

Report to: PLANNING COMMITTEE

Date: 08 February 2017

Report from: Assistant Director of Housing and Built Environment

Application Address: 1 Marine Parade, Hastings
Proposal: Re-building of the existing 4 storey property and reinstatement as a residential property for use as a HMO (sui generis).

Application No: HS/FA/16/00905

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS
File No:
Applicant: Mr Sacks per Three Eleven Design Unit 1 100 North Road Brighton BN1 1YE

Interest: Freeholder
Existing Use: Fire damaged property, HMO use

Policies
Conservation Area: Yes - Old Town
Listed Building: No

Public Consultation
Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 3
Petitions Received: 0 Letters of Support: 1

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

Site and Surrounding Area

The site consists of a three storey, with basement, end of terrace Georgian property within the Hastings Old Town. The property was damaged by fire in 2014 and has remained derelict since. The site is located in close proximity to several listed buildings but is not listed itself. It is considered however, to be of architectural interest and is clearly visible from the public domain.

Constraints

- SSSI Impact Risk Zone
- Archaeological Notification Area
- Flooding Surface Water 1 in 30
- Flooding Surface Water 1 in 100
- Flooding Surface Water 1 in 1000
- Old Town Conservation Area

Proposed development

This application is for the demolition of the remaining shell of the property and the erection of a new three storey property in its place. The new building is to replicate the existing properties in the terrace and will include the use of the existing basement. The use of the premises is to be a house of multiple occupation as per the established lawful use.

The accommodation with the HMO will provide;

Basement

- 2 x Bedrooms
- 1 x Communal Bathroom
- 1 x WC

Ground Floor

- 2 x Bedrooms
- 1 x Communal Kitchen

First Floor

- 1 x Communal Lounge
- 1 x Communal Kitchen
- 1 x Communal Bathroom

Second Floor

- 3 x Bedrooms

The application is supported by the following documents:

- Design and Access Statement
- Heritage Statement
- Proposed floor Plans - 418MP01/03A
- Proposed elevations - 418MP01/04

Relevant Planning History

None Relevant

National and Local Policies

Hastings Local Plan - Planning Strategy (2014)
Policy FA5 - Strategic Policy for Eastern Area
Policy FA6 - Strategic Policy for The Seafront

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
Policy EN1 - Built and Historic Environment (Archaeological Notification Area)
Policy EN1 - Built and Historic Environment (Conservation area)
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 DM5 - Ground Conditions
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 HN3 - Demolition involving Heritage Assets (Conservation Area)
Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest (Archaeological Notification Areas)

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.

Para 131

In determining planning applications, local planning authorities should take account of:

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

Para 132

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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

National Planning Policy Guidance (NPPG)

Design

Within the NPPG it states that good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design. Achieving good design is about creating places, buildings, or spaces that work well for everyone, look good, last well, and will adapt to the needs of future generations.

Paragraph 4 of the NPPG states that local planning authorities are required to take design into consideration and should refuse permission for development of poor design. Local planning authorities should give great weight to outstanding or innovative designs which help to raise the standard of design more generally in the area. This could include the use of innovative construction materials and techniques. Planning permission should not be refused for buildings and infrastructure that promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design (unless the concern relates to a designated heritage asset and the impact would cause material harm to the asset or its setting which is not outweighed by the proposals economic, social and environmental benefits).

Good design responds in a practical and creative way to both the function and identity of a place. It puts land, water, drainage, energy, community, economic, infrastructure and other such resources to the best possible use - over the long as well as the short term.

Historic Environment - Para 003 - REF 18a-003-20140306

The conservation of heritage assets in a manner appropriate to their significance is a core planning principle. Heritage assets are an irreplaceable resource and effective conservation delivers wider social, cultural, economic and environmental benefits.

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in everyday use to as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-taking to ensure that heritage assets are conserved and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified, the aim then is to capture and record the evidence of the asset's significance which is to be lost, interpret its contribution to the understanding of our past, and make that publicly available.

Consultation comments

Waste Management Team - **No objection subject to condition**

County Archaeologist - **"no requirement for formal consultation"**

HMO Licensing - **No objection subject to conditions**

Representations

In respect of this application 9 neighbouring properties were consulted and a site notice was displayed. In response to this 3 letters of objection and 1 letter of support have been received.

The concerns within the letter of objection include;

- lack of consultation
- inappropriate front door - out of character with the terrace
- location of the bin store in proximity to the neighbouring property
- cramped accommodation and overcrowding within the unit
- anti-social behaviour
- lack of parking
- out of character within the Old Town
- storage of materials during construction

The letter of support included comments on;

- pleased with the proposal to in-fill the external basement stairwell
- support for all aspects of the proposal

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.

It should also be acknowledged that the use of this premises was established for at least 10 years prior to the fire damage. As a result of this, the use of the property as a house of multiple occupation is also considered acceptable.

Design and Layout

The proposal seeks permission to demolish and rebuild the property at 1 Marine Parade within the existing footprint. Due to the compact nature of the site, it is not proposed to enlarge the footprint or increase the height of the property. The existing character of the Georgian terrace is also to be replicated wherever possible to ensure the development is in keeping within the context of the streetscene.

Impact on Character and appearance of the Conservation Area

HN1 of the Hastings Development Management Plan relates to development affecting the significance and setting of designated heritage assets (including Conservation Areas)

This policy 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:

- 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 HN3 is also relevant in this instance as it discusses demolition within a Conservation Area. This policy states that, where planning permission is sought for a scheme that involves the demolition of all or part of a heritage asset (including buildings and structures within a conservation area), planning permission will only be granted where:

- a) justification of the need to demolish the building, a structural report, evidence of redundancy and of attempts to market the building to a new user have been submitted;
- b) detailed proposals for the viable re-use of the site have been submitted;
- c) any replacement buildings are of sufficient quality to make a positive contribution to the area;
- d) there is robust evidence that there is a reasonable prospect of the development going ahead, in a timely manner, following the demolition.

The Council will only grant planning permission for the demolition of a heritage asset in exceptional circumstances. Within conservation areas there may be buildings that have a negative impact upon the local character. The Council will encourage schemes that involve the demolition of these negative buildings if it can be demonstrated that their removal and the proposed replacement development enhances the conservation area in question.

The Council may seek to enter into an agreement, or impose a condition upon a decision, to ensure that demolition does not take place until a programme of works is agreed that ensures that development commences as soon as practical after demolition.

In its present condition the property clearly detracts from the character of the street scene and, in turn, the wider conservation area. Although the loss of the existing structure is unfortunate, the Local Planning Authority have been advised by the agent that, as a result of the fire damage, it is not possible to merely repair the remaining structure. Taking this in to account, it is considered that the sympathetic rebuilding of the premises is acceptable. The reinstatement of this property would re-establish the symmetry of the terrace and bring a vacant, uninhabitable property back in to use.

The proposal is therefore considered acceptable as it would positively contribute to the character of the streetscene and the Old Town Conservation Area.

Heritage

It must be acknowledged that, although the application site is not listed, several of the neighbouring properties are, including; 1 West Street to the side and 28-29 George Street to the rear. The impact of the proposal on these listed properties has been assessed and it is considered that the re-instatement of this property is acceptable. This is due to the visual importance of the property, as the end of the Marine Parade terrace, and there being no encroachment on the neighbouring Listed Buildings or their curtilage.

However, it is suggested that, due to the importance of the surrounding listed properties, a condition be imposed requiring details of a methodology for the demolition of the existing structure. This methodology should include details of any mitigation measures required to ensure no damage is caused to the listed properties. It is also suggested that a condition be imposed requiring that, wherever possible, materials be salvaged from the existing property and re-used in the rebuild.

Proposed use

Policy H4 of the Hastings Planning Strategy seeks to manage the number of HMOs within the Borough. This is to ensure that a proposal would not result in an unbalanced community in terms of housing tenure or residents. In support of this a calculation is carried out to identify the number of HMOs within a 100 metre radius of an application site. This policy relates specifically to the loss of single family dwelling houses only and as such, due to the proposed use of this property as an established HMO, is not applicable in this instance. However, for clarity purposes, the number of HMOs within 100m radius of this site has been calculated and is as follows; 2 HMOs and 110 properties, this equates to approx < 1%.

Housing Mix

Policy H2 of the Hastings Planning Strategy 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

The application proposes to provide a good level of accommodation and contributes to the overall mix of property types within the surrounding area. Taking this in to account it is considered that this meets the requirements of the above quoted policy and is therefore

acceptable.

Living Environment and Future Residential Amenities

The proposal has been assessed against the technical housing standards as produced by the Department for Communities and Local Government. These standards state that, in order to provide a satisfactory one bed space, a single bedroom should have a floor area of at least 7.5m² and a double bedroom should have a floor area of at least 11.5m². Having reviewed the proposed plans, it is apparent that all but two of the rooms are large enough to meet the single occupancy requirement. Having discussed the proposal with the HMO Licensing Team, it has been confirmed that, although two of the rooms are on the small side, they do meet the HMO amenity standards adopted by the Council. Taking this in to account it is considered that, due to the level of communal space being provided within the building, on balance the smaller rooms are acceptable.

The HMO Licensing Team have been consulted on the proposal and have identified that presently there is insufficient clear work top space in the first floor kitchen and limited detailing on the provision of dry goods storage. Having discussed these comments it is considered that a condition should be imposed to secure the final layout of the kitchens to ensure adequate facilities are provided. This is so that the Local Planning Authority can ensure that the function of the HMO use is fit for purpose.

The HMO Licensing Team have also advised that the unit will meet the required standards for occupation by no more than 10 persons, however, in this instance a condition aimed at controlling the number of persons living in the premises would not be enforceable.

Taking the above in to account it is considered that the development would provide adequate living accommodation for future residents and as such is acceptable.

Impact on Neighbouring Residential Amenities

Concerns have been raised by local residents in relation to the number of persons within the unit. In light of this clarification was requested from the agent who has confirmed that, prior to the fire, the property was operating as a 7 bedroom HMO and was fully occupied. At the time of the fire, 6 of the bedrooms were occupied. The application seeks to provide 4 double bedrooms and 3 single bedrooms and as such the overall number of bedrooms remains the same. It is not possible for the Local Planning Authority to impose a condition restricting the number of persons within the unit as this would be unenforceable, however, an informative can be placed on the decision advising that the premises should be managed in a responsible manner at all times. The property will also be subject to licensing and inspections from the Council's HMO Licensing Team, as is standard practice.

Although the concerns in relation to the use of the property as an HMO are acknowledged, it must be recognised that the use of the property as a House of Multiple occupation is established and, prior to the fire, had been carried out for more than 10 years. In light of this it is considered that the re-establishing of this use is acceptable.

Waste and Refuse

Concerns have been raised by local residents in relation to the refuse storage provision. The guidance from the Waste and Refuse team advises that 3 x 240ltr wheeled bins and pink recycling bags should be provided. These bins and bags would be required to be presented by the residents for collection on the appropriate days.

On the proposed plan (418MP01/03A) it shows the bins being stored in the passage way between No.1 Marine Parade and No. 1 West Street, which leads to the rear of No.28 George Street. This piece of land is presently unregistered and falls outside of the

application site boundary. It is also directly opposite the front door of No.1 West Street. The proposed plan also shows this area being used for cycle storage which is addressed in more detail below.

Due to the confined nature of the site it is apparent that there is limited space to provide bin storage elsewhere, without carrying out large scale alterations to the existing building. In light of this, and the acknowledgement that the use of the property has been such for over 10 years, it is considered that this area of land, due to the lack of alternatives, would be appropriate to house the necessary bin storage area.

As the site is unregistered it is considered that the use of a 'grampian condition' would be proportionate. The NPPG states *'conditions requiring works on land that is not controlled by the applicant, or that require the consent or authorisation of another person or body often fail the tests of reasonableness and enforceability. It may be possible to achieve a similar result using a condition worded in a negative form (a Grampian condition) - i.e. prohibiting development authorised by the planning permission or other aspects linked to the planning permission (eg occupation of premises) until a specified action has been taken (such as the provision of supporting infrastructure). Such conditions should not be used where there are no prospects at all of the action in question being performed within the time-limit imposed by the permission.'*

Where the land or specified action in question is within the control of the local authority determining the application (for example, as highway authority where supporting infrastructure is required) the authority should be able to present clear evidence that this test will be met before the condition is imposed. -Paragraph: 009 Reference ID: 21a-009-20140306- Revision date: 06 03 2014'

The building has used this area of land historically for the storage of bins; therefore, it is considered likely that the applicant could comply with a condition requiring that the bins are stored in the passageway. Taking this in to account, it is considered that, on balance, as there is no other area available within the site to provide an adequately sized bin store and the development would be considered unacceptable without the provision of a refuse store, a grampian condition should be imposed.

Highway Safety/Parking/Cycle Storage

The application does not provide any parking however, there is on street parking available at the front of the site, albeit limited and restricted to residential permit holders only. Although there is no parking provision included as part of the application, it is considered that, due to the proximity of the site to the Town Centre and the good local public transport connections, this would not justify refusal of the application. It should also be noted that the parking provision has not altered from when the property was previously operating as an HMO.

On the amended plan (418MP01/03A) there is an area for cycle storage shown at the side of the property. This area is discussed at length under the waste and refuse paragraph above. Although in an ideal situation an external area for cycle storage would be provided on site, it is considered that the location of a further storage unit in the passage at the side of the property would be disproportionate to the size of this area of land. It would also result in a potentially unacceptable level of visual clutter which would be harmful to the character of the conservation area. In light of this, it is suggested that this area be solely used to provide an adequate bin store for 3 wheeled bins, as recommended by the Waste and Refuse Team, and that no cycle storage be provided as part of this development.

Conclusion

Taking the above into account, it is considered that the proposed demolition of the existing building shell and the erection of a replacement 3 - storey property with basement, that is sympathetic to the character of the existing terrace and the wider conservation area, is acceptable as it meets the aims of both local and national planning policy. The proposal is therefore recommended for approval subject to 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.

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. No demolition works shall commence until a copy of the completed contract for the redevelopment works has been submitted to and approved in writing by the Local Planning Authority. The redevelopment shall start within 6 months from the date of the completed contract unless otherwise agreed in writing by the Local Planning Authority.
3. No demolition work shall start until a Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. Demolition and construction work shall only take place in accordance with the approved method statement which shall include:
 - a) measures to protect and prevent any damage to the surrounding listed buildings
 - b) measures to control the emission of dust and dirt generated by demolition and construction works;
 - c) a scheme for controlling noise and vibration from demolition and construction activities [including details of any piling];
 - d) the arrangements for deliveries associated with all construction works, loading/unloading of plant & materials and restoration of any damage to the highway
 - e) location of compounds and or storage of construction materials to be used during demolition and construction

The works shall then be carried out in accordance with the approved details.

4. Prior to commencement of the erection of the replacement building samples of the materials to be used in the construction of the external surfaces shall be made available on site to be inspected and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
5. Prior to commencement of the erection of the replacement building, joinery details of all new windows and doors, at a scale of 1:10 elevations with full size (1:1) sections through cills, heads, frames and opening lights, including glazing bars and mullions and other decorative elements, including paint colour etc., shall be submitted to and approved in writing by the Local Planning Authority and only those approved details employed within the development and thereafter retained.
6. 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.
7. No deliveries to the site shall be made outside of the following times:-

08.00 - 18.00 Monday to Friday
08.00 - 13.00 on Saturdays
Not at all on Sundays or Public Holidays.
8. Any external windows serving bathrooms or WCs shall be obscure glazed and remain as such thereafter.
9. Prior to occupation details of the finalised layout of the kitchens shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the HMO Licensing Team. The kitchens shall then be provided in accordance with the approved layout and retained thereafter.
10. The development shall not be occupied until the local Planning Authority has approved in writing a full scheme for the provision of;
 - (a) an adequate refuse store, including details of;
 - (i) location
 - (ii) materials and finish
 - (iii) maintenance programme
The refuse store shall then be provided prior to occupation and retained in a good working order thereafter.
11. The development hereby permitted shall be carried out in accordance with the following approved plans: 418MP01/03A and 418MP01/04.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To prevent premature demolition and the creation of an unsightly gap in the streetscene which would be detrimental to the visual amenities of the conservation area.
3. To protect the character and appearance of the conservation area and the preserve the neighbouring listed buildings.
4. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
5. To ensure a satisfactory form of development in the interests of the character and amenity of the conservation area.
6. To safeguard the amenity of adjoining residents.
7. To safeguard the amenity of adjoining residents.
8. In the interests of the amenity of the residential occupiers.
9. To ensure a satisfactory standard of development that is functional and adequate facilities are provided for the number of residents within the unit.
10. To ensure a satisfactory standard of development and in the interest of future and existing local residents.
11. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.
3. Consideration should be given to the provision of a domestic sprinkler system.
4. Wherever practicable materials shall be salvaged from the existing building and reused as part of the construction of the new premises.
5. The applicant is advised that the premises should be managed in a responsible manner at all times.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/16/00905 including all letters and documents