

**Report to:** PLANNING COMMITTEE

**Date:** 11 January 2017

**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** Ullathorne, 110 St Helens Park Road, Hastings

**Proposal:** Change of use from D1(Non-residential institution) to C3 (dwelling house)

**Application No:** HS/FA/16/00743

**Recommendation:** Grant Full Planning Permission

Ward: ST HELENS  
File No: XH65110  
Applicant: Dominic Sabetian 6 Priory Close Hastings TN34 1UJ

Interest: Applicant  
Existing Use: Non-residential Institution

### **Policies**

Conservation Area: No  
Listed Building: No

### **Public Consultation**

Adj. Properties: Yes  
Advertisement: No  
Letters of Objection: 0  
Petitions Received: 0

Application Status: Not delegated - Applicant is a member of the Council

### **Site and Surrounding Area**

The site consists of a large detached premises on the east side of St Helens Park Road. The premises is set back from the highway at a raised position to the road. At the front of the site there is an access driveway leading to an area of parking. The garden to the rear slopes dramatically up towards the properties in Watermen's Close and as a result is terraced to stepped access.

The surrounding area is made up in the majority of large residential dwellings within good sized plots. The exception to this is the language school on the opposite side of the road. This section of St Helens Park Road has a distinct green and leafy character.

## Constraints

- SSSI Impact Risk Zone
- Tree preservation orders within adjacent site.

## **Proposed development**

This application is for the conversion of an existing property from a non-residential institution (D1) used in connection with a language school, to a single family dwellinghouse (C3)

The application is supported by the following documents:

- Block plan - 2000/133/LBP
- Proposed floor plans
- Existing floor plans
- Statement in support of application

## **Relevant Planning History**

- |   |                |  |
|---|----------------|--|
| - | HS/FA/92/00240 | Change of use to non-residential language school for an average of 60 students (to be used as an annexe to Hastings English Language centre) |
|   | Granted        | 02/07/1992   |
| - | HS/FA/94/00595 | Erection of one four bedroom detached house with double depth garage, conservatory at rear and vehicular access.                             |
|   | Refused        | 30/03/1995   |

## **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 H2 - Housing Mix

Policy T3 - Sustainable Transport

### 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 HC2 - Residential Institutions and Student Halls of Residence

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: economic (by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 advises that plans and decisions need to take local circumstances into account, so they respond to the different opportunities for achieving sustainable development in different areas.

## Consultations comments

Highways officer - **No objection.**

## Representations

In respect of this application 5 neighbouring properties were consulted, no responses have been received.

## **Determining Issues**

### 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.

### Impact on Character and appearance of area

As stated above the surrounding area is made up in the majority of residential dwellings with the exception of the language school. In light of this, it is considered that the use of this as a single family dwellinghouse would not have an unacceptable impact on the existing residential character of the area.

### Loss of existing use

Policy E4 of the Hastings Planning Strategy states that the Council will work to promote and secure sustainable tourism development in the town. A more diverse and high quality tourism offer will be encouraged that seeks to lengthen the tourism season, increase the number of visitors, provide job opportunities and sustain the tourism economy.

This policy goes on to reference language schools within the Borough and states that 'in recognition of their importance to the local economy, the Council will also support proposals that improve, protect or make new provision for language schools in suitable locations. Proposals for changes of use of language schools to other uses will be resisted unless it can be demonstrated that the use is no longer economically viable.

As stated above, the existing use of the premises is as an overflow for the Hastings English Language Centre which is also in St Helens Park Road. The applicant has advised that in recent years the overall numbers of students attending the school has declined in such a manner that the use of this property as additional accommodation is no longer needed. It has also been indicated that the continued use of this property in conjunction with the school would negatively impact on the financial viability of the business. A supporting statement from Deeks Evans Chartered Accounts who act for the Language School has also been submitted. Within this statement it is confirmed that the continued use of both properties in conjunction with the school would render the company unviable. Although the loss of this site is unfortunate, it is considered that, on balance due to the main language school being retained and the potential for a negative financial impact on the overall running of the school should this premises remain operational, the change of use of this premises is acceptable in this instance.

It should also be acknowledged that the room layout of the existing premises could not be easily altered to provide larger classrooms that are likely to be required by modern working practises.

The Council have recently been advised that the language school is now insolvent, however, the use of the site as a language school remains irrespective of ownership. The continued use of the main premises as a language school, is more likely to be viable without the annexe at Ullathorne.

As a result of this, it is considered that the change of use of this property is acceptable and meets that aims of local and national policy.

### Proposed Residential Use

Policy HN2 of the Hastings Development Management Plan states that planning permission will be granted for residential development that delivers a balanced mix of housing both within each site, and across Hastings as a whole. The Council will seek to ensure a genuine mix of housing types within existing and future communities by encouraging proposals for housing development in terms of the extent to which they:

- a) contribute to a well integrated mix of housing types and tenures to support a range of household sizes, ages and incomes to meet both current and projected housing needs
- b) address local tenure mix and whether there is a concentration of a particular tenure of housing that would benefit from diversification or greater choice
- c) take account of existing local household characteristics and whether there is a bias towards younger or older households, families or sharers and how the new development will fit into this context
- d) provide a proportion of homes to Lifetime Homes Standard
- e) in suitable and accessible locations, residential schemes of 50 or more dwellings will need to include at least 2% fully adapted dwellings for wheelchair users

Chapter 8 Housing, Paragraph 8.7 of the Planning Strategy goes on to state that the Council wishes to encourage a greater variety of provision in terms of dwelling types and sizes. In particular, the development of larger homes (3 or more bedrooms) given the bias in the stock towards smaller dwellings and flats will be encouraged. It is likely that developments within the existing suburban areas will provide the best opportunities to deliver larger homes where relatively lower density development will be appropriate.

The unit proposed in this instance would provide a large 6 bedroom dwelling which is relatively infrequent within the Hastings Borough. Taking this in to account it is considered that the proposed change of use is in accordance with the aims of the above quoted policy and as such is acceptable.

### Future Residential Amenities

The Department for Communities and Local Government recently produced technical guidance for space standards. Having assessed the proposed plans against these criteria, it is apparent that the proposal exceeds the minimum requirement of 138m<sup>2</sup> and as such the internal accommodation is considered acceptable.

The premises is shown to have a useable rear garden space of approximately 35 metres in length. This exceeds the 10 metre requirement of Policy DM3 of the Hastings Development Management plan.

Taking these factors in to account it is considered that the proposal would provide more than adequate living accommodation that exceeds both local and national policy requirements.

### Trees

There is a cluster of protected trees located within the strip of land adjacent to Ullathorne (as outlined in blue on plan 2000/133/LBP), however, none of these trees fall within the application site. The applicant has indicated that there are no tree works proposed and there are no external alterations proposed. In light of this it is considered that the change of use would not have an unacceptable impact on the health of the existing protected trees.

### Highway Safety/Parking

As part of this application, it is proposed to retain the existing 2 parking spaces on site and no additional parking is proposed. Due to the scale of the proposed dwelling, clarification has been sought from the County Council Highways Team. The highways officer has indicated that although 3 parking spaces would ideally be provided, 2 would be considered sufficient due to the level of on street parking available along St Helens Park Road.

Taking this into account, it is considered that the proposed level of parking acceptable and in accordance with local policy.

### Conclusion

Taking the above in to account it is considered that the proposed change of use is acceptable and meets the aims of both local and national planning policy. The proposal is therefore recommended for approval subject to condition.

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.

## **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 change of use hereby permitted shall be carried out in accordance with the following approved plans: 2000/133/LBP and Proposed floor plan.
3. Prior to occupation details of a cycle store and a readily accessible storage space for refuse bins awaiting collection and any associated screening shall be submitted to and approved in writing by the Local Planning Authority. The cycle and refuse stores shall then be provided and retained on site in accordance with the approved details.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To ensure 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 paragraphs 186 and 187 of the National Planning Policy Framework.
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.

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**Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

**Background Papers**

Application No: HS/FA/16/00743 including all letters and documents