

Planning Agenda

Wednesday, 20 July 2022 at 6.00 pm

Council Chamber, Muriel Matters House, Breeds Place, Hastings, TN34 3UY.
Please enter the building via the Community Contact Centre entrance.

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

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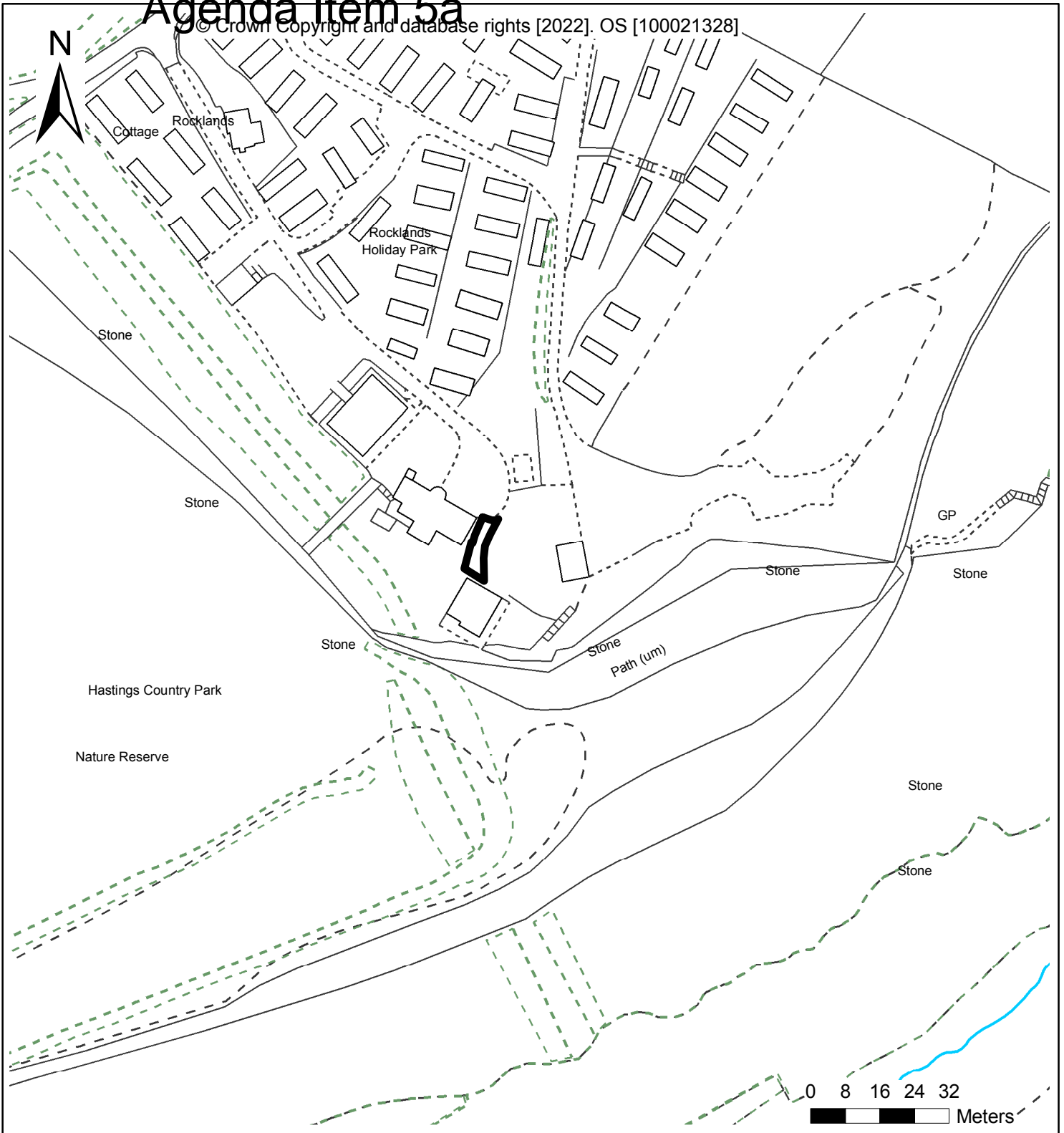
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Agenda Item 5a

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Rocklands Private Caravan Park
Rocklands Lane
Hastings
TN35 5DY

Proposed asphalt surface to existing hardcore access ramp



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 2022

Scale: 1:1,250

Application No. HS/FA/22/00339

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2022

Report from: Assistant Director of Housing and Built Environment

Application address: **Rocklands Private Caravan Park, Rocklands Lane, Hastings, TN35 5DY**

Proposal: **Proposed asphalt surface to existing hardcore access ramp**

Application No: **HS/FA/22/00339**

Recommendation: **Grant Full Planning Permission**

Ward: OLD HASTINGS 2018
Conservation Area: No
Listed Building: No

Applicant: Mr S and Mrs J Guilliard per CLM Planning Limited
14 Magpie Close Bexhill on Sea East Sussex
TN39 4EU

Public Consultation

Site notice:	Yes
Press advertisement:	No
Neighbour Letters:	No
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

1. Site and surrounding area

This application relates to an existing hardcore ramp constructed to the south east of the dwelling at Rocklands Caravan Park, which provides access to an existing holiday let building, sited at the southern end of Rocklands Caravan Park. The caravan park itself is sited wholly within the High Weald Area of Outstanding Natural Beauty (AONB), the Hastings Historic Core Archaeological Notification Area (ANA) and is an area susceptible to groundwater flooding.

In addition to the above, the following designations also affect the application site and its surrounding area:

- Scheduled Ancient Monument (SAM) designation
- Conservation area buffer zone

The caravan park boundary is also directly adjacent to the:

- Old Town Conservation Area
- Hastings Country Park
- Hastings Country Park and Fairlight Place Farm Local Nature Reserve
- Hastings Country Park Local Wildlife Site

Land both within Hastings Country Park (owned by Hastings Borough Council) and the caravan park (owned by the applicants) has in the past been subject to a land slip, which resulted in the loss of vegetation on the southern slopes of the caravan park and the cliff.

The caravan park is screened in the most part from the surrounding Country Park by the protected woodland on the north-eastern and south-western boundaries. The caravan park is accessed from a narrow lane leading off Barley Lane.

2. Proposed development

This application proposes the formation of an asphalt surface to an existing hardcore access ramp, which provides access to an existing holiday let building. The holiday let building has been subject to an extensive planning history, with an appeal against an enforcement notice being upheld in 2016 but varied to allow the retention of the holiday let, thereby approving planning permission for the holiday let building (subsequently amended under HS/FA/20/00470).

The existing ramp is used for access and is constructed from MOT Type 1 Hardcore (crushed aggregate). The proposal seeks to use this as a sub-base for a 44mm porous asphalt surface, with 40mm wide concrete kerb edging. The access ramp would not be linked to the public highway. The extent of the existing access ramp area would not be enlarged.

No protected trees fall within the proposed access ramp area.

No other elements of the holiday let building are being considered as part of this application. Any other alterations may be subject to further applications for planning permission, if necessary.

The application is supported by the following documents:

- Heritage statement
- Site waste management plan

Relevant planning history

HS/FA/20/00470 Variation of condition 2 (approved plans) of Appeal Decision APP/B1415/C/15/3029007 (EN/15/00028, HS/FA/14/01036) Amendments to balcony fenestration, appearance of the dining area window (north side - omitting opening casement) and omission of middle balcony post on south side

GRANTED 20 January 2021
HS/EX/19/00780 Application for a certificate of lawful development for the existing use of parking area for temporary siting and storage of caravans
REFUSED 13 January 2020

HS/PR/19/00279 Application for a Certificate of Proposed Lawful Use of parking area for temporary siting and storage of caravans
REFUSED 3 September 2019

HS/FA/19/00172 Construction of paving slab patio around holiday let building
GRANTED 14 August 2019

HS/TP/18/00769 Works relating to trees identified as L1 to L6 and L9 to L13 inclusive, including pruning, cutting back of branches, reduce in height and re pollard
GRANTED 26 July 2019

HS/FA/17/00772 Application for prior written consent for various tree works as reserved by condition 4 (works to trees) of Planning Application HS/FA/78/00708
GRANTED 13 December 2017

HS/FA/17/00294 Erection of 13 ground based solar panels on hardstanding to be retained with associated cabling and wall mounted controllers
GRANTED 19 October 2017

HS/TP/16/00089 Various tree works
GRANTED 15 July 2016

HS/FA/15/00528 Retention of ground mounted solar panels within the garden
REFUSED 11 December 2015

EN/15/00028 Without planning permission, the construction of a two storey building
ENFORCEMENT NOTICE UPHeld AND AMENDED, PLANNING PERMISSION GRANTED FOR SCHEME '3A' 7 June 2016

HS/FA/14/01036 Retention of holiday let building (with reduction to balcony area to the dimensions permitted by HS/FA/12/00952) and access ramp. Relocation of solar panels to roof of holiday let building.
REFUSED 4 March 2015

HS/FA/14/00406 Variation of condition 2 (approved plans) of planning permission HS/FA/12/00952 - Minor amendment showing change of ground floor plan, additional & altered window positions & extended balcony (Retrospective)
REFUSED 18 June 2014

HS/CD/13/00792 Discharge of conditions 4 (colour of render) & 5 (screening) of application HS/FA/12/00952
GRANTED 21 January 2014

HS/FA/12/00952 Proposed demolition of current holiday let and replacement of a new holiday let
GRANTED 13 February 2013

HS/FA/12/00471 Proposed demolition of current holiday let and replacement of a new holiday let
REFUSED 19 July 2012

HS/FA/11/00043 Removal of condition 2 from Planning Permission HS/FA/10/00492
REFUSED 16 March 2011

HS/FA/10/00492 Roof Alterations to form first floor accommodation
GRANTED 5 October 2010

HS/FA/08/00869 Replacement Holiday Dwelling
REFUSED 16 March 2009

HS/FA/89/01067 Erection of extensions to existing bungalow
REFUSED 4 April 1991

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA5 - Strategic Policy for Eastern Area
Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy EN1 - Built and Historic Environment
Policy EN3 - Nature Conservation and Improvement of Biodiversity
Policy EN5 - Local Nature Reserves (LNR)
Policy EN6 - Local Wildlife Sites (LWR)
Policy EN7 - Conservation and Enhancement of Landscape

Hastings Local Plan – Development Management Plan 2015

Policy LP1 - Considering planning applications
Policy DM1 - Design Principles
Policy DM3 - General Amenity
Policy DM5 - Ground Conditions
Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets (including Conservation Areas)
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest
Policy HN8 - Biodiversity and Green Space
Policy HN9 - Areas of Landscape Value

Other guidance

High Weald AONB Management Plan

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c. approving development proposals that accord with an up-to-date development plan without delay; or

- d. where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

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

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

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
 - Layout
 - Architecture
 - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
 - Building types
 - Materials
 - Arrangement of streets

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

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

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

3. Consultation comments

East Sussex County Council (Archaeology) – **objection** – this objection has been overcome by the applicant consulting East Sussex Historic Environment Record (ESHER)

Historic England - **no objection**

Consider the proposal would result in low level harm to the Scheduled Monument and that

the Council should balance this against the public benefits of the proposal. Scheduled Monument Consent should be sought for these works.

High Weald AONB Unit - **Do not provide specific comment on applications of this scale.** Standard response received advising that the Local Planning Authority should assess the impact of the application on the AONB having regard to relevant national and local plan policies.

Natural England - **no objection**

The proposal would not have significant adverse impact on statutorily protected nature conservation sites.

Hastings Borough Council (Conservation) - **have not provided comments**

Hastings Borough Council (Arboriculturist) - **no objection**

The proposal does not impact on existing trees on the site.

Building Control - **have not provided comments**

4. Representations

Following the display of a site notice, 15 letters of representation have been received from 12 different households.

A summary of the comments material to the determination of this application are as follows:

- relevant consultees have not been consulted;
- insufficient drainage, land stability, archaeology, and access details;
- inappropriate development for a protected site;
- concerns about the use of soakaways [**Officer note: the proposal does not involve the use of soakaways, water will soak into the ground as is the existing case**];
- surface water run-off may contribute to landslip;
- concerns regarding impact on archaeological significance;
- the access ramp does not have planning permission nor Scheduled Monument Consent; and,
- the application cannot be viewed in isolation as it may impact the main planning permission, such as the approved planting scheme and drainage proposal.

Comments regarding other matters that do not relate specifically to this application, are not given consideration within this report. The existing access ramp is referred to in this report, by way of background, however, members are reminded the application is only for the proposed asphalt surface.

5. Determining issues

Background

There is a detailed planning history in respect of the Rocklands Caravan Park. In the case of this application, particular reference is made to Appeal ref. APP/B1415/C/15/3029007 - (EN/15/00028), which related to the holiday let building which was not built in accordance with planning permission HS/FA/12/00952, granted on 13 February 2013. The appeal succeeded in part, in that an amended scheme 'scheme 3A', for the holiday let building was granted planning permission, subject to conditions. All conditions relating to that permission

have since been discharged. This application proposes the formation of an asphalt surface on the existing access to the holiday let building, scheme 3A approved at appeal. The approved scheme was amended by planning application HS/FA/20/00470 which was granted planning permission on 21 January 2021.

The main issues to be considered as part of this application relate to the impact of the proposed asphalt surface on the character and appearance of the area, with particular regard to the sites location in an Area of Outstanding Natural Beauty, and proximity to the designated Hastings Country Park, Local Nature Reserve and Local Wildlife site. Concerns have also been raised regarding drainage, land stability, the impact on Scheduled Ancient Monument / archaeological significance, and implementation of approved details (landscaping) to discharge conditions, which are issues also addressed in this report.

The principle of the holiday let building within Rocklands Caravan Park has already been agreed through an earlier planning consent and the Planning Inspectorate's appeal decision as part of APP/B1415/C/15/3029007, as such this is not re-visited as part of the determination of this application.

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

The proposed asphalt surface is a minor addition to the existing holiday let site. The existing ramp has been in situ for well over four years and has been deemed previously by Council officers to be lawful in planning terms. As such, the existing ramp is not a consideration in the determination of this application, as it is an established feature within the site that does not need planning permission. With this in mind, the proposed asphalt with concrete kerb edging would provide a neat clean finish to the existing access, with an external finish which would be in-keeping with the contemporary appearance of the associated holiday let building. This is considered appropriate in terms of the impact on the character and appearance of the site, and in terms of the functionality by providing suitable, practical access to the building. As such, the materials proposed are suitable in the context of the building the access serves and would match the external finish of the parking area around Rocklands.

Given the minor nature of the proposal and the fact that the track is screened by significant vegetation, and the land levels in this particular location, the proposed works would not be visible from the adjacent Hastings Country Park, nor the wider landscape generally. In the light of the above the proposal is not considered to be harmful to the appearance of the immediate site or to detrimentally impact on the setting of the holiday let in the landscape, nor the wider AONB.

Overall, it is not considered that the proposal would cause any harm to the character and appearance of the site or affect wider landscape views, with negligible resultant impact on the character and appearance of the area. Therefore, it is considered that the proposed asphalt track surface is in accordance with the requirements of Policy DM1 of the Development Management Plan 2015.

c) Heritage

Part of the application site falls within a Scheduled Ancient Monument, and therefore,

detailed consideration must be given to whether there will be any impact on this designation, and whether the site's archaeological significance is preserved.

Specifically, the proposed asphalt surfacing of the access ramp, partly lies within the boundary of the outer extents of a Scheduled Monument, namely the Iron Age Cliff Castle and site of St Georges Churchyard on East Hill, Hastings (National Heritage List for England monument ref 1011086).

Scheduled Monument Consent

If Scheduled Monument Consent (SMC) is not in place for works undertaken within the Scheduled Monument area, as required by the Ancient Monument & Archaeological Areas Act 1979 (as amended), then the works are unauthorised. It has been acknowledged by Historic England that the existing hardcore ramp was constructed without Scheduled Monument Consent. As such, it is recognised that the existing ramp is unauthorised in that regard; however, Scheduled Monument Consent cannot be applied retrospectively to rectify that. Nonetheless, this is a matter for Historic England and is not a planning matter. In terms of planning, the existing ramp is lawful (see section h) below) and is not a consideration in determining this application.

Notwithstanding the above, Historic England as custodians of Scheduled Monuments, have considered the impact of both the existing ramp and proposed resurfacing, and consider that the works are unlikely to greatly impact on the significance of the Scheduled Monument. This is because the works that have already taken place are unlikely to have entailed significant below ground disturbance to any depth and lie in a part of the Scheduled Monument which is unlikely to have particularly sensitive archaeological remains. Historic England are also of the opinion that the addition of the access ramp and its proposed surfacing would not significantly affect understanding or appreciation of the setting of the Scheduled Monument, given its relationship with and context adjacent to, an existing contemporary building, and being sited on the outer edges of the Scheduled Monument. As such, it would not detract from the key features of the Scheduled Monument some distance from the application site.

Impact of current proposal on Scheduled Ancient Monument

As the existing ramp does not require planning permission, any impact it may have had on the Scheduled Ancient Monument cannot be addressed retrospectively from a planning perspective. Therefore, in assessing the impact on the Scheduled Ancient Monument designation, as well as the Archaeological Notification Area, only the proposed resurfacing works being proposed by this application can be considered in the determination of this application. No significant groundworks are involved with the proposed works being considered as part of this application, and as such, these designations will not be affected, and the heritage assets would be preserved.

Overall, whilst the Scheduled Monument is recognised as being of national importance, the application site is on the fringes of the designated area, which diminishes the significance to some extent as outlined by Historic England. The resurfacing of the ramp is considered to be at the lower end of 'less than substantial' in terms of the harm to the Scheduled Monument. Historic England confirm this would be the case collectively with the construction of the ramp itself, although as already stated from a planning perspective, this is not a consideration for this application.

Therefore, in light of the above, the low level of harm identified when weighed against the benefits of providing suitable disabled access to an existing holiday let for the convenience of the occupants, is considered to be tilted favourably toward the benefits. Therefore, when

applying the balance judgement required by paragraph 202 of the NPPF, the proposal is acceptable from a heritage point of view. Equally, Policy HN1 of the Planning Strategy, and Policy HN4 of the Development Management Plan are also complied with.

Archaeological significance

The formation of the existing ramp was constructed from materials laid on the ground, with minimal, if any, disturbance below ground level. Whilst it cannot be categorically concluded that there was no harm to Archaeological significance during the formation of the ramp, as there was no archaeological monitoring, pragmatically based on Historic England's view, no significant impacts to the Scheduled Monument would have ensued from its construction. Notwithstanding this, as alluded to above, this application relates to the proposed resurfacing only and it is contended that this would not impact on any archaeological remains.

Following comments by County archaeologists, East Sussex Historic Environment Record (ESHER) were consulted by the applicant in accordance with the requirements of the National Planning Policy Framework (Para 194). As no groundworks are required to carry out the proposed works, they confirmed that in this instance, the information held by the ESHER would not contribute to determining the significance of the heritage asset. As such, there is no requirement for the Local Planning Authority to consult directly with East Sussex County Archaeology team as, based on the available evidence, ESHER do not believe that any significant archaeological remains are likely to be affected by these proposals. As such, the initial objection of the County Archaeologists is deemed to be overcome.

Conservation Area

The application site is adjacent to a part of the Old Town Conservation Area, which acts as an open land buffer to protect the historic Old Town from encroachment of built development. The works to the access ramp proposed by this application would not impact on the open setting of this part of the Old Town Conservation Area.

d) Impact on neighbouring residential amenities

Given the nature of the proposed works, there will be no impact on residential amenity. Policy DM3 of the Development Management Plan is therefore complied with.

e) Trees

Concern has been raised in representations to the Council regarding the effect the proposal will have on the approved landscaping scheme, required to discharge the conditions for the main holiday let building. Condition 4 was imposed by planning permission granted under appeal ref: APP/B1415/C/15/3029007. The details required by this condition were subsequently approved (HS/CD/16/00655), namely the Planting Schedule & Planting Maintenance and Establishment Specification (The Mayhew Consultancy Ltd, July 2017), on 21 July 2017. To fully discharge the condition the approved details are required by condition 4 to be implemented before the holiday let is occupied (it is not currently occupied).

Additional planting shown within the approved planting plan, is outside the area of the access ramp, as such, the access ramp does not nor would not prohibit the implementation of the approved planning scheme. The current proposal to resurface the ramp would not alter that.

As such, due to the relevant ground conditions, Condition 4 can be discharged in accordance with the approved details, and the applicant will be advised to submit a further application should there be any revisions to the approved planting details [Informative 3].

The Council's Arboriculture officer has confirmed that no existing trees will be impacted by the proposal, and as such has no objection to the proposal.

f) Ecology

The existing access ramp is constructed from compressed aggregate which would have low ecological value. The proposed work to resurface the ramp would not exacerbate this. As such, whilst there are important habitat designations nearby, the proposal would have a neutral impact in biodiversity terms. Natural England concur that the proposal would not have a significant adverse impact on statutorily protected nature conservation sites and have no objection to the application.

g) Drainage

The drainage of the existing ramp is into the ground by soakage. The proposal seeks to provide a fully permeable asphalt surface to the existing hardcore access ramp. This allows water to percolate through it rather than accumulate on the surface and run-off. As such, the soakage into the ground would continue in much the same way as the existing situation. The surface area of the access ramp is not being proposed to be enlarged, and as such, the resurfacing works would only result in a marginal (if any) increase in surface water run-off. Any surface water run-off would be collected in a gully within the adjoining parking area. As such, there would be no substantive change to ground drainage conditions as a result of the proposal. A drainage scheme for the holiday let building has been assessed in detail as part of the discharge of condition application HS/CD/16/00655. No conflict is anticipated with this, however, any revisions to the approved drainage scheme would require the applicant to submit a further application [Informative 3].

In addition, land stability is unlikely to be compromised by such minor scale works, given the status quo of the site drainage and the limited additional loading of the asphalt surfacing works.

Therefore, despite concerns raised in representations, it is not considered necessary or proportionate to provide a more detailed drainage scheme to supplement this application. It is also noted that based on previous applications for this site, the County Lead Local Flood Authority would not provide formal comments due to the minor scale and nature of the proposed development.

Taking the above into account, the Council is confident that drainage and land stability have been adequately assessed and would have a neutral impact, and therefore the requirements of Policy SC7 of the Hastings Planning Strategy 2014 and Policy DM5 of the Development Management Plan have been complied with.

h) Other matters raised in representation

Type of application submitted

It has been raised as a concern that the proposed asphalt surface should not be considered in isolation, but rather, should be considered as part of the construction of the access ramp in its entirety. Following investigations by Council officers, the laying of hardcore on the ground to form the access ramp has been evident since 2014. Therefore, having been in place for more than 4 years, regardless of whether it amounted to engineering works to be deemed as development or not, by virtue of the passage of time the access ramp is lawful in planning terms. As such, there is no requirement to retrospectively apply for permission for the ramp.

The applicant has correctly applied for the proposed resurfacing of the ramp, as this does require planning permission.

The proposed new surface will also need Scheduled Monument Consent from Historic England and the applicant will be advised of this [Informative 4].

Furthermore, whilst the application site is within the site area of the approved permission for the holiday let, approved under APP/B1415/C/15/3029007; this permission has been implemented, which means that a variation of that permission is not applicable in this instance and as such, the applicant has also submitted the correct application for the proposed works in that regard too.

Discharge of conditions

For information purposes, applications have been received to discharge all the conditions set out in the Appeal Decisions, which have been approved, and will be fully discharged subject to being implemented in accordance with the details approved. The relevant discharge of conditions applications are as follows:

HS/CD/16/00655 - Discharge of condition 4 (details of the planting scheme and soft landscaping), 6 (archaeological monitoring), 7 (foul and surface water drainage scheme) and 8 (external colour scheme) of Appeal A ref: APP/B1415/C/15/3029007 - (EN/15/00028);
HS/CD/18/00371 - Discharge of condition 8 (external colour scheme) of Appeal A ref, APP/B1415/C/15/3029007 - (EN/15/00028).

The details submitted were considered to be acceptable and were approved.

Consultation with statutory consultees

The Council maintains that the relevant consultees have all been consulted given the nature, scale, and potential impact of this application.

6. Conclusion

The proposed resurfacing works are minor in scale and will not impact negatively on the character and appearance of the immediate area or the surrounding AONB. Heritage issues have been adequately assessed and there will not be a detrimental impact in this regard to the Scheduled Ancient Monument, Archaeological remains, nor the Conservation Area. No other harm has been identified regarding Ecology, Trees, Drainage and Land Stability. The proposal therefore complies 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 plan:

21.408/01A

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.

Notes to the Applicant

1. Failure to comply with any condition imposed on this decision 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 reminded that should any changes to the originally approved scheme be made in light of any subsequent revisions to drainage or relevant ground works that may occur, then the drainage and soft landscaping details approved under HS/CD/16/00655 may not be deemed to be discharged, and a further application may be required.
4. The applicant is advised to also apply to Historic England for Scheduled Monument Consent to undertake any changes to the ramp including resurfacing.

Officer to Contact

Mr Paul Howson, Telephone 01424 783279

Background Papers

Application No: HS/FA/22/00339 including all letters and documents

Agenda Item 5b

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**Land Adjoining 5 Essenden Road
St Leonards-on-sea
TN38 0NN**

Removal of prefabricated concrete garages, creation of one dwelling with parking.



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 2022

Scale: 1:1,250

Application No. HS/FA/22/00226

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Land Adjoining 5, Essenden Road, St Leonards-on-sea, TN38 0NN

Proposal: Removal of prefabricated concrete garages, creation of one dwelling with parking.

Application No: HS/FA/22/00226

Recommendation: Grant Full Planning Permission

Ward: MAZE HILL 2018
Conservation Area: Yes - Grosvenor Gardens
Listed Building: No

Applicant: Mr Hall per Michael D Hall Building Design Services
Studio A 339 London Road BEXHILL-ON-SEA,
East Sussex. TN39 4AJ

Public Consultation

Site notice:	Yes
Press advertisement:	Yes - Conservation Area
Neighbour Letters:	No
People objecting:	9
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 site consists of a sloping site occupied by 2 single storey flat roof garages, one block of 4 garages and one block of 5 garages (9 garages in total). The garages are positioned on the southern side of Essenden Road. The site adjoins 5 Essenden Road to the north west, 7 The Leas to the east, 56 West Hill Road (divided into flats), 58 West Hill Road (divided into flats) and 60 West Hill Road to the south.

Access to the site is down a sloping drive from Essenden Road with a closeboard fence along the boundary with 7 The Leas. The elevations of the garages run along the boundary with 5 Essenden Road and also part of the boundary with 60 West Hill Road. To the south of the garages is an open area of land which adjoins 56 and 58 West Hill Road. Presently within the grassed area of the site are several parked vehicles.

The area is predominantly residential including a mixture of two storey dwellings and bungalows to the north and two storey properties to the south at West Hill Road. The site lies within the Grosvenor Gardens Conservation Area.

Constraints

Conservation Area
GCN District Licensing Scheme IRZ - Green
Flooding Surface Water 1 in 1000
SSSI Impact Risk Zone

2. Proposed development

This application seeks permission of the erection of a single storey, detached dwelling with parking. To facilitate the development it is proposed to demolish existing pre-fabricated garages.

The application is supported by the following documents:

- Heritage Statement
- SUDs Report
- Planning Statement
- Preliminary Ecology Appraisal
- Waste Management Statement

Relevant planning history

Application No.	HS/OA/65/01318
Description	Site for erection of nine garages.
Decision	Outline Application with Conditions on 13/01/66
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Application No.	HS/OA/73/01376
Description	Erection of block of 12 flats and garaging, with vehicular access to Essenden Road
Decision	Refused on 11/10/73
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Application No.	HS/OA/73/01772
Description	Erection of 6 flats on 3 floors, 4 garages under and 9 parking spaces
Decision	Refused on 10/01/74
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Application No.	HS/OA/74/00148
Description	Erection of 3 terraced houses and 8 garages, with vehicular access.
Decision	Outline Application Refused on 04/03/74
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Application No.	HS/OA/74/00398
Description	Erection of 2 houses and garages, and 6 additional garages, with pedestrian and vehicular access.
Decision	Outline Application with Conditions on 01/05/74
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Application No. HS/FA/75/00524
Description Erection of nine garages at rear with access from Essenden Road.
Decision Permission with conditions on 08/10/75

Application No. HS/FA/01/00113
Description Erection of 7 garages
Decision Withdrawn on 26/04/01

Application No. HS/CA/13/00606
Description Demolition of existing 10 lock up garages.
Decision Conservation Area Consent on 14/10/13

Application No. HS/FA/13/00605
Description Demolition of existing 10 lock up garages and redevelopment to provide two, two-storey three bedroom semi-detached houses. (Application HS/CA/13/00606 also applies)
Decision Refused on 14/10/13

Application No. HS/FA/14/00039
Description Demolition of existing lock up garages and redevelopment to provide 2 x three bedroom semi-detached houses.
Decision Refused on 31/03/14

Application No. HS/FA/14/00039
Description Demolition of existing lock up garages and redevelopment to provide 2 x three bedroom semi-detached houses.
Decision Appeal Dismissed on 19/08/14

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 SC3 - Promoting Sustainable and Green Design
Policy SC4 - Working Towards Zero Carbon Development
Policy EN1 - Built and Historic Environment (Archaeological Notification Areas)
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 DM5 - Ground Conditions
Policy HN1 - Development affecting the significance and setting of designated heritage assets (including conservation areas)

Revised Draft Local Plan (Regulation 18)

Policy OSP1 - Tackling Climate Change
Policy SP2 - New and Affordable Housing
Policy SP5 - Conserving and Enhancing the Natural Environment
Policy SP6 - Enhancing the Historic Environment
Policy SP7 - Managing Coastal Erosion and Flood Risk
Policy DP1 - Design - Key Principles

Policy DP2 - Design - Space and Accessibility Standards
Policy DP3 - Sustainable Design
Policy DP4 - Flood Risk and Water Quality
Policy DP5 - Biodiversity
Policy DP7 - Access, Servicing and Parking

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town

- centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
 - Layout
 - Architecture
 - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
 - Building types
 - Materials
 - Arrangement of streets

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

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

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should 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.

Other policies/guidance

National Planning Policy Guidance (NPPG)

- What is net gain? - Paragraph: 020 Reference ID: 8-020-20190721
- How can plans encourage net gain? - Paragraph: 021 Reference ID: 8-021-20190721
- What is biodiversity net gain? - Paragraph: 022 Reference ID: 8-022-20190721
- National Model Design Code - Part 1 The Coding Process - 2021

National Design Guide 2019

The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice.

1. Paragraph 20 advises that good design involves careful attention to other important components of places, and these components include the context for places and buildings.
2. Paragraph 21 advises that a well-designed building comes through making the right choices at all levels including the form and scale of the building. It comes about through making the right choices at all levels, including: the layout (or masterplan), the form and scale of buildings, their appearance, landscape, materials, and their detailing.
3. Paragraph 39 advises that well-designed places are integrated into their surroundings so they relate well to them.
4. Paragraph 40: C1 - Understand and relate well to the site, its local and wider context - well-designed new development responds positively to the features of the site itself and the surrounding context beyond the site boundary. It enhances positive qualities and improves negative ones.

Other policies/guidance

5. Homes and Community Agency (HCA) Urban design lessons: Housing layout and neighbourhood quality - January 2014
- East Sussex County Council - Minor Planning Application Guidance (2017)
 - The Department for Communities and Local Government Technical Guidance for Space Standards (TGSS)
 - National Design Code Part 1- The Coding Process - Ministry of Housing, Communities & Local Government

3. Consultation comments

Conservation - **No comment received**

Highways - **Responded with 'No comment' and, referred to standing advice**

4. Representations

In respect of this application site notices were displayed in Essenden Road and West Hill Road. An advert was also placed in the local paper. In response to this 7 letters of objection from 6 different properties and 1 letter of general comment were received.

The concerns raised in the objection letters include;

- lack of reflection of the building line
- Impact on privacy and overlooking
- Potential for future additions to the roof of the unit

- Loss of view
- Impact on outlook
- Impact on light levels
- All existing fences should be upgraded
- Possible asbestos on site (garages)
- Dwelling too tall
- Run-off water
- Impact on retaining wall
- Impact on un-adopted road
- Lack of on-street parking
- Lack of access for emergency service vehicles
- Disruptive site clearance

General comments:

- boundary screening should be incorporated
- restrictions on height of dwelling and any further windows

5. Determining issues

a) Principle

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

It must be acknowledged that previous applications for the development of this site have been refused and subsequent appeals dismissed. The dismissed appeals related to proposals for 2 storey housing. Each case must be assessed and determined on its own merits. The consideration of this application is based on the information submitted and the proposal will be assessed against both local and national planning policies and any other relevant materials considerations, as is a requirement of the Local Planning Authority.

b) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

c) Layout

The site area is approximately 558.2m² and is situated between No.5 Essenden Road and No.7 The Leas. Presently on site there are 9 garages in 2 blocks of 4 and 5, with an area of hard surface between. To the rear of the garages (south) is a large grassed area, on which are parked several vehicles.

Access to the site is down a sloping drive from Essenden Road with a closeboard fence along the boundary with 7 The Leas. The elevations of the garages run along the boundary with 5 Essenden Road and also part of the boundary with 60 West Hill Road. To the south of the garages is an open area of land which adjoins 56 and 58 West Hill Road. Soft landscaping also exists along many parts of the site's boundaries.

The proposed dwelling is positioned in the middle of the site spanning the majority of the width. The distances from the side boundaries ranges from 1.2m to 2.7m. The dwelling is shown to have a garden to the rear and areas of soft and hard landscaping to the front. 2 parking spaces and an area for turning have been provided on site.

The proposed dwelling is approximately 16.4 metres from the rear elevation of No.5 Essenden Road, 5.1 metres from the side elevation of No.7 The Leas and 27 metres from the rear elevation of No.58 West Hill Road.

The development is considered to make good use of the existing site arrangement with the dwelling being located on the footprint of the southern garages and the proposed parking bays in the palace of the northern garages. This allows for the large lawned area at the rear to be retained and ensure minimal encroachment to the properties in West Hill Road.

d) Impact on character and appearance of the Conservation Area

Policy DM1 of the Hastings DM Plan requires that all proposals must reach a good standard of design, which include efficient use of resources, and takes into account, amongst other things, protecting and enhancing local character and shows an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

This is supported by Policy HN1 of the Hastings Development Management Plan which states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset, 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).

The Housing and Community Agency (HCA) have produced guidance titled 'Urban Design Lesson - Housing Layout and Neighbourhood Quality' published January 2014. The guidance in section 2, 'Active Frontage' states that 'A street or space is formed by the buildings that surround it, much like a room is formed by the walls around it. Well-defined streets and spaces are created by relatively continuous building frontage. Active frontage made up of front doors and windows (especially to ground floor habitable rooms) create lively and well-supervised streets. This is a key requirement for creating safe and attractive public spaces. Keeping gaps between buildings limited and avoiding blank walls and garden fences which face the street are important considerations. To achieve this, long perimeter blocks, wide frontage dwellings and bespoke dual-fronted corner dwellings can all contribute to active frontage.' and notes under the heading Lessons the advice, 'Minimising blank walls and garden fences: Buildings fronting onto streets and spaces are key to quality of place and the animation of the public realm'.

The dwelling is well positioned within the site with multiple areas of soft and hard landscaping to all sides. This aids in ensuring that the resultant development does not appear cramped or congested within its boundaries or in the wider context of the area. The design of the dwelling reflects that of No.7 The Leas in that it is detached, single storey and set back from the Highway. As such, it is considered that the scale and design would compliment the somewhat eclectic character of the area while not appearing overly dominant. The proposal also aids in providing much needed, good sized residential accommodation in a sustainable location while renovating a somewhat redundant site that neither contributes to or enhances the character of the Grosvenor Gardens Conservation Area.

It must be acknowledged that no comment has been received from the Conservation Officer in respect of the development. While this is unfortunate, paragraph 016 of the NPPG states that statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in the absence of their advice. In light of this, an assessment has been made in respect of the impact of the development on the Conservation Area, in line with Local and National planning

policies. It is considered that the proposed development, by virtue of its design, size and scale, is acceptable and complies with policies DM1 and HN1 of the Hastings Development Management Plan and Policies SC1 and EN1 of the Hastings Planning Strategy. The proposal is also considered to meet the aims of the National Design Guide and in particular Paragraphs 20, 39, 40 and 42.

e) Future residential amenities

Internal Floor space:

The Department for Communities and Local Government (DCLG) has produced Technical Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. This document advises that for a single storey, two bedroom unit a minimum of 61-70m² should be provided. The proposed dwelling has a floor area of 70m² and as such meets this requirement.

The TGSS also stipulates the minimum size for individual bedrooms, being 11.5m² for a double and 7.5m² for a single. The bedrooms within the units have also been individually assessed. Both are large enough to be used as double bedrooms.

External Amenity Space:

Point (g) of Policy DM3 of the Hastings Development Management Plan states that appropriate levels of private external space are included, especially for larger homes designed for family use (dwellings with two or more bedrooms). In respect of proposed family dwellings the Council would expect to see the provision of private garden space (normally at the rear), of at least 10 metres in length. A large, 'L-shaped' garden (approximately 204m²) is provided to the rear and side of the unit. This garden meets the requirements of Policy DM3 and as such is considered acceptable.

f) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This includes the use of the scale, form, height, mass, and density of any building or buildings, to reduce or avoid any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

Impact on West Hill Road Properties:

No.58 West Hill Road is directly to the rear of the application site. This property has several windows that overlook the application site and concerns have been raised in respect of the potential for a loss of privacy as a result of the development. These concerns are acknowledged however, the relationship between the two properties is not an uncommon feature in a built-up area with clear examples present further along West Hill Road. The National Design Code provides guidance on acceptable levels of separation between residential properties. This document advises that a minimum of 15-20 metres should be provided between properties elevation to elevation. In this instance there would be a minimum of 27 metres elevation to elevation and as such the separation distance is considered acceptable. Concerns have also been raised in respect of the raised platform at the rear of the new dwelling. The platform is approximately 1 metre in depth from the rear of the property and as such is not large enough to accommodate a table and chairs etc. The function of this platform is to provide access to the garden. To further address the privacy concerns, a robust landscaping scheme is also proposed with the aim of providing natural screening along the mutual boundary between the site and the West Hill Road properties. A condition (No.6) is to be imposed to ensure the landscaping scheme is provided on site. Due to the scale of the proposed dwelling, it is not considered that there would be an impact on the West Hill properties in terms of loss of light or overshadowing.

No.5 Essenden Road:

This property is located to the north of the application site and is orientated towards the north east. This property is also on a higher ground level to the application site. Due to the difference in orientation, lands levels and separation distance (16.5m elevation to elevation) it is not considered that there would be a detrimental impact in terms of outlook, loss light or overshadowing. It is also considered that, as a result of the orientation, land levels and separation distances, along with the limited fenestration in the front elevation of the proposed bungalow, there would not be a detrimental impact in terms of loss to privacy to No.5 as a result of the development.

No.7 The Leas:

The front elevation of the proposed bungalow is roughly parallel with the rear elevation of No.7. This has been proposed with the aim of limiting the potential impact on the existing side windows of No.7 that overlook the site. It is noted that concerns have been raised in relation to the loss of view from the existing side windows. While these concerns are acknowledged, there is no 'right to a view' which planning controls should seek to safeguard. Only the impact on outlook can be considered. While the outlook from the windows may vary as a result of the development, the proposed dwelling would not be directly in front of existing windows, due to its position within the site. The proposed roof is a fairly shallow pitch. There would also be a general improvement to the outlook from the neighbouring property due to the removal of the redundant garages and the overall renovation of the site. As such, the impact on the outlook from No.7 is not considered sufficiently detrimental to warrant refusal on these grounds.

The proposed dwelling is sited on a lower ground level than No.7 The Leas, the roof has a fairly shallow pitch and its ridge height is approx. 0.9m lower than the existing bungalow at No.7. As a result of this, it is considered that there would not be a detrimental impact in terms of loss of light or overshadowing.

Some concerns have been raised that should dormer windows be erected this would harmfully affect privacy. In order to ensure this is properly assessed Condition No.17 is attached to remove permitted development rights for enlargements within the roof space, meaning that planning permission will be required for the insertion of velux windows and dormer windows.

Concerns have also been raised that if the roof height is increased this would also affect the impact of the development on neighbouring residents. To enlarge the roof however by raising the ridge height, would require planning permission and as such the impact of this could be properly assessed through the application process.

Taking the above into account, it is considered that the proposed development would not have a detrimental impact on the amenities of the neighbouring properties in terms of loss of light, outlook, over shadowing, loss of privacy or overlooking. The proposal therefore complies with the aims of Policy DM3 of the Hastings Development Management Plan.

g) Ecology

The NPPF and the NPPG encourages net gains for biodiversity to be sought through planning policies and decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. Biodiversity net gain can be achieved on-site, off-site or through a combination of on-site and off-site measures. On site net gain can be provided by way creating new habitats, enhancing existing habitats, providing green roofs, green walls, street trees or sustainable drainage systems. Relatively small features can often achieve important benefits for wildlife, such as

incorporating 'swift bricks' and bat boxes in developments and providing safe routes for hedgehogs between different areas of habitat.

In respect of this application a preliminary ecological appraisal (EA/108721 Jan 2022) produced by The Mayhew Consultancy has been submitted. This report identifies that the site is of low ecological value due to the very limited amount of semi-natural habitat present and its setting within a suburban landscape. The site is relatively close to two existing SNCIs, but these are unlikely to be affected by any development due to the extent of suburban residential development between the SNCIs and the proposed development site. The report concludes that no special precautions are required with respect to site clearance as the site is unsuitable for protected species and provides almost no opportunities for nesting birds.

Impact on Great Crested Newts:

The development falls within the green impact risk zone for Great Crested Newts. This is a minor application and is more than 250m from a pond. As such there is no requirement to consult NatureSpace in respect of Great Crested Newts. An informative is added should Great Crested Newts be found on site at any stage of the development works (Informative No.5).

h) Highways and Parking

Parking and turning:

The East Sussex County Council Highways guidance for minor applications (2017) requires that, for a development of this scale, a total of 2.24 spaces should be provided for a development of this scale in this location. The development provides 2 parking spaces on site with overflow parking available on Essenden Road. The spaces on site also meet the minimum size requirements of the East Sussex County Council Highways guidance for minor applications (2017) and as such are acceptable.

An on-site turning space has been provided. This ensures that vehicles can enter and exit the site in a forward gear without cause disruption free-flow of Essenden Road or impacting upon pedestrian safety.

Highway Safety:

The development is to make use of an existing access and crossover onto Essenden Road which previously served the multiple garages on site. The existing access gives clear visibility in both directions along the highway. The access is also considered to be of an acceptable width to allow access to the proposed property. As this access will be serving one residential dwelling, ESCC guidelines recommend that the access measure a minimum width of 2.75m. The drive exceeds this width and as such is considered acceptable.

Cycle Parking:

East Sussex County Council's parking guidance advises that a development of this scale should be provided with 2 cycle parking spaces. The cycle parking should be covered, safe, secure and convenient. An area for the storage of cycles has been shown on the proposed site plan. This is considered acceptable subject to conditions to secure the final design of the store and its provision on site (condition No.11).

Access for Emergency Vehicles:

In accordance with building regulation requirement B5 (2000) as indicated within Manual for Streets, there should be a vehicle access for pump appliances within 45m of every dwelling and a fire service vehicle (FSV) should not have to reverse more than 20m.

According to Manual for Streets a 3.7m carriage way is needed, however, this can be reduced to 2.75 over short distances. The proposed dwelling is positioned approximately 25

metres from the highway with the access drive being a minimum of 2.8m at its narrowest point. As a result of these factors, it is considered that the site could be accessed by emergency service vehicles. An informative is to also be placed on the decision in respect of residential sprinklers (Informative No.3).

i) Refuse and Waste

Policy DM3 of the Hastings Development Management Plan requires that there is adequate space for storage of waste and the means for its removal. This includes provision for the general management of recyclable materials. This is supported by Part H of Building Regulations which sets out that waste containers should be sited so that residents don't have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance.

A bin collection point has been shown on the proposed site plan, this is within 24 metres of the proposed bin storage area at the side of the property and as such is considered acceptable.

j) Drainage

Foul: Within the application form it states that the new dwelling is to be connected to the mains sewer. As there are existing dwellings adjacent to the site it is possible that the development could make use of the existing connection. However, discussions should be held with Southern Water to ascertain that there is sufficient capacity and to establish the condition of the existing connection. Southern Water have been consulted on the proposal and have raised no objections. In light of this, it is considered that matters relating to drainage can be secured by way of condition (Condition No.6).

Surface: A Sustainable Urban Drainage System (SUDS) report has been provided in support of this application. This report identifies that 1 SUDs treatment features are required for the development. The SUDs tool identifies that it is proposed to provide a geo-cellular system on site. The County Flood Risk Authority do not comment on minor applications, however, it is considered that matters relating to drainage can be secured by way of condition (Condition No.6). Taking this into account, it is considered that the proposed development is acceptable subject to conditions to secure the final drainage design.

k) Ground conditions

Objections have been received in respect of the impact of the demolition of the garages on the retaining structures on site. As a result of this, a condition (Condition No.4) is to be imposed in relation to the demolition on site to ensure no harmful impact on these retaining structures during demolition. Any future retaining structures on site would likely require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988. An informative is to be placed on the decision to this effect (Informative No.7).

l) Air quality and emissions

The proposed development does not fall within the screening checklist 1 or 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

Lighting:

No external lighting is proposed, and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

m) 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.

n) Sustainable construction

Policy SC3 of the Hastings Planning Strategy seeks to promote sustainable and green design in new development. This can be achieved by incorporating appropriate climate change mitigation and adaptation measures such as green roofs and walls, sustainable drainage systems, multi-functional green space, protecting and enhancing biodiversity, waste reduction and recycling facilities, water efficiency, flood risk management, and the use of recycled materials in new development. This is supported by Policy SC4 of the Planning Strategy which promotes working towards zero carbon development.

It is considered that the development meets the aims of these policies by way of sustainable urban drainage, well planned waste management and ecological enhancements. It is however suggested that a condition (Condition No.17) is imposed to ensure the development meets the aims of Policy SC3 and SC4.

Finally concerns have been raised regarding the presence of asbestos in the garages and how this is removed. Condition 3 is attached to the recommendation, requiring the submission of an asbestos survey. In addition informative note No. 8 is added, which informs the applicant of the requirement to remove asbestos prior to demolition of the garages, where reasonably practical and in accordance with Regulation 4 of the Control of Asbestos Regulations 2012

6. Conclusion

The site is located within a sustainable location with easy and frequent access to services and as such the principle of residential development is acceptable. As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

It is considered that a development as proposed has been sympathetically designed and that it would assimilate well into existing development. The proposed dwelling would constitute a good standard of design and would respect the character of the street scene and surrounding conservation area in accordance with Policies DM1 and HN1 of the Hastings Development Management Plan 2015.

The proposed development would provide an acceptable living environment for the future occupants of the dwellings without adversely impacting on the amenities of neighbouring residents.

The proposed vehicular access, car and cycle parking arrangements are considered to be acceptable and comply with local policies.

No important trees would be lost, and no protected species will be harmed as a result of the proposed development.

Given the above it is considered that the proposed development is in accordance with the relevant policies of the NPPF and Local Plan as detailed herein. These proposals are considered to 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:

4904.1B, 4904.2A, 4904.3A, 4904.LP.
3. Prior to the commencement of works or demolition on site, a pre-demolition asbestos survey of all buildings to be demolished shall be submitted to and approved in writing by the Local Planning Authority. Development shall not be carried out other than in accordance with the approved details.
4. No works of demolition shall be undertaken until a Demolition and Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The sequence of demolition phases
 - Protection measure for existing retaining structures on site
 - Measures to control the emission of dust and dirt during each phase of demolition and construction
 - Measures to limit noise disturbance during demolition and construction
 - Method of removing rubble and spoil from the site
 - The arrangements for deliveries associated with all demolition and construction works, loading/ unloading of plant & materials
 - Storage of plant and materials used in demolition and construction
 - Wheel washing facilities
 - A scheme for recycling/disposing of waste resulting from demolition works
 - Details of public engagement both prior to and during construction works to ensure minimal disruption to adjoining residents.

Details of how any restoration of damage caused to the highway [including vehicle crossovers and grass verges] is to be carried out.

5. (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management are to be submitted to and approved in writing by the Local Planning Authority. The designed system must take into account design standards of those responsible for maintenance, including details of who will be responsible for managing all aspects of the surface water drainage system, including piped drains and evidence of how these responsibility arrangements will remain in place throughout the lifetime of the development
 - (ii) Development shall 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.
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 of the dwelling hereby approved 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, paying particular attention to the boundary of the site with 58 West Hill Road;
 - 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 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. (i) All planting seeding or turfing comprised in the approved Soft Landscaping Scheme shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner.

(ii) All soft and hard landscape works shall be carried out in accordance with the approved details.
8. All ecological measures and/or works shall be carried out in accordance with the details contained in Preliminary Ecology Assessment (EA/108721) January 2022, as already submitted with the planning application and agreed in principle with the Local Planning Authority prior to determination.
9. No development shall take place above damp proof course level 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.
10. The development hereby approved shall not be occupied until the parking and turning areas have been provided in accordance with the approved plan (4904.1A) unless otherwise approved in writing by the Local Planning Authority in consultation with the Highway Authority. These spaces shall be a minimum of 2.5m by 5m with an extra 0.5m where a space abuts a wall. The parking areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
11. Prior to occupation of the dwellings hereby approved areas for the storage of bins and cycles are to be provided on site, with evidence being submitted to and approved in writing by the Local Planning Authority. These areas are to then be retained on site for the perpetuity of the development.
12. Any external bathroom windows in the dwelling hereby approved 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 dwelling hereby approved shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.
13. 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.
14. Prior to occupation of the dwellings hereby approved provision shall be made for the ability to connect to fibre-based broadband.

15. The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed with dedicated 'on plot' parking and shall thereafter be retained for that purpose.
16. Prior to the commencement of works above ground, details of appropriate climate change mitigation and adaptation measures as required by Policy SC3 and in accordance with the hierarchy of Policy SC4 of the Hastings Planning Strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
17. Notwithstanding the provisions of the Town and Country Planning [General Permitted Development] Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or alterations to the roof of the premises, permitted by Classes B & C of Part 1 of Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.
18. The internal layout of the dwelling hereby approved shall not be altered so as to create additional residential accommodation within the roofspace without the prior written approval of the Local Planning Authority.

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 those redeveloping the site, local residents and any future occupants.
4. To limit the impact the development has on the amenity of the locality.
5. To ensure a satisfactory standard of development.
6. To ensure a satisfactory standard of development.
7. To ensure a satisfactory standard of development.
8. To ensure that the measures considered necessary as part of the ecological impact assessment are carried out as specified.
9. To ensure a satisfactory standard of development.
10. To provide adequate space for the parking and turning of vehicles and to ensure the safety of persons and vehicles entering and leaving the access onto Essenden Road.
11. To ensure a satisfactory standard of development.
12. To safeguard the amenity of adjoining and future residents.

13. To safeguard the amenity of adjoining residents.
14. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
15. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
16. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
17. To safeguard the amenity of adjoining and future residents.
18. 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 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.
5. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill great crested newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should great crested newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice. More details on the district licensing scheme can be found at www.naturespaceuk.com. Contact details: info@naturespaceuk.com.
6. 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

7. The applicant is advised that retaining walls in excess of 1.5m in height, taken from the lowest ground level adjacent to the retaining wall, will require the submission of a Retaining Wall Application to Building Control in accordance with the Hastings Act 1988 - Retaining Walls. The application should include detailed structural calculations. Works should not commence until the approval of any such application. The applicant is advised to contact the East Sussex Building Control Partnership at Wealden District Council on 01892 602005 or by email: building.control@wealden.gov.uk for further advice and to ascertain whether a separate Retaining Wall Act application is required.
 8. The applicant is reminded that demolition should not take place until any asbestos within the garages is removed. The applicant should comply with the requirements of managing asbestos as set out in Regulation 4 of the Control of Asbestos Regulations 2012.
-

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

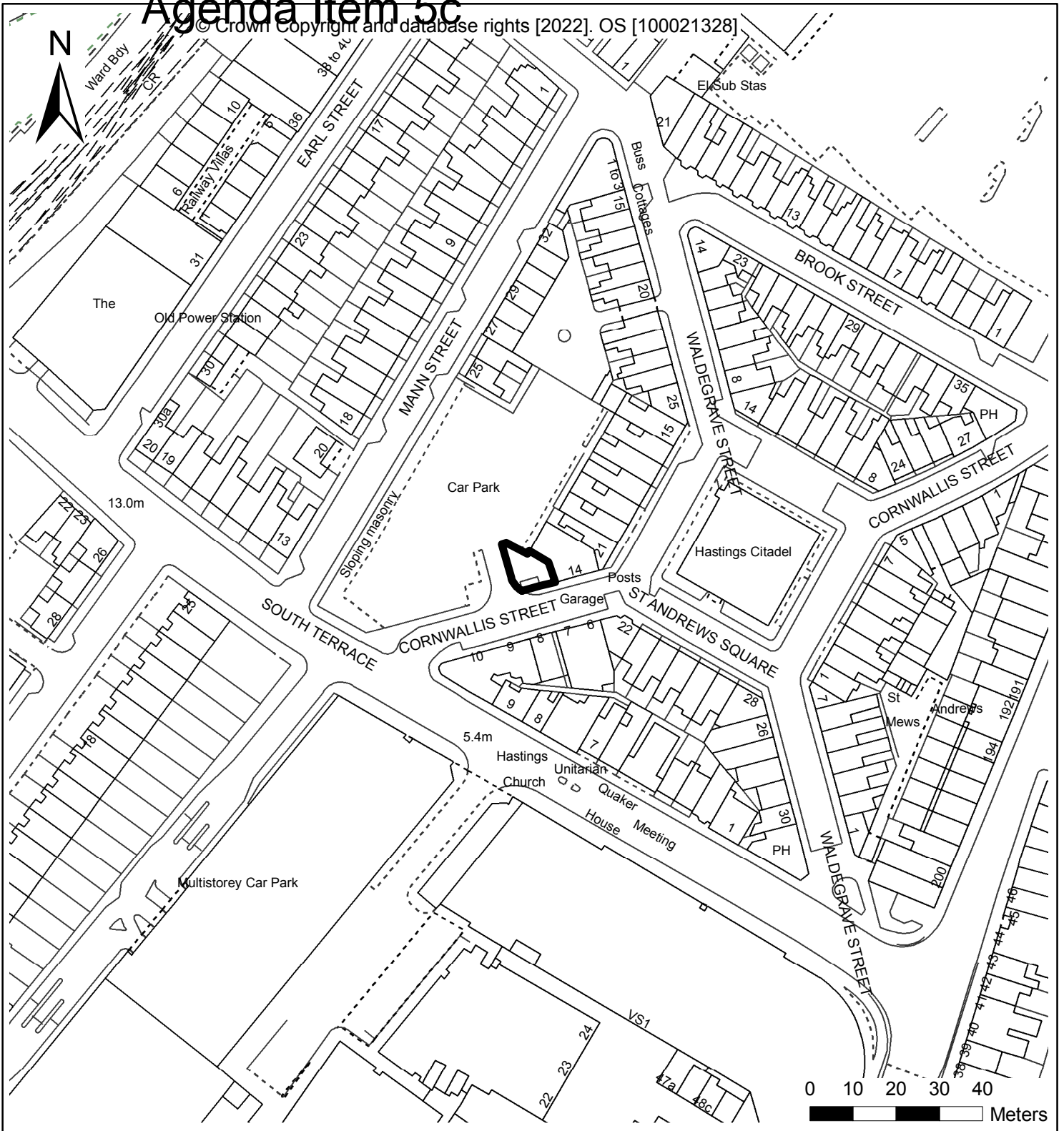
Background Papers

Application No: HS/FA/22/00226 including all letters and documents

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Agenda Item 5c

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**Land Adjacent 14 Cornwallis Street
Hastings
TN34 1ST**

Replacement of decayed timber shoring to gable wall with new steel equivalent



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 2022

Scale: 1:1,250

Application No. HS/FA/22/00343

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2022

Report from: Assistant Director of Housing and Built Environment

Application address: Land Adjacent 14 Cornwallis Street, Hastings, TN34 1ST

Proposal: Replacement of decayed timber shoring to gable wall with new steel equivalent

Application No: HS/FA/22/00343

Recommendation: Grant permission

Ward: CASTLE 2018
 Conservation Area: Yes - NO
 Listed Building: No

Applicant: Hastings Borough Council per E. A. R. Sheppard 5
 Chiswick Place EASTBOURNE East Sussex
 BN21 4NH

Public Consultation

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

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

1. Site and surrounding area

The application site relates to a small parcel of land which is largely flat and is owned by Hastings Borough Council. The site consists of a bin storage area, hedge planting and a single tree approximately 7m high, with timber shoring located on the eastern edge of the site providing support to the gable wall of No. 14 Cornwallis Street. It is proposed for this shoring to be replaced, the acceptability of this replacement will be determined under this application. The site is located on the northern side of Cornwallis Street whereby the road slopes gently up

towards the junction with South Terrace. The site is bounded by No. 14 Cornwallis Street on the east, this is a part single, part double storey building currently operating as a car valet business. Its flank walls are relatively blank, with three modest windows serving non-habitable rooms. There are no treatments to any of the other boundaries and as a result the site is open with Cornwallis Street Car Park to the north and west and the site directly abutted by the pavement of Cornwallis Street to the south. The surrounding area is a mix of modestly attractive residential streets, together with more commercial uses to the south-west, towards the Town Centre. The buildings on the southern side of Cornwallis Street have commercial spaces at ground floor level (mainly restaurants) with residential units above. The site is not located within a conservation area or nearby to any listed buildings.

Constraints

Land Owned by Hastings Borough Council

SSSI Impact Risk Zone

GCN District Licensing Scheme IRZ - Green

Groundwater Flooding

Climate Change 1000 Year / 200 Year

2. Proposed development

This application is seeking planning permission for the replacement of the existing timber shoring which is positioned against the gable wall of No. 14 Cornwallis Street with a new steel equivalent.

The existing timber shoring is badly decayed and is no longer effective. The proposal to replace it is by necessity to make the building stable and safe.

The shoring will be formed of PFCs (parallel flange channels) fixed to the wall using M12 galvanised resin anchors with UCs (universal columns) fixed into two square mass concrete foundation pads which will be situated around 1m beneath ground level.

The overall structure will project approximately 2.05m (furthest point) from the gable wall, measuring approximately 3.15m in width by 4.97m in height.

All steelworks will be mild steel Grade S355 to BS5950 and hot dip galvanised following fabrication.

No other form of development is proposed under this application.

The application is supported by the following documents:

- Waste Minimisation Statement.

Relevant planning history

HS/FA/22/00476 Erection of substation to support new hotel building.

Not yet determined

(Carpark, Cornwallis Street)

- HS/FA/88/00723 ERECTION OF CAR SHOWROOM AND TWO PARKING BAYS ON GROUND FLOOR WITH TWO FLATS ON FIRST AND SECOND FLOORS.
Refused on 12/09/88
(14/14A Cornwallis Street)
- HS/OA/87/00714 ALTERATIONS AND EXTENSIONS TO FORM 2 SELF-CONTAINED FLATS ABOVE EXISTING GARAGE/WORKSHOP.
Outline Application Refused on 23/02/88
(14/14A Cornwallis Street)
- HS/FA/84/00358 Change of use to open storage for car parts.
Permission with conditions on 20/07/84
(Land adj. 14 Cornwallis Street)
- HS/FA/76/00163 Formation of temporary car park.
Permission with conditions on 12/05/76
(12-14 Cornwallis Street)
- HS/70/00148 Change of use from private garage to use for motor repairs.
Permission with conditions on 01/04/70
(14/14A Cornwallis Street)
- HS/OA/71/00007 Site for erection of builders merchants premises, including shops, offices, showroom and stores.
Outline Application Refused on 11/01/72
(12-14 Cornwallis Street)
- HS/OA/67/00232 Use of derelict site as part of Builder's Merchant's premises comprising shops, offices, showrooms, stores and car parking as part of scheme to which OA/66/434 relates.
Outline Application with Conditions on 11/04/67
(12-14 Cornwallis Street)
- HS/OA/66/00434 Site for the erection of builders merchants premises including shops, offices, showrooms and stores.
Outline Application with Conditions on 14/06/66
(12-14 Cornwallis Street)

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

Policy FA3 - Strategy for Hastings Town Centre

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

Revised Draft Local Plan (Regulation 18)

Policy DP1 - Design - Key Principles

National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of under utilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to

open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
 - Layout
 - Architecture
 - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
 - Building types
 - Materials
 - Arrangement of streets in order to create an attractive, welcoming and distinctive places to live, work and visit.
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should 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.

3. Consultation comments

None required.

4. Representations

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

5. Determining issues

The main issues relevant to the determination of this application is the principle of the development, the impact upon the character and appearance of the area and the neighbouring residential amenities.

a) Principle

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

b) Impact on character and appearance of area

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

- protecting and enhancing local character;
- showing an appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

The site is bounded by No. 14 Cornwallis Street on the east, a part single, part double storey building currently operating as a car valet business. There are no treatments to any of the other boundaries of the site, with Cornwallis Street Car Park to the north and west and the pavement of Cornwallis Street directly abutting the site to the south. As such, the site is fairly open with the gable wall being clearly visible within the street.

It is understood the existing timber shoring to the gable wall of No. 14 Cornwallis Street has been in place for many years and has become badly decayed and is no longer effective. The proposal to replace it is by necessity to make the building stable and safe. The scheme proposes the removal of the existing timber shoring and replaced with a new steel equivalent. The new shoring will be similar to what is already in place in terms of overall siting and size, albeit the material will differ with the use of steel instead of timber. It is considered that the removal of the existing timber shoring will make a positive enhancement to the building and area. The installation of a new steel equivalent is also acceptable as this measure will ensure the long-term structural stability of the building.

In light of the above, it is not considered that the proposed works will have a harmful impact upon the character and appearance of the building or area. As such, the proposed

development is considered acceptable in this regard and in agreement with the aims of Policy DM1 of the Hastings Local Plan - Development Management Plan (2015).

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) states, in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. Permission will be given for development where:

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

It is proposed for the existing timber shoring to be removed and replaced with a new steel equivalent. The shoring is positioned against the gable wall of No. 14 Cornwallis Street, a part single, part double storey building currently operating as a car valet business. It is noted the new shoring will be similar to what is already in place in terms of overall siting and size, albeit the material will differ with the use of steel instead of timber. The flank walls of No. 14 are relatively blank, with three modest windows serving non-habitable rooms. As such it is considered the relationship on site will remain much the same as before with no impact upon the amenity of any of the neighbouring sites.

On this basis, the proposal is therefore considered to be in accordance with the aims of Policy DM3 of the Hastings Local Plan - Development Management Plan (2015).

d) Impact on Great Crested Newts

The development falls within the green impact risk zone for Great Crested Newts. This is a minor application and is more than 250m from a pond. As such there is no requirement to consult NatureSpace in respect of Great Crested Newts. An Informative is added (Informative 4) should Great Crested Newts be found on site at any stage of the development works.

e) Site Constraints

The site is within a Site of Special Scientific Interest Impact (SSSI) Risk Zone. 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.

It is noted that the application site is affected by the groundwater flooding constraint, however given the nature and minor scale with the proposed scheme to largely replace the existing timber shoring with a new steel equivalent, it is not considered flood risk on and off site will be impacted and therefore no further consideration is required.

6. Conclusion

In light of the above assessment, it is considered that the proposed works to replace the existing timber shoring with a new steel equivalent is acceptable and in line with the aims of Policies DM1 and DM3 of the Hastings Local Plan - Development Management (2015) and the relevant sections of the National Planning Policy Framework. The replacement steel shoring will replace decayed timber shoring, improving the appearance of the building and ensuring the long-term structural stability of the building. There will be no impact upon the amenity of any of the neighbouring sites. Therefore, it is recommended that permission is granted for the

proposed works subject to the attached conditions.

These proposals comply with the Development Plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 which states:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

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

7. Recommendation

Grant 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:

Site location plan (H6185/Site Plan) and Existing and proposed plans (H6185/01)
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. In the event that the shoring is removed, the surface of the wall where the shoring was attached to shall be made good by finishing the wall to match that of the remainder of the side elevation.

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 form of development in the interests of the character

and amenity of the area.

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. Your attention is drawn to the requirements of the Party Wall etc. Act 1996.
4. The applicant is reminded that, under the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wildlife and Countryside Act 1981 (as amended), it is an offence to: deliberately capture, disturb, injure or kill Great Crested Newts; damage or destroy a breeding or resting place; deliberately obstructing access to a resting or sheltering place. Planning consent for a development does not provide a defence against prosecution under these acts. Should Great Crested Newts be found at any stages of the development works, then all works should cease immediately, and Natural England should be contacted for advice.

More details on the district licensing scheme can be found at www.naturespaceuk.com

Contact details: info@naturespaceuk.com

5. 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

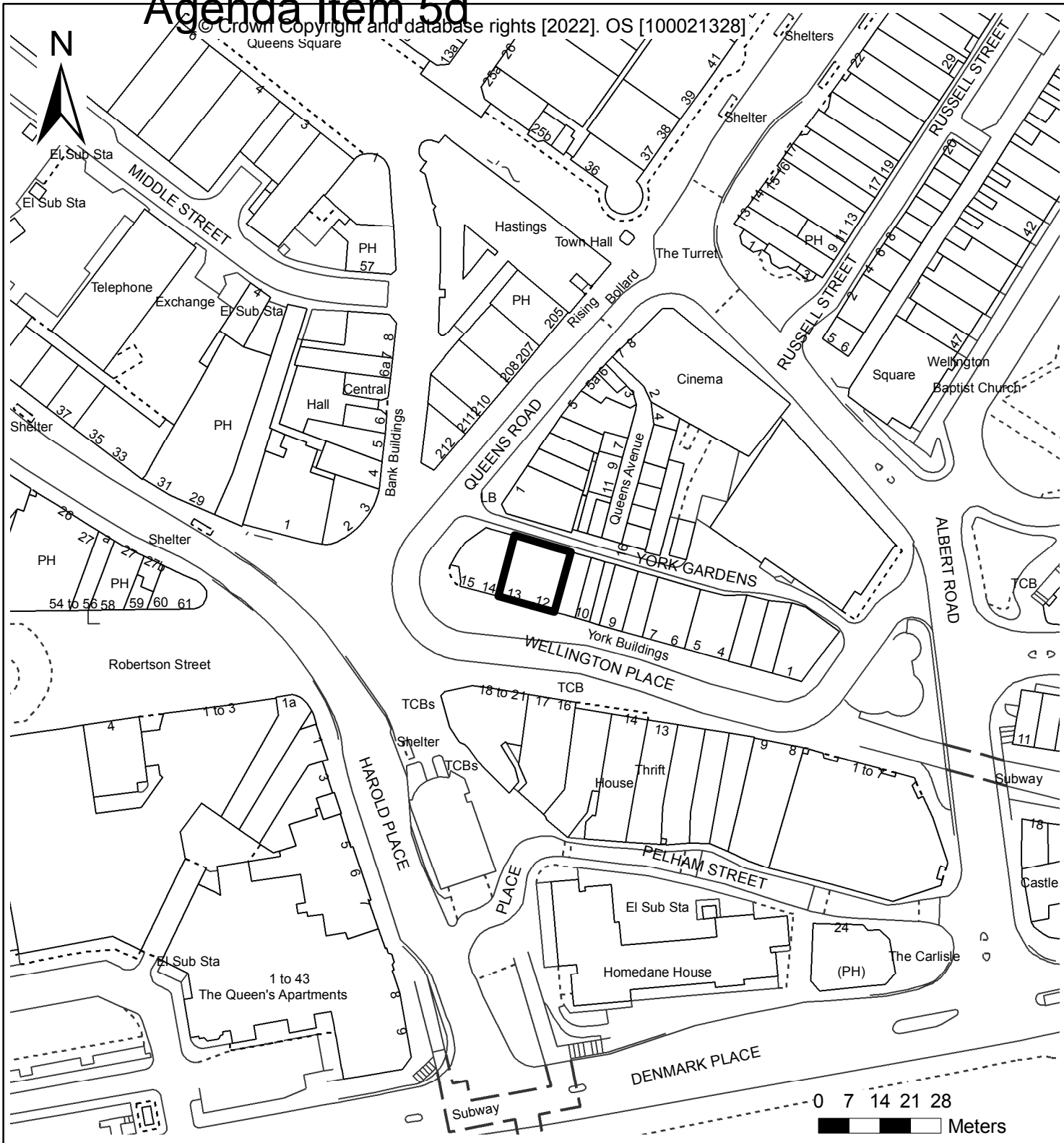
Background Papers

Application No: HS/FA/22/00343 including all letters and documents

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Agenda Item 5d

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12-13 York Buildings
Wellington Place
Hastings
TN34 1NY

Retention of Alteration works to existing timber staircase. Replacement newel post. Replacement of existing UPVC hopper and downpipe for new Aluminium Pipe located down the front facade. Works completed 03/05/2021.



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 2022

Scale: 1:1,250

Application No. HS/LB/22/00143

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Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2022

Report from: Assistant Director of Housing and Built Environment

Application address: 12-13 York Buildings, Wellington Place,
Hastings, TN34 1NY

Proposal: Retention of Alteration works to existing timber
staircase. Replacement newel post.
Replacement of existing UPVC hopper and
downpipe for new Aluminium Pipe located
down the front facade. Works completed
03/05/2021.

Application No: HS/LB/22/00143

Recommendation: Grant Listed Building Consent

Ward: CASTLE 2018
Conservation Area: Yes - Hastings Town Centre
Listed Building: Grade II

Applicant: Hastings Borough Council per Mackellar Schwerdt
Architects The Old Library Albion Street Lewes
BN7 2ND

Public Consultation

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

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

1. Site and surrounding area

York Buildings is located on Wellington Place and is a Grade II listed building. No. 12-13 York Buildings is a symmetrical pair of 4 storey early C19th town houses. It was constructed in the early/mid 19th Century and has a particularly attractive frontage being of vitrified mathematical tiles with double bow fronted bay windows rising from the 1st floor to the roof eaves at 3rd floor level. The front façade of the building is clad in black glazed mathematical tiles designed to look like brickwork. The building has 2 segmental bowed bay windows of 3 light sashes with glazing bars, each running from the 1st to the 3rd floors. The ground floor has a very large modern aluminium shop front with a large shop fascia up to the height of the 1st floor bays. The building is currently occupied by Millets on the ground floor and the upper floors are currently being converted into residential accommodation.

York Buildings is a prominent building in the Hastings Town Centre Conservation Area and makes a very positive contribution to the character of the Conservation Area. The building fronts Wellington Place which is a pedestrianised street.

There are other listed buildings within the wider setting of the site (e.g. 3 York Buildings, The Havelock Public House etc.) but these are too distant from the application site to be affected by the relatively small-scale external works.

Constraints

Hastings Town Centre Conservation Area

Archaeological Notification Area

Grade II Listed Building

SSSI Impact Risk Zone

Heritage At Risk Register

Listing Details

YORK BUILDINGS 1. 5204 Nos 12 and 13 TQ 8109 SE 13/213 II GV 2. Early C19. Painted mathematical tiles. Hipped tiled roof. 4 storeys. 4 windows. 2 segmental bowed bay windows of 3 light sashes with glazing bars, each from the 1st to the 3rd floors, originally curved, but flat sashes have now been substituted for the original curved sashes, though the glazing bars have been retained. On each floor 2 centre sashes with glazing bars, 1st floor tall. Small paired brackets to eaves soffit. Ground floor very large modern shop front with large fascia up to 1st floor bays.

Nos 11, 12, 13 and 14 form a group, of which Nos 11 and 14 are of local interest only.

2. Proposed development

The proposal seeks Listed Building Consent to regularise unauthorised internal works to the building that were done during the construction phase of the project. Significant additional structural reinforcement works were required and had to be carried out to stabilise the historic main internal staircase to the building, and the rainwater goods serving the front part of the roof had to be re-routed to avoid them discharging onto a neighbouring property. The works were completed on the 3rd of May 2021.

The works that are proposed to be regularised by the submission of this Listed Building

Consent are as follows:

- a) Works to the existing timber staircase and removal of the newel post – The proposal seeks alteration to the existing timber staircase. This involves the removal of an historic curved handrail and turned wooden newel post, and its replacement with a handrail and newel post of a more authentic appearance. Initially the applicants had replaced the existing timber staircase with a straight handrail and a square modern newel. This design was considered to be out of keeping with the elegant character of the historic staircase and the Georgian interior of the building. The applicant was then advised to remove it and replace with a sympathetic staircase.
- b) The application proposes the retention of the new rainwater provision. This is the replacement of the existing UPVC hopper and downpipe at the front façade of the building with an aluminium pipe. The existing rainwater outlet serving the front roof slopes of the building was plastic and it discharged onto the roof of the neighbouring property at 11 York Buildings. The neighbour was experiencing some water ingress and no longer wished to take the rainwater from the roof of 12-13 York Buildings. New rainwater goods were then required to be installed so as to divert the rainwater so that it is discharged within the application property.

The agent also submitted further justification in the form of photographs on the 24th of June 2022 showing the internal staircase, the replacement newel and handrail in their as finished condition following the Conservation Officer's initial comments.

The application is supported by the following documents:-

Design and Access Statement

Planning Statement

Heritage Statement Addendum

Brochure for Georgian Square cast downpipes

Guttercrest rainwater hoppers

Photographs

Relevant planning history

- HS/FA/20/00762 Installation of x1 Air conditioning units (on third floor flat roof) to serve ground floor a1 retail unit and the removal of x2 air conditioning units (from the second floor flat roof) – Granted 11/02/2021.
- HS/LB/20/00763 Installation of x1 Air conditioning units(on third floor flat roof) to serve ground floor a1 retail unit and the removal of x2 air conditioning units (from the 2nd floor flat roof) – Granted 11/02/2021.
- HS/FA/16/00660 Alteration works to ground floor stair and to three upper storeys of existing building and conversion into six flats for residential accommodation (Application HS/LB/16/00661 also applies) - Granted 20/01/2017.
- HS/LB/16/00661 Alteration works to ground floor stair and to three upper storeys of existing building and conversion into six flats for residential accommodation (Application HS/FA/16/00660 also applies) - Granted 20/01/2017.
- HS/LB/16/00448 Existing main fascia sign to be taken down and replaced with new updated company branded fascia sign and new projection sign to R/H Side – Granted 15/08/2016.
- HS/LB/13/00172 Structural repairs to front elevation and maintenance repairs to external areas – Granted 03/05/2013

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy DM1 - Design Principles

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

Policy HN2 - Changing Doors, Windows and Roofs in Conservation Areas

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

Revised Draft Local Plan (Regulation 18)

Policy SP6 - Enhancing the Historic Environment

Policy DP1 - Design - Key Principles

Other policies/guidance

National Design Guide (2019)

Historic England Advice Note 2: Making Changes to Heritage Assets

National Planning Policy Framework (NPPF)

Paragraph 130 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of
 - Layout
 - Architecture
 - Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to
 - Building types
 - Materials
 - Arrangement of streets

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

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

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the

area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

Paragraph 194 states:

"Conserving and enhancing the historic environment") states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 195 states:

"Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 197 states:

"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 199 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 200 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 202 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."

Paragraph 206 states:

"Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

Paragraph 208 states:

"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

3. Consultation comments

Conservation Officer – **No objection**. Initially the Conservation Officer advised they were unable to confirm if the inappropriate modern stair detail has now been replaced with a sympathetic historic replacement newel and handrail design as they had to evidence to that effect. Following this, on the 24th of June 2022 the agent submitted a photograph of the installed staircase which shows the replacement newel post and handrail in its as installed condition. The Conservation Officer confirms that they have no objection to the replacement traditional newel post and handrail in its as installed condition.

4. Representations

In respect of this application a site notice was displayed outside the building and an advert placed in the local paper. No responses were received.

5. Determining issues

In determining listed building applications consideration needs to be given to matters of heritage. Listed Building Consent will be given for those schemes that show a full understanding of the significance of the heritage asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected.

In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) the main consideration in determining a listed building consent is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Whilst not directly applicable by law the NPPF and the Local Plan are material in this determination and the relevant policies are listed above.

Policies advise that consent will be given for those schemes that show a full understanding of the significance of the heritage asset and convincingly demonstrate how the chosen design sustains and enhances the significance of any heritage assets affected.

In this case the main issues for consideration are the impact of the proposed works on the historic integrity of the group of Grade II Listed Building and on the character and appearance of the Old Town Conservation Area.

12-13 York Buildings is a Grade II listed prominent building in the Hastings Town Centre Conservation Area and makes a positive contribution to the character of the Hastings Old Town Conservation Area.

There are other listed buildings within the wider setting of the application site but these are too distant from the application site to be affected by the proposed relatively small scale external works.

Policy HN1 of the Hastings Local Plan - Development Management Plan (2015), states, applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset: (a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets; (b) Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness. 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).

Policy EN1 of the Hastings Local Plan – Planning Strategy (2014), states, importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas. Particular care will be given to protecting the significance and setting of the following heritage assets: (a) Listed buildings; (b) Conservation areas; (c) locally listed heritage assets (d) historic parks and gardens; (e) scheduled monument sites; and (f) areas of archaeological potential and known archaeological find sites. There is a presumption in favour of the conservation of heritage assets and their settings. The more important the asset, the greater the weight that will be given to the need to conserve it.

The Planning (Listed Building and Conservation Areas) Act 1990 (as amended) states that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

As heritage assets are irreplaceable, any harm or loss will require clear and convincing justification. Development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. The Council will look for opportunities to enhance or better reveal the significance of the designated heritage assets, such as listed buildings and Conservation Areas in the town. Investment in the appropriate repair and restoration of heritage assets, where works will enhance their significance, will be encouraged and supported by the Council.

The proposal seeks to retain works that were carried out in past months. These works were completed in May 2021, and are as follows:-

Works to the internal staircase

The proposal seeks retention of alterations made to a timber staircase, handrail and newel post. Whilst the structural works to stabilise the staircase were broadly acceptable, they included the removal of an historic curved handrail and turned wooden newel post. This had been replaced with a straight handrail and a square modern newel. This new design was considered out of keeping with the elegant character of the historic staircase and the Georgian interior of the building and therefore was considered harmful to the historic integrity of the

heritage asset. Following this, officers advised the applicant to reinstate this with a handrail and newel post of a traditional and sympathetic design.

Officers confirm that the latest amended designs, with a turned newel post and swept handrail are much more in keeping with the character of the building interior, and they also conserve the character of the historic staircase.

The proposed structural reinforcement works to the staircase and the latest, more sympathetic proposed changes to the staircase design are not considered to be acceptable and do not harm the significance of the Listed Building.

The agent has submitted photographs to demonstrate that the replacement in its 'as installed' condition is a turned newel post and swept handrail and that it is in keeping with the Georgian character of the interior of this building. As such, works as proposed are considered to preserve the historic integrity of this Listed Building.

New rainwater provision

The application proposes the retention of the new rainwater provision. The existing rainwater outlet serving the front roof slopes of the building was UPVC and it discharged onto the roof of the neighbouring property at 11 York Buildings. The neighbour was experiencing some water ingress and no longer wished to take the rainwater from the roof of 12-13 York Buildings. The rainwater goods therefore needed to be diverted to discharge within the application property. The new route takes a vertical rainwater pipe down the front of the building to discharge onto the flat roof of the shop front at 12-13 York Buildings. The new pipe is a black painted aluminium down pipe, and as such has a traditional appearance and is not obtrusive in views of the building frontage, when seen against the backdrop of the black mathematical tile cladding on the front elevation. Given this, it is not considered that the proposed re-routed replacement downpipe will cause any harm to the significance of the Listed Building or to the character and appearance of the Hastings Town Centre Conservation Area.

Given the above, it is considered that the retention of the proposed internal works which relate to a replacement internal staircase, handrail and newel post, and the retention of the proposed external black painted aluminium down pipe at front facade of the property is acceptable. Works as proposed will not cause harm to the designated heritage asset. The proposed works will repair and replace the historic main internal staircase to the building, and the rainwater goods serving the front part of the roof and will preserve the significance of the designated heritage assets and preserve the historic fabric in an appropriate manner.

The Council's Conservation Team have been consulted and they have no objection to the replacement black painted aluminium downpipe and the replacement historic internal staircase, and consider that no harm will be caused to the designated heritage asset. They advise that the amended repair works are in keeping with the Georgian interior of the building and conserve the historic character of the staircase, and that the replacement downpipe has a traditional appearance and does not obstruct the views of the building frontage when seen against the backdrop of the black mathematical tile cladding on the front elevation of the building.

As such it is considered that works as proposed comply with the National Planning Policy Framework, in particular Paragraphs 197, 199 and 202, and Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015.

6. Conclusion

The proposed swept handrail and turned newel post that the applicant seeks to retain are of a traditional and sympathetic design and are in keeping with the Georgian character of the building interior. As such works as proposed are considered to conserve the character of the historic staircase, and do not harm the significance of the Listed Building.

The new pipe that the applicant seeks to retain is a black painted aluminium down pipe, with a traditional appearance and as such it is considered that the proposed pipe is not obtrusive in views from the building frontage, when seen against the backdrop of the black mathematical tile cladding on the front elevation, and when seen from Wellington Place. Given this, it is considered that the proposed re-routed replacement downpipe will not cause any harm to the significance of the Listed Building or to the character and appearance of the Hastings Town Centre Conservation Area.

As such, it is considered that the proposed works comply with the NPPF Policies and Local Plan Policies in respect of the need to conserve heritage assets and are therefore acceptable.

The proposal is therefore considered to be in accordance with the relevant policies of the NPPF and Local Plan as detailed herein. 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 Listed Building Consent subject to the following condition:

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

8933/155C; 8933/156D; 8933/157C; 8933/159B; 8933/160B; 8933/201 REV3; 8933/550B and 8933/P.1.

Reason:

1. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this 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:

National Planning Policy Framework Section 16 applies. The works proposed will not harm (or alternatively, "will positively enhance") the designated heritage asset.

Officer to Contact

T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/LB/22/00143 including all letters and documents

Agenda Item 6

Agenda Item: 6

Report to:	Planning Committee
Date:	20 July 2022
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 18/05/2022 to 08/07/2022
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
Land west of 1 and 10-11, Hawthorn Road, Hastings HS/PIP/21/00912	Erection of a 2 bedroom dwelling incorporating an arch-like extension spanning the driveway. Creation of two allocated parking spaces and garden	Refuse Planning Permission	DELEGATED	Planning
12 Maze Hill, St Leonards-on-sea, TN38 0BA HS/LB/21/00167	Construction of 5 timber units (garages) in the rear garden (retrospective)	Refuse Planning Permission	DELEGATED	Planning
12 Maze Hill, St Leonards-on-sea, TN38 0BA HS/FA/21/00166	Construction of 5 timber units (garages) in the rear garden (retrospective)	Refuse Planning Permission	DELEGATED	Planning
Garages adjacent 12, Watermans Close, Hastings, TN34 2JP HS/FA/21/00823	Variation of condition 2 (approved plans) – amendment to provide amenity space and removal of condition 4 (age restriction)	Refuse Planning Permission	DELEGATED	Planning

	planning application HS/FA/20/00730			
129 Parker Road, Hastings, TN34 3TP HS/FA/21/01130	Retrospective permission for two storey rear extension and dormer with Juliette balcony. Construction of retaining walls with gabion cages.	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been allowed:

Address/ Application Number	Proposal	PSM's Rec	Where the decision was made	Type of Appeal
29 Nelson Road, Hastings, TN34 3RX HS/FA/20/00687	Conversion of existing single dwelling to a lower ground floor self contained flat and a 8 bedroom HMO (Sui Generis) on the upper floors	Refuse Planning Permission	DELEGATED	Planning

The following appeals have been dismissed:

N/A

Type of Delegated Decision	Number of Decisions
Granted Permission	115
Part Granted – Part Refused	3
Prior Approval Approved	4
Prior Approval Refused	3
Refused	12
Withdrawn by applicant	5
Total	142

Report written by
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