of rear external wall and former glazed frontage.

It is acknowledged that works to the listed building had commenced without listed building consent being granted. The elements removed were modern interventions in the form of a concrete block wall as part of an extension to the rear and a 1970's shopfront glazing arrangement without a door to the front. However, the applicants were advised to cease works until a full assessment of the demolished areas could be made in this application and the associated listed building consent application. It is considered that the small flat roof extension at the rear basement level and previous glazed shopfront that was in place until July 2019 were of little significance and did not contribute positively to the aesthetic value of the designated heritage asset. It should also be noted that being of relatively recent construction (mid to late 20th Century) the areas demolished had no evidential, historical or communal value.

It is considered that after reviewing the evidence; the structure had no particular significance and was detrimental to the overall character and appearance of the building. It is considered to be advantageous that it has been removed.

The demolition carried out is considered to enhance the character and appearance of the conservation area and Grade II Listed Building and satisfies Policy HN3 of the Hastings Development Management Plan.

With regard to Policy HN1 of the Hastings Development Management Plan the proposal is considered to enhance the heritage asset and the conservation area in terms of appearance, design and demonstrating how the proposed scheme better reveals the significance of the designated heritage asset and conservation area.

6. Conclusion

The proposals will reinstate a period shopfront and give the shop unit the facilities to enable a potential for ongoing viable use.

The evidence and historic detail provided to inform the case has been thoroughly examined and taken into account during the decision making process. The decision has fully considered the heritage values that contribute towards significance as detailed by Historic England guidance, the NPPF and local policies detailed in the Hastings Development Management Plan.

In terms of harm, the proposal does not cause harm to the heritage asset. Original fabric will remain, later unsympathetic elements will be removed, facilities for more groups within our society will be introduced, a viable use shall be introduced. The underlying heritage values of communal, aesthetic, evidential and historic value that contribute to significance will not be diminished. In terms of aesthetic value it is considered the proposal will improve the current situation.

This proposal enhances the appearance of the unit and better reveals the significance of an early part of the Burton St Leonards development.

As such the proposal satisfies Policies DM1, HN1 HN2 and HN3 of the Hastings Development Management Plan.

With regard to the NPPF the proposal by way of its design and potential for realising an optimum viable use is considered in the public interest and satisfies both paragraph 127 and 196. The proposal also provide clear and convincing justification which mitigates against the less than substantial harm caused as per paragraph 194 of the NPPF.

These proposals comply with the Development Plan in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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

7. Recommendation

Grant Listed Building Consent subject to the following conditions:

1. The works hereby permitted shall be carried out in accordance with the following approved plans:

SD/725/01a, SD/725/02c, SD/725/03b, SD/725/04d, SD/725/05a and SD/725/06a
2. 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.
3. Prior to plastering works commencing at basement level, details of lime based materials to be used for plastering and refinishing the rear basement room are to be submitted to the Local Planning Authority for approval. The plastering works as approved shall be completed prior to commencement of the use hereby approved.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
3. To ensure the materials used do not harm the designated heritage asset.

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 paragraph 38 of the National Planning Policy Framework.

The reason for granting this consent is:

- 1 National Planning Policy Framework Section 16 applies. The works proposed will positively enhance the designated heritage asset.

Officer to Contact

Mr Simon Richard, Telephone 01424 783320

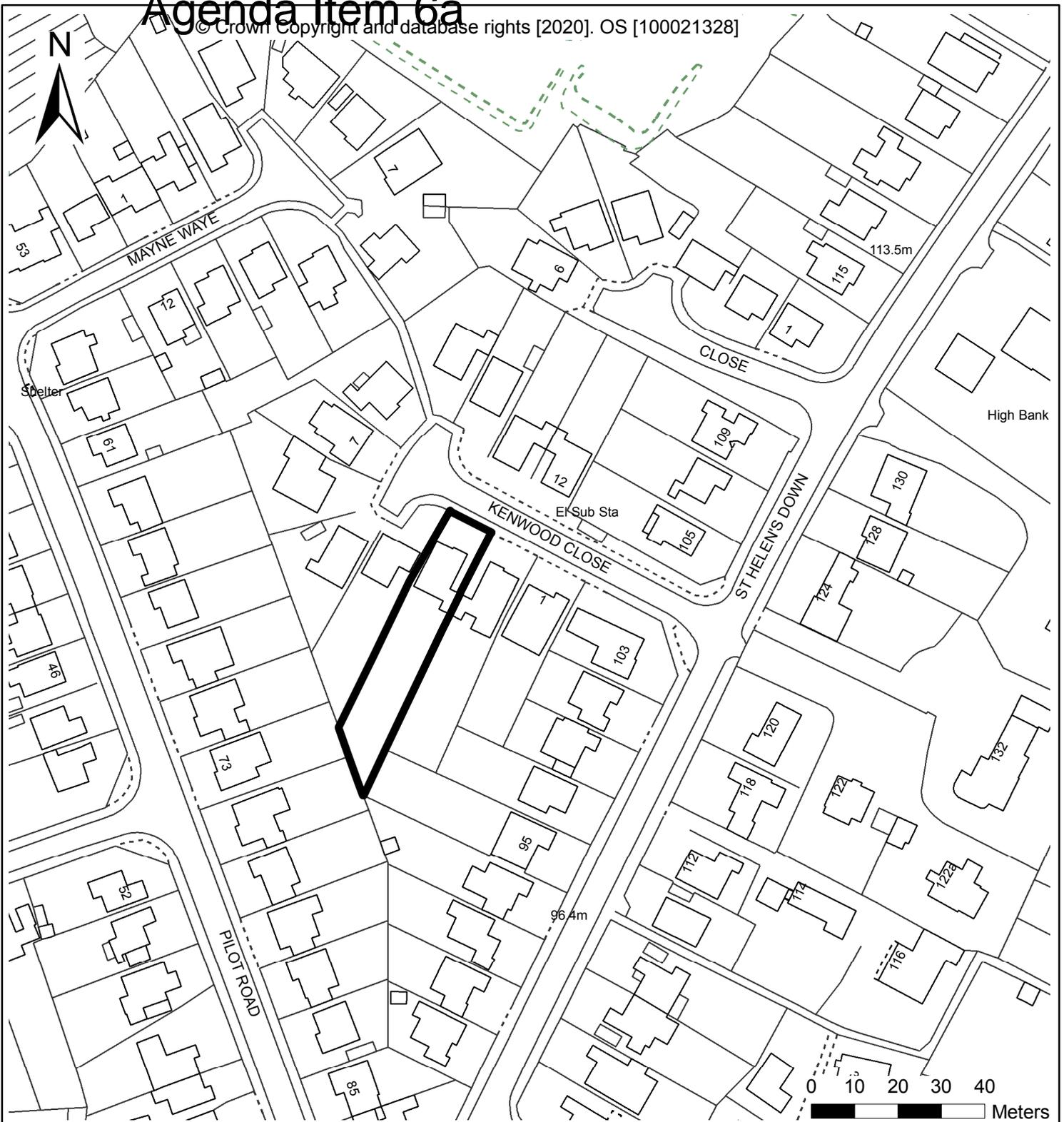
Background Papers

Application No: HS/LB/20/00231 including all letters and documents

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Agenda Item 6a

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**3 Kenwood Close
Hastings
TN34 2AT**

Loft conversion with the inclusion of multiple roof lights, windows within both gable ends and cladding to the rear gable end. Alterations to the arrangement of openings at ground floor level and the replacement with UPVC units finished in anthracite grey. Raised decking to the rear of the property (part retrospective).



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Oct 2020

Scale: 1:1,250

Application No. HS/FA/20/00442

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Report to: PLANNING COMMITTEE

Date of Meeting: 22 October 2020

Report from: Assistant Director of Housing and Built Environment

Application address: 3 Kenwood Close, Hastings, TN34 2AT

Proposal: Loft conversion with the inclusion of multiple roof lights, windows within both gable ends and cladding to the rear gable end. Alterations to the arrangement of openings at ground floor level and the replacement with UPVC units finished in anthracite grey. Raised decking to the rear of the property (part retrospective).

Application No: HS/FA/20/00442

Recommendation: Grant permission

Ward: BAIRD 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Pont per Nicol Design Associates Ltd Suite 4,
The Almonry High Street, Battle, East Sussex
TN33 0EA

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
People objecting:	13
Petitions of objection received:	0
People in 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 site relates to a detached, three-bedroom bungalow, 3 Kenwood Close. The property is set towards the end of the residential cul-de-sac on the south-west side of Kenwood Close. The property is brick built with tile hanging to the first floor within the front gable and weatherboarding to the first floor within the rear gable. The roof is hipped either side with a gable to the front and rear elevation with the roof finished in concrete interlocking tiles. The dwellinghouse is set back from the road and footpath with an area of lawn to the front with a low-level brick boundary wall to the front. To the side, the property features an attached single garage and a large driveway which slopes down towards the garage. The topography of the area sees the land levels drop from the north-west to the south-east roughly following the course of the road and from the front (north-east) towards the rear (south-west) also. The bungalow benefits from a large rear garden which comprises of a large area of raised patio to the rear of the bungalow with lawn thereafter set down at a lower level. The rear garden benefits from a good level of boundary treatment with high timber fencing ranging from 1.5m to 2.5m in height with mature and dense hedging and shrubs also in place in part of up to 3m in height.

To the rear of the site are the rear gardens of Nos. 73 and 75 Pilot Road. Either side of the site are Nos. 2 and 4 Kenwood Close. Also, to the south-east of the site are the rear gardens of Nos. 95, 97, 99 and 101, St Helens Down. Kenwood Close principally consists of detached bungalows, some of which have been altered and extended to allow for additional habitable space within the roof. As such there are examples of dormer windows and roof lights in the immediate locality and this contributes to the character of the area. The design of the roofs is therefore not uniform although there are common themes in design that create a visual cohesion in the area. Several properties also feature raised terraced areas similar to the application site.

Constraints

SSSI Impact Risk Zone

2. Proposed development

This application is seeking planning permission for a number of internal and external works to the bungalow which includes:

- A loft conversion to create two bedrooms, a dressing area and WC.
- The addition of three roof lights to facilitate the loft conversion and a further four lower roof lights to provide high-level light to the ground floor space below.
- The installation of windows within the front and rear gable ends. The rear gable end, the rear window will have a clear glazed central pane with obscured glazed panes either side.
- Removal of existing weatherboarding at first floor within the rear gable end to be removed and replaced with Cedral cladding in light grey.
- Alterations to existing openings at ground floor as follows:
 - Blocking-up the existing front door within the front elevation.
 - The replacement of a window within the side (north-west) elevation with a door and high-level window.
 - The replacement of a door and number of windows within the side (south-east) elevation with a door and adjoining side light and high-level window.

- The replacement of a window and door within the rear elevation with two sets of bi-folding doors. All doors and windows will be fitted with new double-glazed units finished in anthracite grey.
- Removal and replacement of the existing raised patio area with a decking area to the rear of the property.

The decking area will allow access from the dwelling into the rear garden, it will project approximately 4.05m from the rear elevation and run a total length of 7.85m, set in 1.67m from the boundary with No. 4 Kenwood Close and 2.759m from the boundary with No. 2 Kenwood Close. The decking area will measure approximately 1.7m from the ground level at the highest point.

The bungalow will increase from a three to a four-bedroom property.

This application is part retrospective in respect of the replacement windows within the front elevation.

No other form of development is proposed as part of this application.

Background information

This application is for a reduced scheme to the previously submitted planning application HS/FA/20/00001 for this site. The previous application proposed the creation of two separate units within the bungalow, a higher rear decking area, external walls to be rendered at ground floor and Cedral cladding to the first floor and a greater number of roof lights. The applicant was advised that this scheme could not be supported by the Local Planning Authority in terms of its impact upon the area and its neighbours, the application was subsequently withdrawn by the applicant.

Amendments

Further amendments have been made to this revised scheme following comments made by the Local Planning Authority, the removal of the annexe/separate unit within the bungalow, the removal of the upper roof light above the bedroom facing towards No. 4 Kenwood Close, the replacement of the clear side panes with obscure glazing within the rear gable window and the removal of the additional driveway to the front garden. Once amended description and plans were received, new site notices were issued.

The application is supported by the following documents:

- Design and access statement (dated 20th August 2020).

Relevant planning history

HS/FA/20/00001 Loft Conversion with the inclusion of multiple rooflights, changes to existing openings at Ground Floor level, external walls to be rendered & the addition of a raised decking to the rear of the property.

Withdrawn on 14/02/20

HS/FA/64/01056 Erection of 2 bungalows and integral garages.

Permission with conditions on 30/10/64

- HS/64/00072 Construction of roads and sewers.
Permission with conditions on 31/01/64
- HS/FA/55/00373 Layout of building plots and layout and construction of Cul-de-sac,
footpath and sewers for plots 1 to 18.
Permission Without Conditions on 10/04/56

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

Policy DM4 - General Access

Other policies/guidance

National Design Guide

Supplementary Planning Document - Householder Development: Sustainable Design

Highways East Sussex County Council Minor Planning Application Guidance (2017)

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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 sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also 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

No Consultees have been consulted on this application.

4. Representations

In respect of this application site notices and subsequent site notices were displayed outside the property along Kenwood Close and along Pilot Road and St Helens Down.

13 letters of objection received from 12 different properties, raising the following concerns:

- Some of the works have already been carried out on site.
- Overdevelopment of site.
- Too many windows proposed within the roof.
- Concern to gravel being used for additional driveway, not suitable material.
- Front garden turned into additional driveway will be unsightly.
- Conversion of bungalow into two units should not be allowed, not in keeping with area.
- Concern to the bungalow being divided into separate residential units and used and sold as such.
- Overlooking.
- Concerns to parking situation.
- Change in fenestration colour is out of keeping.
- Sub-standard accommodation.
- Concern that Building Regulations have not been applied for or approved.
- Errors regarding the neighbouring numbers either side.
- Light pollution to neighbouring properties and wildlife which live and visit garden.
- Noise and disturbance.

It is acknowledged that some of the works have already commenced on site including the replacement windows within the front elevation and blocking-up the existing front entrance, as such this application is being applied for part-retrospectively.

The alteration of the front garden into an additional driveway has been removed from the scheme with the existing driveway to remain in place.

The conversion of the dwellinghouse with the formation of an annexe has been removed from the scheme, the applicant intends for the single dwellinghouse to remain as one space. Condition 4 has been attached to ensure the dwellinghouse is not divided into separate residential units at any time.

The bedrooms have been indicated as single and double bedrooms on the proposed floor plans in order to meet the required dimensions for single and double bedrooms.

The applicant has been informed of their responsibilities regarding Building Regulations and informative note 3 has been added to reflect this.

The errors regarding the neighbouring numbers either side have since been corrected with the submission of the amended plans.

Regarding noise and disturbance from the proposed development, the government accepts that noise and disturbance will occur as part of any construction and this is not a reason for refusal. However, in order to control the extent of any impact, condition 3 is attached to control the hours of construction.

The other concerns listed above will be dealt with within the main body of the report.

5. Determining issues

The main issues in determining this application are the impact of the proposed works on the character and appearance of the area, the neighbouring residential amenities and highway safety and parking.

a) Principle

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.

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.

Loft conversion and roof lights

The scheme proposes a loft conversion with the installation of several roof lights. Given the large spacing available between the application site and neighbouring sites Nos. 2 and 4 Kenwood Close either side, clear views will be achieved towards these roof lights. The number of roof lights has been significantly reduced from the withdrawn scheme HS/FA/20/00001 from 14 to 7. The roof lights will set back from the front elevation and set down from the ridge. Although it is acknowledged that the introduction of roof lights within this roof will create some visual change, it is not considered that this change is to be significantly harmful given the noted differences within the street with varying dormer windows and roof styles present and a number of nearby properties also featuring roof lights.

Windows within both gable ends

The proposed window within the rear gable end will not be visible from Kenwood Close and as such will have no impact on the character and appearance of the bungalow and street. Clear views from the surrounding roads of St Helens Down and Pilot Road towards this element of the proposal will not be achievable given the distance involved and the surrounding boundary treatment and built form, with only glimpsed views achieved at best. The scheme also proposes the installation of a window within the front gable of the bungalow. Given its position this window will be clearly visible within the street scene. However, the inclusion of this moderate sized window within the gable end is not considered to be out of keeping or harmful with a number of other nearby properties also featuring the same arrangement.

Cladding to rear gable end

The scheme proposes the weatherboarding at first floor within the rear gable end to be replaced with Cedral cladding in light grey. As mentioned above, views towards the rear of the site are limited with any such views being oblique and indirect. Whilst most of the properties nearby are brick built there are some variations with brick, render and tile hanging. It is also acknowledged that the rear at first floor level already has white weatherboarding in place, as such its replacement with a light grey cladding is not considered to be harmful. It is considered the cladding will provide the rear elevation with a fresh and tidy appearance.

Alterations to arrangement of openings at ground floor level and colour of openings

The proposal will involve alterations to the arrangement of the openings within the ground floor of the bungalow which will include the blocking-up the existing front door within the front elevation. The replacement of a window within the side (north-west) elevation with a door and high-level window. The replacement of a door and number of windows within the side (south-east) elevation with a door and adjoining side light and high-level window. All these changes to degree will be visible within the street scene, although it is not considered that this change is harmful with many of the other neighbouring properties also featuring doors with the side elevations with differing opening arrangements within their elevations. It is also noted the window and door within the rear elevation will be replaced with two sets of bi-folding doors, given the elevation at which these will sit and the surrounding built form and boundary treatments, views are unlikely to be achieved towards this element.

It is also proposed for all the windows and doors within the bungalow to be installed with new double-glazed units finished in anthracite grey. Whilst the change in fenestration colour will create a visual difference between the application dwelling and the other properties, this is not considered to be harmful given the detached nature of the dwellings and the noted

variations already present within the street in terms of materials, dormer windows and roof forms.

Raised rear decking area

The final element of the development will involve the removal and replacement of the existing raised patio area with a decking area towards the rear of the bungalow. Given the position and height of this decking area and the good boundary treatment present, views from the public realm will not be achieved and as such this aspect will have no impact upon the character and appearance of the bungalow or the locality.

Given the above assessment, it is considered the proposed works are now proportionate to the site with the appearance of the bungalow maintained. The proposed works are not considered to significantly harm the character and appearance of the bungalow or the area, and therefore it is considered the proposal is acceptable in this regard and complies with Policy DM1 of the Hastings Local Plan - Development Management (2015) and the Supplementary Planning Document - Householder Development: Sustainable Design.

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 closest neighbouring properties to the proposed works are Nos. 2 and 4 Kenwood Close, therefore the impact of the proposal on these neighbouring properties in terms of privacy, outlook and daylight levels needs to be considered. The proposed development will be situated approximately 27m from the rear boundaries of the closest property of St Helens Down to the south-east of the site and approximately 25m from the rear boundaries of the closest property of Pilot Road to the south-west of the site. As such, given the distances involved it is not considered that the proposed works will cause a significant harm to the amenity of these neighbouring properties.

Loft conversion and roof lights

The proposed scheme intends to convert the loft into habitable space with the inclusion of a number of roof lights to serve the loft space and the ground floor below. The four lower roof lights to serve the ground floor will provide high level daylight. These lower level roof lights will not lead to any overlooking with the lowest part of the roof light measuring 2.8m from the floor level. The proposal also includes three roof lights to serve the loft space which will be positioned 1.435m from the floor level, as such given the height at which they will sit views will be achieved. One of the roof lights will serve the bedroom and but given its position will only allow views over the roof of No. 2 Kenwood Close with no harmful views achieved. The other two roof lights will serve a WC and stairway, as such given that they will not serve habitable spaces and will not be used for prolonged periods of time, there are no concerns that these roof lights will allow for harmful overlooking.

The initial plans did include an additional roof light to serve the bedroom facing towards No. 4 Kenwood Close, there were concerns that this opening would allow clear and harmful views directly towards the side dormer window of No. 4. The plans have been amended with the omission of this roof light and no further concerns are raised regarding the roof lights proposed and any overlooking.

Windows within both gable ends

The scheme proposes the installation of a window within the front gable end to serve a bedroom. This window will be set approximately 23m from the nearest neighbouring properties opposite which are set at a higher elevation. As such, given the distance involved and the topography there are no concerns that this window will lead to a loss of privacy for neighbouring properties. It is also noted a number of other neighbouring properties have windows within their gable ends, as such this arrangement is not uncommon within this area.

The development also proposes the creation of a large window within the rear gable to serve a bedroom. The initial plans proposed for the window to be installed with clear glass. Concerns were raised that the size of opening was too excessive and would facilitate a greater area for viewing. Following these comments, amended plans were received with the window to feature one central clear glazed pane with obscure glazing to the side panes. This arrangement will significantly reduce views and direct views towards the rear of the gardens away from their main amenity spaces. It is also noted a number of properties within this area feature roof lights and dormer windows, including Nos. 1 and 4 Kenwood Close as such there is already a degree of mutual overlooking achieved between these properties, it is not considered the addition of this window will cause significant harm.

Alterations to arrangement of openings at ground floor level

The proposal will involve alterations to the arrangement of the openings within the ground floor of the bungalow which will include the removal of the front door within the front elevation. The replacement of a window within the side (north-west) elevation with a door and high-level window. The replacement of a door and number of windows within the side (south-east) elevation with a door and adjoining side light and high-level window. The replacement of the window and door within the rear elevation with two sets of bi-folding doors. The alterations will lead to a reduction in the number of openings available at ground floor level and will reduce the number of viewpoints available. The two doors within the side elevations will serve hallways and stairways and as such there is no concern that this arrangement will cause additional harmful overlooking. The two windows within the side elevations will be high level with the window cill levels measuring approximately 1.6m from the floor level, as such no clear harmful views will be achieved. The rear elevation will also see some minor alterations to the openings. Given the existing arrangement, whereby there are already openings with the rear elevation which serve the same rooms with existing views, it is not considered that the proposed arrangement will lead to any additional overlooking.

Raised rear decking area

It is acknowledged that the site already features a large area of patio immediately to the rear of the property which is higher than the remainder of the garden. It is proposed for this patio area to be removed and replaced by a decking area, albeit moderately larger. The proposed decking area will project approximately 4.05m from the rear elevation, run a total length of 7.85m and measure approximately 1.7m from the ground level at the highest point. The proposed decking area will largely sit at the same point from the ground as the existing patio area, although it will project approximately 0.55m further than the existing arrangement and

due to the land levels, this will result in the proposed arrangement being approximately 0.5m greater in height than existing. This existing arrangement has been in place for many years with other neighbouring properties also featuring similar arrangements, including no. 1 which features a raised terrace, no. 2 features a conservatory and associated elevated raised terrace and no. 4 features a raised decking area. Having been out on site and stood on the existing raised patio area, views are already achieved towards the neighbouring gardens. Given the existing arrangement on site and to the neighbouring sites a degree of mutual overlooking is already achieved between the sites and the moderate increase is not considered to create additional harmful overlooking, with the relationship between the sites to remain much the same.

Given the nature and scale of the proposed decking area, this will not cause any impact upon Nos. 2 and 4 Kenwood Close in terms of outlook and daylight levels.

In terms of impact on light pollution to neighbouring properties and wildlife which live and visit the garden, given the existing arrangement with the bungalow situated in a well-established residential area, whereby both the application site and neighbouring properties have a number of existing openings. It is not considered the proposed alterations will lead to a significant rise in light pollution, with this arrangement not uncommon within residential areas.

Taking the above into account, it is not considered that the proposed works would significantly harm the amenity of the neighbouring properties in terms of privacy, outlook and daylight levels, and therefore the proposal is considered acceptable in this respect and is in accordance with Policy DM3 of the Hastings Local Plan - Development Management (2015) and the Supplementary Planning Document - Householder Development: Sustainable Design.

d) Highway safety/parking

The East Sussex County Council Minor Application Guidance (2017) states in paragraph 3.6.1 that 'parking for individual dwellings that don't have a shared access or share parking car parking should be provided as follows: 1 or two bedroom dwelling: 1 space, 3 or 4 bedroom dwelling: 2 spaces'.

Following the proposed works the property will see a small increase from a three to a four-bedroom property. As stated above the number of parking spaces required for this size of property is likely to remain the same with two parking spaces required.

Whilst it is acknowledged that there is a single garage on site and this is to remain, this garage falls short of the size requirements for a single garage outlined by East Sussex County Council Minor Application Guidance (2017) which requires a single garage to be 6m by 3m, with a 2.4m wide garage door. As such, this existing garage is not fit for purpose and cannot be counted towards this requirement. Although it is important to note garages only account for 0.3 of a parking space requirements.

The property benefits from a large driveway to the side and front of the property and there are spaces available along the street or nearby streets for parking if required, given the existing arrangement and that the required number of car parking spaces is to remain the same, the proposal is considered acceptable in this regard.

e) Environmental Impact Assessment

The National Planning Practice guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The legislation regarding Environmental Impact Assessments can be found on the following link: <https://www.gov.uk/guidance/environmental-impact-assessment>

f) Site Constraints

The site is within a SSSI IRZ. The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

6. Conclusion

In light of the above assessment it is considered that the proposed works are both 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 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 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:

8440/000 P/01, 8440/001 P/02, 8440/002 P/00, 8440/003 P/00, 8440/004 P/03, 8440/005 P/02, 8440/006 P/01 and 8440/007 P/02
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. The property of 3 Kenwood Close, Hastings, TN 2AT shall remain as a single dwellinghouse and at no time shall be divided into separate residential units.
5. The side panes of the first floor rear gable window shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The development hereby approved shall not be occupied until the obscure glass is installed, and once installed, the window shall be permanently maintained in that condition.

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 safeguard the amenity of adjoining and future residents.
4. To ensure a satisfactory standard of development.
5. 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.

3. The applicant is advised that a building regulation submission may be necessary before the works can take place. The applicant is advised to contact Building Control at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk

Officer to Contact

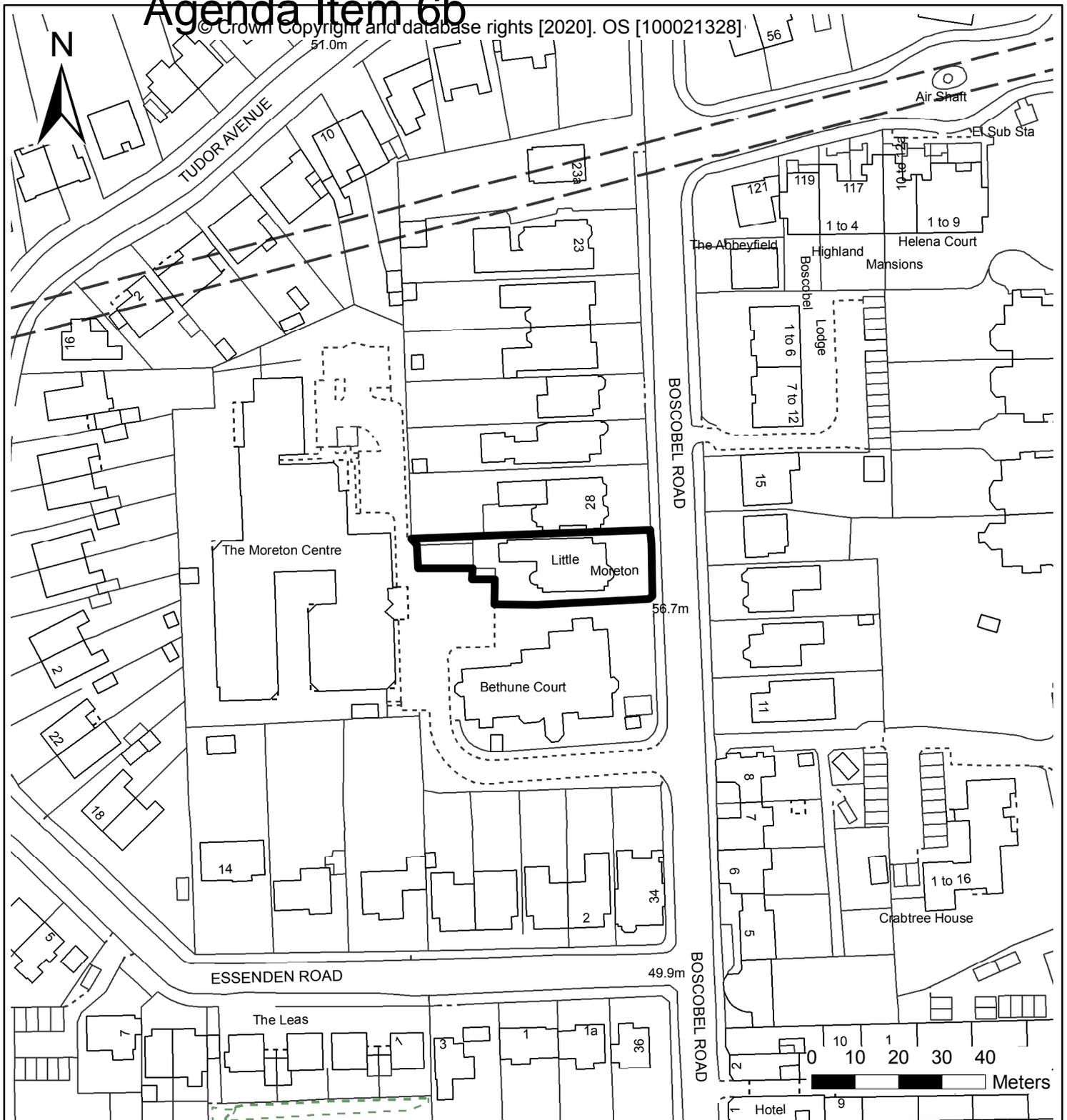
Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/20/00442 including all letters and documents

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Agenda Item 6b



**29 Boscobel Road
St Leonards-on-sea
TN38 0NY**

Variation of condition 2 (approved plans) of planning permission HS/FA/17/00344 - Change of use from C2 (residential institution) to 6x 2 bedroom flats C3 (residential) - Amendments alteration to front porch, alterations to openings within north, south and west elevations, creation of new pathways including ramped access to front porch, alterations to rear single storey projection to include revised roof and alterations to the internal floor layouts (part-retrospective) (amended description).



Assistant Director Housing & Built Environment
Hastings Borough Council,
Muriel Matters House, Breeds Place,
Hastings TN34 3UY
Tel: 01424 451090
email: planning@hastings.gov.uk

Date: Oct 2020

Scale: 1:1,250

Application No. HS/FA/20/00092

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Report to: PLANNING COMMITTEE

Date of Meeting: 22 October 2020

Report from: Assistant Director of Housing and Built Environment

Application address: 29 Boscobel Road, St Leonards-on-sea, TN38 0NY

Proposal: Variation of condition 2 (approved plans) of planning permission HS/FA/17/00344 - Change of use from C2 (residential institution) to 6 x 2 bedroom flats C3 (residential) - Amendments - alteration to front porch, alterations to openings within north, south and west elevations, creation of new pathways including ramped access to front porch, alterations to rear single storey projection to include revised roof and alterations to the internal floor layouts (part-retrospective) (amended description).

Application No: HS/FA/20/00092

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL 2018

Conservation Area: Yes - Burtons' St. Leonards

Listed Building: No

Applicant: Moreton House Property LTD per LGS New Holme Victoria Road Bexhill-on-Sea TN39 3PD

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area Amended Plans
Neighbour Letters:	Yes
People objecting:	12
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated - 5 or more letters of objection received
Referred by Councillor

1. Site and surrounding area

The application site relates to 29 Boscobel Road, a substantial sized two storey detached traditional style building. The building is not listed but does fall within the Burtons St Leonards Conservation Area designation. The property is built of red facing brick with a rendered finish to the upper level with white UPVC windows throughout. To the front the property features a reasonable area of lawn and vegetation which is enclosed by a low stone boundary wall. Boscobel Road is predominantly Victorian with substantial sized detached and semi-detached dwelling houses present.

Constraints

Burtons St Leonards Conservation Area
Conservation Area Appraisal Consultation Draft
Low Pressure Pipeline SGN
SSSI Impact Risk Zone

2. Proposed development

This application is an amendment to the previously approved planning application HS/FA/17/00344 which was for a change of use from C2 (residential institution) to 6 x 2 bedroom flats C3 (residential). The proposal is to vary condition 2 (approved plans) and sees amendments to the following:

- Alterations to the front porch

The size of the porch will remain the same as existing. The flat roof will be removed and replaced by a pitched roof finished with tiles to match the main roof. The side window will be blocked up and six gas meters are to be fitted externally in gas meter boxes. The entrance will be set back within the covered porch area with a traditional Victorian timber four panel front door to be installed. All materials are to match and complement the host building.

- Alterations to openings within north, south and west elevations

The second floor window which serves the stairway within the north elevation has been replaced by a new window required by Building Control to allow for a 1m² Automatic Opening Vent (AOV) for fire safety requirements, the window is to be fitted with obscure glazing. The roof light within the south elevation is to be reduced in size and re-positioned and the existing single door to be replaced with a differing design. Two windows within the west elevation at first and second floor are to be blocked up and a ground floor window removed and replaced by a single door.

- Creation of new pathways including ramped access to front porch

The existing front path has been enlarged and replaced with a new pathway with a concrete underlay and will be finished with paving slabs in natural light grey. The pathway has a gradual fall, providing ramped access to the front porch to allow for wheelchair access. A new pathway will also run along the front and down the south side of the building to provide access to the front and rear of the site, all pathways and associated areas are to be finished with paving slabs in natural light grey.

- Alterations to rear single storey projection to include revised roof

The roof will feature a minor amendment with the roof towards the south side now featuring a pitched element which connects to the existing pitched roof, with the remainder of the roof set behind to be flat. It is also proposed within the north elevation for a window and door to be blocked up and one of the windows to be fitted with obscure glazing and to be non-openable. The window within the west elevation is to be blocked up. The window within the south elevation is also to be blocked up with the bi-folding doors to be replaced with a differing design.

- Alterations to the internal floor layouts

These will be fairly minor with the number of units to remain the same and the number of bedrooms within each unit to remain the same.

Background information

This site was approved planning permission under HS/FA/17/00344 for a change of use from C2 (residential institution) to 6 x 2 bedroom flats C3 (residential). Works have commenced on site but have not yet been completed. Works which have been carried out already include alterations to the openings within the north, south and west elevations, except the second floor landing/stairwell window within north elevation needs to be fitted with obscure glazing and the ground floor lounge window needs to be non-openable and fitted with obscure glazing / the front ramped pathway has been laid but the pathways have not yet been completed / the revised roof to the single storey rear addition has been constructed and the alterations to the internal layouts have been made. This application is a result of an enforcement notice served for unauthorised works, as some of the works which have been carried out are not in accordance with the approved plans. This application is part-retrospective with the application submitted in order to rectify these issues.

Amendments

The applicant has worked alongside the Conservation Officer in order to achieve a front porch which both enhances and protects the Conservation Area in which it sits. The size of the porch has been reduced and will remain the same as existing and the design and materials have been significantly revised also. The porch will have a pitched roof, traditional Victorian timber four panel front door with all materials to match and complement the host building.

It is also noted the development proposes alterations to the openings within north, south and west elevations, creation of new pathways including ramped access to the front porch, revised roof to the rear single storey and a revision to the internal floor layouts. Some of which have already been completed. These alterations have been included within the plans and the description amended to reflect all proposed deviations from the original permission.

The plans have also been amended so the replacement first floor window within the north elevation of the building is to be fitted with obscure glazing and the ground floor window within the north elevation of the rear single storey is to be fitted with obscure glazing and to be non-openable, all of which to help protect the privacy of the neighbouring properties.

Following the submission of amended plans and description, the application was re-advertised.

The application is supported by the following documents:

- Heritage statement.

Relevant planning history

- HS/CD/20/00550 Discharge of conditions: 5 (car parking); 6 (cycle spaces) and 7 (refuse storage and collection area) of Planning Permission HS/FA/17/00344.
Not yet determined
- HS/FA/17/00344 Change of use from C2 (residential institution) to 6 x 2 bedroom flats C3 (residential).
Granted with conditions on 10/07/2017
- HS/FA/12/00943 Change of use to care/nursing home (C2).
GRANTED 6 February 2013
- HS/CC/88/00758 Change of use to educational purposes.
RNO 15 September 1989

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications

Policy DM1 - Design Principles

Policy DM3 - General Amenity

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

Other Policies/Guidance

Technical housing standards - nationally described space standard (CLG, March 2015)

National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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 sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the

planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 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
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also 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

Conservation Officer - No Objection

The site lies within a designated Conservation Area and as such the character and appearance of buildings that contribute to the overall appearance of the Conservation Area must be sustained and enhanced. This is a requirement of Policy HN1 of The Hastings Development Management Plan and extends to what is visible from the public realm. In this case the amendments to the porch, entrance and paving seen from the front of the building are now considered to be suitable and reflect the character and appearance of the Conservation Area. In terms of Policies HN1 and HN2 the proposed porch is considered to be of a suitable appearance, utilising correct materials and being of acceptable proportion.

I have no objection to the works to the rear including revision of the roof appearance and adjustments to openings as they are minimal with a marginal positive effect on the overall appearance. With regard to the works on the northern elevation, these works are considered as essential by building control for access to services and are only partially visible from the public realm.

4. Representations

In respect of this application a site notice was displayed to the front of the site and an advert placed in the local paper. Following amendments to the scheme, neighbour letters were issued, and adverts placed in the local newspaper.

12 letters of objection received from 9 different properties, raising the following concerns:

- The new proposed porch is too large, out of keeping and harmful to the building and Conservation Area.
- Noise and disturbance.
- The plans do not depict the actual build.
- Concerns to the quality, safety and duration of the building works.
- Concerns to works damaging the boundary wall.
- Impact on daylight.
- Inadequate pipe work and drainage.
- Unsightly gas meters.
- Front garden needs to remain as it was with existing lawn and shrubs.
- Impact on privacy.
- Concerns to new front paths, paving and ramp not in keeping with Conservation Area.

Regarding noise and disturbance from the development, the government accepts that noise and disturbance will occur as part of any construction and this is not a reason for refusal. The principle of development on the site has already been agreed through planning consent HS/FA/17/00344 and is not for further consideration here, the amendments considered here are not considered to cause any additional noise. Condition 3 will be carried forward to control the hours of construction.

In relation to the plans not depicting the actual build, the development although it has commenced it has not yet been completed. Once the applicant has received a decision on this application, then they will need to ensure that the development is completed in line with the approved scheme.

Concerns regarding the quality, safety and duration of the building works are noted. It is acknowledged that the development is not yet complete and is a building site, upon receiving this decision the applicant will be able to complete all works on site. Building Control have been made aware of the situation and it's the applicants' responsibility to satisfy all Building Regulation requirements prior to works and occupation of the building.

Concerns have been raised that the works may be causing damage to the boundary wall between the site and No. 28 Boscobel Road. This is a civil / legal matter between the applicant and neighbours and is not a planning consideration. The applicant intends for this boundary wall to remain in place as existing and this has been depicted on the proposed site plan.

Regarding concerns in relation to inadequate pipe work and drainage. The development is not affected by any flooding related constraints. As mentioned above the development is not yet complete and as such not all pipe work and associated drainage have been completed on site. Adequate drainage is a requirement of Building Regulations and the applicant will need to ensure that these requirements are satisfied.

The proposed site plan has been amended to illustrate that the front lawn and shrubs are to remain in place as previously approved.

The other concerns listed above will be dealt with within the main body of the report.

5. Determining issues

The main issues which need to be determined is the impact of the proposed amendments on

the character and appearance of the Conservation Area, layout and the neighbouring residential amenities.

a) Principle

The principle of development on the site has already been agreed through planning consent HS/FA/17/00344 and is not for further consideration here. This is an application for a minor material amendment and as such, the main considerations are with regards to the proposed amendments only, which include alterations to front porch, alterations to openings within north, south and west elevations, creation of new pathways including ramped access to front porch, alterations to rear single storey projection to include revised roof and alterations to the internal floor layouts.

b) Impact on character and appearance of Conservation Area

Policy EN1 of the Hastings Planning Strategy (2014) states development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. Policy DM1 of the Hastings Development Management Plan (2015) establishes all proposals must reach a good standard of design, which includes efficient use of resources, and takes into account: protecting and enhancing local character. Furthermore Policy HN1 of the Hastings Development Management Plan (2015) states permission will be given for those schemes that show a full understanding of the significance of the asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected (including Conservation Areas).

A Conservation Area is an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. The application site forms part of the Burtons St Leonards Conservation Area designation. Boscobel Road is predominantly Victorian with substantial sized detached and semi-detached dwelling houses present with many of their traditional architectural features remaining providing an enhancement to this street. Whilst it is acknowledged that there is some variation within the street with some modern additions, any future development should protect and enhance the local character.

Alterations to the front porch

The dwellinghouse is situated within a prominent position within the street scene, as a result this building is clearly visible and helps contribute to the Conservation Area, with the proposed porch to be clearly visible within the street. Planning application HS/FA/17/00344 was approved with a small front entrance porch with a lean to roof not much dissimilar to the original porch arrangement.

This application seeks to further amend the front porch, mainly being that the existing flat roof will be removed and replaced by a pitched roof finished with tiles to match the main roof. The side window will be blocked up and six gas meters are to be fitted externally in gas meter boxes. The entrance will be set back within the covered porch area with a traditional Victorian timber four panel front door to be installed. The size of the porch will remain the same as existing.

The applicant initially proposed to replace the front porch with a Neo-Georgian reproduction consisting of a pedimented and columned arrangement. This porch was to be much larger in length and height compared to the one approved under HS/FA/17/00344. This design and size of porch was not considered to reflect the design and context of the surrounding area and was considered wholly inappropriate by the Conservation Officer. A high number of

objection comments were received with concerns to the size and design of the porch being harmful and out of keeping with the building and Conservation Area. The applicant has worked alongside the Conservation Officer and has amended the porch several times in order to achieve a front porch which both enhances and protects the Conservation Area in which it sits.

The size of the porch has been significantly reduced with the size of the porch to remain the same as existing which will provide a clearly subservient addition to the building. The porch will now feature a pitched roof with tiles to match existing with a traditional Victorian timber four panel front door, this porch now reflects the design and context of the street and provides a sympathetic addition to the front. All the materials of the porch are to match and complement the host building. The porch will feature six gas meters fitted externally in gas meter boxes to the side elevation, given the position of these boxes set down low, the set back from the road and the presence of the high boundary brick wall, it is not considered that the presence of these boxes will cause significant harm. The Conservation Officer now considers the amendments to the porch to be suitable and reflect the character and appearance of the Conservation Area. In terms of Policies HN1 and HN2 the proposed porch is considered to be of a suitable appearance, utilising correct materials and being of acceptable proportion.

Alterations to openings within north, south and west elevations

Given the narrow spacing established between the site and No. 28 Boscobel Road and the set back from the road, views towards the north elevation are limited with only glimpsed views achieved at best. It is noted views towards the rear elevation cannot be obtained from Boscobel Road but views can mostly be achieved towards the south elevation. The proposed alterations are very minimal and mostly involve the blocking up of openings, the external finish will be made good with materials of a colour and style to match and complement the existing building. All openings will be white UPVC to match the existing arrangement to provide consistency across all elevations of the building. No openings will be altered within the front elevation of the existing building.

Creation of new pathways including ramped access to front porch

The creation of the new pathways and ramped access to the front porch will be clearly visible from the public realm. It is noted there are many differing materials used for neighbouring pathways along this road. These works are considered within proportion with the site and allow for good accessibility across the whole site for all, especially for people with a physical impairment. The plans have been reviewed by the Conservation Officer and they are now considered acceptable in terms of the impact on the character and appearance of the Conservation Area.

Alterations to rear single storey projection to include revised roof

As mentioned above, the rear elevation of the site is not visible from Boscobel Road and as such it is not considered to have a significant effect on the character and appearance of the street. The alterations to the rear single storey projection are minimal with a marginal positive effect on the overall appearance. All materials are to match and complement the existing building to provide a consistent appearance between both elements.

Considering the above, the proposed amendments to the scheme will not cause a significant harm to the character and appearance of the building or the Conservation Area in which it sits. As such, the proposed variations are considered acceptable in this respect and in

accordance with Policies DM1 and HN1 of the Hastings Local Plan - Development Management Plan (2015) and Policy EN1 of the Hastings Local Plan - Hastings Planning Strategy (2014). The Conservation Officer has reviewed the revised scheme and considers there to be no harm caused and as such no objection is raised.

c) Layout

Policy DM3 (f) of the Hastings Local Plan - Development Management Plan (2015) states dwellings should be designed to allow residents to live comfortably and conveniently with sufficient internal space.

This revised scheme will involve some alterations to the internal layout of the 6 flats, however these alterations are to be fairly minor with the number of units to remain the same and the number of bedrooms within each unit to remain the same.

The 6 proposed flats all meet the minimum internal floor space requirements as set out in the government guidance Technical housing standards - nationally described space standard (CLG, March 2015). Flats 2 and 3 greatly exceed these and provide particularly spacious living accommodation. It is however noted flats 4 and 6 only meet the minimum floor space requirements for a 2 bedroomed, 3 person unit, and as such bedroom 2 of each flat should therefore only be used for a single person. Furthermore, bedroom 2 of flat 5 only meets the minimum floor space requirement for a single bedroom and therefore should only be used by a single person. Informative note 4 has been attached detailing these requirements.

In view of the above, it is considered the proposed development provides sufficient internal space for future residents, as such Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) and the Technical housing standards - nationally described space standard (CLG, March 2015) are complied with.

d) 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.

Alterations to the front porch

The proposed replacement front porch will remain the same size as existing, whilst the existing flat roof will be replaced by a pitched roof, the porch has already been approved a lean to style roof. Given the existing arrangement, moderate size and height of the porch and the distance to the boundaries and side elevation of No. 28 Boscobel Road there are no concerns that this revised porch will harmfully impact upon the resident's outlook and daylight levels. In terms of privacy, given the use of this space as a porch entrance there are no concerns that this space will lead to harmful overlooking. In addition, the existing side window has been blocked up which removes any potential views from this side towards No. 28.

Alterations to openings within north, south and west elevations

The second floor window which serves the stairway within the north elevation has been

replaced by a new window required by Building Control to allow for a 1m² Automatic Opening Vent (AOV) for fire safety requirements. The window has been installed with clear glazing and concerns have been raised by neighbours that the window could lead to harmful overlooking towards No. 28 Boscobel Road. Amended plans have been sought and received which now show that the new window will need to be fitted with obscure glazing which overcomes any initial concerns. Condition 7 has been attached to ensure that the obscure glazing is fitted prior to occupation of the flats. The other amendments to the openings within the south and west alterations are very minimal and will have little impact on amenity. The alterations involve several windows being blocked up and a revision to the design of some of the doors to be installed. No new openings are proposed. The ground floor window within the west elevation is to be removed and replaced by a single door. Given that the existing opening already exists it is not considered a change from a window to a door at ground floor will have any significant impact. The revised scheme will in fact result in a reduction in the number of openings previously approved, reducing possible views towards neighbouring properties. Given the nature and scale of these works there will be no impact upon the outlook and daylight levels of the neighbouring properties.

Alterations to rear single storey projection to include revised roof

The roof of the single storey rear projection will feature a minor amendment with the roof towards the south side now featuring a pitched element which connects to the existing pitched roof, with the remainder of the roof set behind to be flat. This element is set well away from any neighbouring properties with good boundary treatment in place it is not considered that this minor amendment will have any impact in terms of outlook and daylight levels. In terms of privacy, it is also noted several of the openings within this element are to be blocked up and the design of the bi-folding doors within the south elevation to be revised. As such the amended scheme will see a reduction in the number of openings and a reduction in possible views. Concerns regarding the window proposed within the north elevation have been raised by neighbours in terms of overlooking and noise. As such, amended plans were requested and received with the window to be fitted with obscure glazing and to be non-openable, this has addressed any previous concerns. Condition 7 has been attached to ensure that this window is fitted with obscure glass and is non-openable prior to occupation of the flats.

In view of the above findings, it is considered the proposed amendments to the scheme will not cause a significant harm to the amenity of any of the neighbouring properties in terms of privacy, outlook and daylight levels. As such, the proposed variations are considered acceptable in this regard and in line with the aims of Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

e) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The legislation regarding Environmental Impact Assessments can be found on the following link: <https://www.gov.uk/guidance/environmental-impact-assessment>

f) Site Constraints

The site is within a SSSI IRZ. The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

The site is affected by a Scotia Gas Networks (SGN) low pressure pipeline, as such an appropriately worded informative has been included on this permission (informative note 6) to inform the applicant of their responsibilities.

6. Conclusion

The revised scheme submitted now provides an acceptable standard of design. The significance and setting of the Conservation Area will not be harmed, residential amenities will not be harmfully affected and sufficient internal space will be provided for future occupants. The Conservation Officer raises no objection to the proposed amendments. The development is considered acceptable and in line with Policies DM1, DM3, HN1 of the Hastings Local Plan - Development Management Plan (2015) and Policy EN1 of the Hastings Local Plan - Hastings Planning Strategy (2014) and the relevant sections of the National Planning Policy Framework, and as such the revised scheme is recommended for approval 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 carried out in accordance with the following approved plans:

Site location plan, STL29BR101, STL29BR102, STL29BR107, STL29BR302 REV H, STL29BR303 REV D, STL29BR304 REV B, STL29BR305 REV A, STL29BR306 REV A, STL29BR308 and STL29BR309

2. The materials to be used to update the external surfaces shall match the colour and style used in the existing building.
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 part of the development shall be occupied until the car parking has been constructed and provided in accordance with the approved plans. The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
5. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles
6. Notwithstanding that shown on the approved drawings no flat hereby approved shall be occupied until refuse storage and collection areas have been provided in accordance with details submitted to and approved in writing by the Local Planning Authority.
7. Prior to the occupation of the flats, the ground floor window (north elevation) serving the lounge of flat No. 2 shall be fitted with obscure glass and shall be non-openable and the second floor window (north elevation) serving the stairs/stairwell shall be fitted with obscure glass, and once fitted, the windows shall be permanently maintained in that condition.

Reasons:

1. For the avoidance of doubt and in the interests of proper planning.
2. In the interests of the visual amenity of the area.
3. To safeguard the amenity of adjoining and future residents.
4. To provide car-parking space for the development
5. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies
6. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
7. 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.
3. Consideration should be given to the provision of a domestic sprinkler system.
4. The applicant is advised that flats 4 and 6 only meet the minimum floor space requirements for a 2 bedroomed, 3 person unit, and as such bedroom 2 of each flat should therefore only be used for a single person. It is also acknowledged that bedroom 2 of flat 5 only meets the minimum floor space requirement for a single bedroom and therefore should only be used by a single person.
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. The development subject to this application falls within a highlighted proximity of a mains gas pipe which is considered a major hazard. The applicant/ agent/ developer is strongly advised to contact the pipeline operator PRIOR to ANY works being undertaken pursuant to the permission granted/ confirmed by this notice.
Address is:
Southern Gas Networks Plc
SGN Plant Location Team
95 Kilbirnie Street
Glasgow
G5 8JD
Tel: 01414 184093 OR 0845 0703497
Search online at:
www.linesearchbeforeyoudig.co.uk
SGN personnel will contact you accordingly.

Officer to Contact

Mrs L Fletcher, Telephone 01424 783261

Background Papers

Application No: HS/FA/20/00092 including all letters and documents

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Agenda Item 7

Agenda Item:

Report to:	Planning Committee
Date:	22 October 2020
Report from:	Planning Services Manager
Title of report:	PLANNING APPEALS & DELEGATED DECISIONS
Purpose of report:	To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 11/09/2020 to 09/10/2020
Recommendations:	That the report be noted

The following appeals have been received:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
31-32 Station Road, Hastings, TN34 1NJ (HS/FA/20/00028)	Change of use of ground floor from Class A4 (drinking establishment) to Class C3 (residential), the conversion of upper floors and the extension of the second floor and creation of a third floor to provide 4 x studio apartments and 4 x 1 bedroom flats			Planning

201/202 Queens Road, Hastings, TN32 1RG (HS/AA/19/01008)	Installation of internally illuminated display and 'vertical meadow'.	Refuse Planning Permission	DELEGATED	Planning
Land Adjacent, 14 Castledown Avenue, Hastings (HS/FA/19/00500)	Erection of three storey detached dwelling	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been allowed:

None

The following appeals have been dismissed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
My Way Lodge, The Ridge West, St Leonards-on-sea, TN37 7PP (HS/FA/20/00108)	Proposed two houses (Self Build or Custom Build Serviced Plots)	Refuse Planning Permission	DELEGATED	Planning
79 William Road, St Leonards-on-sea, TN38 8DE (HS/FA/19/00446)	Erection of a two bedroom detached dwelling	Refuse Planning Permission	DELEGATED	Planning
The White Rock Hotel, 1-10 White Rock, Hastings, TN34 1JU (HS/FA/19/00815)	New disabled access ramp to front entrance	Refuse Planning Permission	DELEGATED	Planning

Type of Delegated Decision	Number of Decisions
EIA Required	1
Granted Permission	38
Part Granted	1
Prior Approval Refused	1
Raise No Objection	2
Refused	9
Total	52

Report written by

Courtney Dade – Tel: (01424) 783264

Email: planning@hastings.gov.uk