

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: Land Adjacent, 30 Shepherd Street, St Leonards-on-sea

Proposal: Erection of five dwellings (one house & four flats)

Application No: HS/FA/14/00916

Recommendation: Grant Full Planning Permission

Ward: CENTRAL ST LEONARDS
File No: NO35049
Applicant: Mr Watts per Baker Architectural Services 29 Stirling Road Castleham Business Centre East St. Leonards-on-Sea, East Sussex. TN38 9NP

Interest: Owner
Existing Use: Mixed Use - Art Galley/Retail

Policies

Hastings Local Plan 2004: E4, DG1, DG2, DG3, DG11, C1, C2, C8, C10
Conservation Area: Yes - St. Leonards East
National Planning Policy Framework: No Conflict
Hastings Planning Strategy: FA2, SC1, EN1, EN3, H1, H2, H3, E1, T3
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, DM6, HN1, HN2, HN3, HN5

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - Conservation Area
Letters of Objection: 4
Petitions Received: 0

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

Summary

The proposal is for the erection of 5 dwellings within a yard area formally associated with a builders merchants (Brookers). The proposal follows the refusal of three schemes at the site and subsequent appeals both of which were dismissed following a hearing. The main issues are character and appearance, amenity of neighbouring and future residents and highway

safety. After considering all matters I recommend the application for approval subject to conditions.

The Site and its Location

The site is located within the St Leonards East Conservation Area and consists of a two storey building fronting Norman Road and a former cinema auditorium and yard area to the rear which front Shepherd Street. The main building is in use as an art gallery and was formerly used as a builders merchants (Brookers).

The front elevation of the two storey building includes large levels of glazing at ground floor level and two recessed entrances. The upper floors are rendered with sliding sash windows and a clay tile pitch roof. The single storey building to the rear has a flat roof and facing brick front elevation. The former cinema auditorium building is formed mainly of brick with a clay tile pitched roof.

On Norman Road the site adjoins a two storey terrace building to the east and a three storey residential building to the west. The majority of other buildings in the area are 2-3 storey terraced buildings in use for commercial purposes at ground floor level and either residential or office space above.

The yard area to the rear at Shepherd Street adjoins a row of two storey Victorian terraced dwellings to the west. The auditorium building adjoins a car park to the east.

The majority of buildings in the area retain their traditional features and contribute to the important historic character and appearance of the surrounding conservation area.

Details of the Proposal and Other Background Information

The current application follows refusal of three planning applications at the site.

The first scheme (HS/FA/13/00489) was for the change of use of the first floor of the properties at Norman Road to 3 flats, the change of use of a storage building to a live work unit and the erection of 4 x 2 bedroom houses and 1 x maisonette to Shepherd Street. The scheme also included other works to the storage building and the demolition of walls etc to form a walkway.

Application number: HS/FA/13/00805 also included the change of use of the first floor to 3 flats and other alterations to form a walkway etc. In the yard area this scheme proposed the formation of 4 x 1 bedroom flats and 1 x 4 bedroom house to Shepherd Street.

All three schemes were refused on similar grounds including:

- overdevelopment
- poor quality living environment
- unacceptable impact on the surrounding area
- highway impacts

Additionally, due to policy changes, planning application: HS/FA/13/00805 was refused as it did not make provision for affordable housing.

Following the above refusals the three flats proposed at first floor level have been implemented as permitted development in accordance with the GPDO Part 3 Class F (As Amended). A third application was also made (reference: HS/FA/14/00203) for three

dwellings fronting Shepherd Street. The scheme was considered to have an unacceptable impact on the character and appearance of the area and planning permission was refused.

The applicant lodged appeals against the decisions for applications: HS/FA/13/00489 & HS/FA/13/00805 and both were dismissed by the Planning Inspectorate. A third appeal has recently been made against the refusal of application number: HS/FA/14/00203.

The Council has also recently granted planning permission for the development of 3 dwellings at the site under reference: HS/FA/14/00911.

Previous Site History

HS/FA/13/00489 Creation of courtyard and walkway through No 51 Norman Road, by demolition of modern extension. Conversion of offices, gallery workshop and studio over 49-53 to three apartments, five cottages proposed to Shepherd Street and minor elevational changes. Retention of retail use at 43-49 & 53 Norman Road conversion of outbuilding to art studio (live work unit) including.
Refused 04/09/13 Subsequent appeal dismissed: 01/10/14

HS/CA/13/00514 Demolition of modern rear extension to 49 and 51 Norman Road, access for walkway through and small rear wall to Shepherd Street 43-53 Norman Road, St Leonards on Sea.
Granted 12/09/13

HS/FA/13/00805 Formation of walkway through to no 51 Norman Road by demolition of modern extension (separate application approved). Conversion of offices over 49-53 to three apartments, Erection of four flats and one house on Shepherd street. Retention of storage and retail use for art gallery/shop at 43-49 and fine art to 53 Norman Road.
Refused 09/12/2013 Subsequent appeal dismissed: 01/10/14

HS/FA/14/00203 Erection of three dwellings and associated parking.
Refused 01/08/14

HS/FA/14/00911. Erection of 3 dwellings.
Granted 19/12/14

Details of Consultations

Comments have been received from **Southern Water** who have recommended the use of an informative regarding the need for an application for a sewer connection (informative 4) and provided further advice (informative 5).

Following public consultation 4 letters of objection have been received. The main issues raised include: parking, refuse storage, character, appearance, overlooking, noise, amenity, living environment (current and future occupants), health & safety (fire exit provision) and layout.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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".

Character and Appearance

The appeal decision for application: HS/FA/13/00805 is relevant to this case. Whilst the appeal was dismissed the Planning Inspector was of the opinion that the proposal would have preserved the character and appearance to the area subject to suitable fenestration details. The current proposal is a similar size scale and general design to the scheme that was dismissed. Following negotiations the fenestration of the scheme has been amended and is now considered to be more sympathetic to the character and appearance of the streetscene. Two large dormers are proposed facing southwards but views from Shepherd Street and the wider conservation area would be limited. Subject to conditions requiring joinery and material details, it is considered that the proposal would preserve the character and appearance of the area.

Living Environment

The proposal is for 1 x 3 bedroom house and 4 x 1 bedroom flats. In accordance with local policy there is a requirement to provide the house with a suitable garden of at least 10m in length but there is no requirement to provide amenity space for flats.

The scheme submitted under reference: HS/FA/13/00805 included a four bedroom house with a roof terrace above the living room. The Planning Inspector concluded that the proposal was unacceptable due to the size of the terrace and because there was no opportunity to form a defensible space in front of the windows of the living room. The current proposal is for a 3 bedroom house and includes a conventional garden. Whilst the garden area will be the same size as the roof terrace previously proposed (5.5m x 6.5m) it is to serve a three bedroom house and is at ground floor level where it can be made secure and screened by an enclosure. Having regard to this and given the size of other amenity space in the area the garden area proposed is considered to be acceptable.

The room sizes proposed comply with the standards for self contained flats. The standards set by Policy DM 3 of the Hastings Development Management Plan Revised Proposed Submission Version 2014 (DM Plan) are not afforded full weight as the DM Plan has not been adopted. On balance the levels of internal space are considered to be acceptable.

Noise and general disturbance during the construction phase can be controlled through the use of an hours of building works condition and one requiring details of temporary structures etc. Having regard to the Planning Inspector's report and given the size, scale, positioning and nature of the proposal, it is considered that it will not result in other adverse impacts on the amenity of neighbouring residents.

Highways and Parking

The current scheme does not make any provision for off road parking, however, when determining both the previous appeals the Planning Inspector concluded:

"Appeal A [HS/FA/13/00489] does not include any car parking spaces, nor is there any off-site parking provided. However, it was acknowledged at the hearing that the site is within a controlled resident's parking zone where occupants of the appeal scheme - if constructed - would be eligible to apply for parking permits. The scheme is based on a ratio of 150% permits to the number of available kerb-side spaces. It was agreed at the hearing that the

scheme has not yet been fully taken up and hence there is scope for permits to be issued. The same applies to Appeal B [HS/FA/13/00805]...In which case, it would be unreasonable to dismiss the appeals on the basis of there being insufficient on-site parking spaces."

Having regard to the above I am of the opinion that the lack of parking is considered acceptable on this occasion. As with the recently approved application. I recommend the use of a cycle parking condition in order to encourage the use of sustainable modes of transport and reduce dependence on the private car.

The proposed archway to Shepherd Street is to be used by pedestrians only which will ensure that highway safety issues (of vehicles turning in and out of the site) will no longer be an issue. It is recommended that a condition is imposed in order to ensure that vehicles do not make use of this entrance.

Housing Type and Affordable Housing

Following recent changes to National Planning Guidance it is considered that Policy H3 (Provision of Affordable Housing) of the Hastings Planning Strategy 2011-2028 (the Strategy) no longer applies to schemes of under 10 units. The scheme is therefore considered acceptable without an affordable housing contribution.

The National Planning Policy Framework (NPPF) aims to boost significantly the supply of housing (paragraph 47) and for local planning authorities to plan for a mix of housing types to meet the needs of different groups (paragraph 50). Policy H2 of the Strategy also aims to meet the needs of different groups and to address imbalances in the housing stock. The Strategy identifies that the Borough has a low level of family size homes when compared with other parts of the south east. Whilst four of the proposed units would not be suitable for families they would appeal to single people and couples. As the scheme also includes a family size unit of accommodation the scheme as a whole would appeal to multiple groups of people. Furthermore as the scheme is otherwise considered to be acceptable, it must be considered in the context of the presumption in favour of sustainable housing development set by the NPPF (paragraphs 14 and 49). On balance the proposal is considered to be acceptable.

Safety and Security

The proposed walkway will have gates at either end ensuring that it is not open to the general public. It is also possible to delineate between public and private space by introducing different surface materials and this could be controlled by way of a condition. It is felt that the proposal would not result in adverse impacts on safety and security.

Loss of Employment Land

The buildings at the site/yard area were in use for retail premises or purposes ancillary to retail rather than B1 - B8 type uses. The requirements of Policy E4 of the HLP and E1 of the Strategy therefore do not apply in this case.

Drainage

Having regard to the comments raised by Southern Water it is considered that a suitable drainage system can be secured through the use of a condition.

Bin Storage

Bin storage areas have been provided for each of the units. It is recommended that a condition is imposed requiring these areas to be provided before the units are occupied.

Other Matters

With regard to fire exit provision, this is an issue that will need to be addressed through the building control process and is not a planning matter.

The proposed archway entrance from Shepherd Street will provide access to the cycle storage areas.

Conclusion

Having regard to the recent appeal decisions at the site, it is considered that the proposal will result in additional residential development without resulting in adverse impacts on its surroundings. I therefore recommend the proposal for approval.

This proposal complies with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

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 works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - (i) Schedule of the materials and finishes for walls
 - (ii) Joinery details at 1:10 scale with 1:2 or 1:1 sections to include windows and doors
 - (iii) solar panel details
 - (iv) rainwater goods and external pipe workWorks shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.
3.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and the dwellings hereby approved shall not be occupied until those works have been completed.

(iii) The dwellings hereby approved shall not be occupied 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.

4. With the exception of internal works the building works required to carry out the development allowed by this permission must only be carried out within the following times:-

08.00 - 18.00 Monday to Friday

08.00 - 13.00 on Saturdays

No working on Sundays or Public Holidays.

5. No unit hereby approved shall be occupied until readily accessible external storage space for refuse bins awaiting collection has been provided to the satisfaction of the Local Planning Authority.

6. The development shall not be occupied until cycle parking areas have been provided in accordance with details which have been submitted to and approved in writing by the Planning Authority and the areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.

7. The archway entrance proposed to Shepherd Street shall be used for pedestrian and cycle access only and not by motorised vehicles unless otherwise agreed in writing by the local planning authority.

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

BA1416.501B; 502A; 503B, 504, 505, 506,

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.

2. To ensure that the finished extension matches the appearance of the existing dwelling. (Hastings Local Plan 2004 - Policy DG1)

3. To ensure a satisfactory standard of development.

4. To safeguard the amenity of adjoining residents. (Hastings Local Plan 2004 - Policy DG4).

5. To ensure a satisfactory form of development in the interests of the character and amenity of the area.

6. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.

7. In the interests of vehicular and pedestrian safety.

8. 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. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.
5. In the event that any sewers are found within the site the applicant is advised to contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Telephone: 0330 303 0119) or www.southernwater.co.uk.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00916 including all letters and documents