

Report to: PLANNING COMMITTEE

Date: 07 January 2015

Report from: Development Manager

Application Address: Caple Ne Ferne, 2 Albany Road, St Leonards-on-sea, TN38 0LN

Proposal: Internal alterations to form self contained flats.

Application No: HS/LB/14/00644

Recommendation: REFUSE LISTED BUILDING CONSENT

Ward: MAZE HILL

File No: AL15002

Applicant: Nectanebo Estates Ltd per NTR DESIGN & BUILD LTD Waterside Derby Road Swanwick, Alfreton, Derbys. DE55 1AD

Interest: Owner

Existing Use: Previously a residential institution (C2) - flats currently under construction

Policies

Hastings Local Plan 2004: N/A

Conservation Area: Yes - Markwick Terrace

National Planning Policy Framework: Section 12

Hastings Planning Strategy: N/A

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: N/A

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Affects a Listed Building

Letters of Objection: 0

Petitions Received: 0

Application Status: Not delegated - Referred by Ward Councillor

Summary

The proposal is for alterations to the interior of the building in order to facilitate the change of use of the premises to 8 self contained flats. There is a separate application for planning permission reported elsewhere on this agenda. The main issue is the impact of the proposal on the historic character and appearance of the Grade II listed building. After consideration of all matters I recommend the application for refusal.

The Site and its Location

The site consists of a large detached building and parking area set within a large garden area. The building ranges from mainly two to three storeys but includes a central four storey section with a balcony at third floor level. The original portion of the building (southern section) was built in the late 1800s and the northern section is a three storey addition. The parking area is located to the north western side of the site alongside an entrance from Albany Road. The site occupies a corner plot and is screened on its south western and eastern sides by a sandstone wall with a row of mature trees and hedges which offer a dense screen from the surrounding area.

The site adjoins residential properties at 38 and 40 Pevensey Road to the north and north east, 8 Albany Road and four dwellings at Caple gardens to the north east. The wider area is predominantly residential being dominated by predominantly semi detached dwellings some of which have been divided into flats. The area forms part of the Markwick Terrace Conservation Area.

Details of the Proposal and Other Background Information

The building was last in use as a drug/alcohol rehabilitation treatment centre. In 2012 planning permission and listed building consent were granted for the change of use of the building to 2 x self contained houses (HS/FA/12/00443 & HS/LB/12/00680). The scheme basically involved the separation of the original building as one house (south house) and the 1930s addition as the other dwelling (north house).

In 2013 planning permission and listed building consent were obtained for the change of use of the north house to 8 x self contained flats (HS/LB/13/00343 & HS/FA/13/00344).

Earlier this year works commenced on the approved scheme and applications were made for alterations to the approved layout (HS/FA/14/00335 & HS/LB/14/00383). Following a site visit by the Case Officer and the Council's conservation consultant the proposed works were considered unacceptable and the applications were withdrawn. At the site visit it was observed that a number of the works proposed had already been completed and that others had taken place without the grant of listed building consent or planning permission.

The current application seeks to regularise a number of the breaches and proposes new alterations. The main alterations to the original approval proposed are as follows:

Ground Floor Level

- Sub division of 2 x studio flats (units 1 & 3) to form 1 x 1 bedroom and 1 x 2 bedroom flats
- Relocation of kitchens and bathrooms in units 1 & 3
- Formation of stud partition between units 1 & 3
- Obscure glazing to bathroom window of unit 1
- Suspended ceilings to all rooms of Unit 1
- Suspended ceilings to bedrooms 1 & 2 of Unit 2
- Suspended ceilings to Unit 3
- Doors removed from entrance corridor of unit 2
- Re-sizing roof light above kitchen/dining area of unit 2
- Retention of tiles in WC of unit 2
- Removal of roof light in unit 2
- Additional stud partition to living room of unit 2
- Reposition cupboard from hall to master bedroom of unit 3 and install dry riser boarded with

- fireline board
- Slight alteration to position of stud partition between unit 3 and communal area
- Gas boilers fitted to all units

First Floor Level

- Bathroom floor and walls of Unit 4 to be battened over with plasterboard and tile latts
- Reconfiguration of layout to form second bedroom and service void area behind bathroom in unit 5
- Removal of proposed door opening from corridor to kitchen on unit 5
- Formation of roof access from kitchen of unit 5
- Kitchen replaced with master bedroom for unit 6
- Unit 6 utility room replaced with bathroom
- Unit 6 bathroom replaced with kitchen
- Tiles from first floor toilets to be re-used to repair tiled walls in proposed kitchen of unit 6
- Bathroom floor and walls of Unit 6 to be battened over with plasterboard and tile latts
- Removal of cupboard from bedroom of unit 6 and install dry riser boarded with fireline board
- Clear glazing to bedroom of unit 6
- Bedroom floor and walls of Unit 6 to be battened over with plasterboard and tile latts

Second Floor

- Relocation of entrance to loft access from within unit 8 to communal area
- Removal of stud partition to form open plan kitchen and living area in unit 7
- Bedroom 2 of unit 8 replaced with kitchen
- Utility room replaced with en-suite for master bedroom of unit 8
- Kitchen replaced with master bedroom for unit 8
- Access door to roof void in master bedroom of unit 8 boarded over
- Bathroom floor and walls of Unit 8 to be battened over with plasterboard and tile latts
- Master bedroom floor and walls of Unit 8 to be battened over with plasterboard and tile latts
- Clear glazing to master bedroom of unit 8
- Removal of cupboard from master bedroom of unit 8 and install dry riser boarded with fireline board

External Works

- removal of steel framed windows from walkway to rear

An application for planning permission has also been submitted for the proposal (HAS/FA/14/00645) which appears later on the agenda of this Planning Committee.

Relevant Planning History

- HS/FA/12/00443 Proposed change of use to form two dwelling houses.
Granted 27 July 2012.
- HS/LB/12/00680 Proposed internal alterations to enable the change of use to form two residential units.
Granted 29 October 2012.
- HS/LB/13/00343 Proposed conversion to form 8 self contained flats. (Application HS/FA/13/00344 also applies).
Granted 11 September 2013.
- HS/FA/13/00344 Proposed conversion to form eight self contained flats. (Application HS/LB/13/00343 also applies).

Granted 11 September 2013.

HS/FA/14/00335 Proposed internal alterations to previously approved proposals to form 8 self contained flats (previous approval ref: HS/LB/13/00343).

Withdrawn 01 August 2014.

HS/LB/14/00383 Variation of condition 10 (Approved plans) of planning permission HS/FA/13/00344 - alterations to layout.

Withdrawn 01 August 2014.

Details of Consultations

None.

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".

As this application is for listed building consent it is only possible to assess the impacts of the proposal on the historic character and appearance of the building. Section 12 of the National Planning Policy Framework (NPPF) applies but the policies of the Hastings Local Plan, Planning Strategy and DM Plan do not.

The previous approval at the site was considered to be acceptable as it remained sympathetic to the buildings original layout. One of the ways in which this was achieved was by ensuring that the former toilet, shower and bathroom areas remained in use as "wet areas" such as kitchens, utility rooms and bathrooms. In addition to legibility this also ensures that the original tiled walls and floors could be retained as they lend themselves towards use as wet areas rather than bedrooms or other habitable rooms.

The current proposal seeks to move away from the sympathetic layout previously approved. The proposal now involves using some of the wet areas as bedrooms. In order to make the rooms suitable for use as bedrooms, the proposal involves covering the tiled walls and floors. These alterations are not considered acceptable as they will erode the legibility of the building and mean the covering of an important historic detail. The proposal therefore neither preserves nor helps to better reveal the significance of the historic building.

The only justification that has been given for covering over the tiles is that some are damaged. However it should be noted that some of this damage has occurred as a result of the works that are underway without planning permission or listed building consent.

The kitchen of unit 1 has been relocated to the area in front of the fixed shut door and therefore will involve running services across the room rather than along the wall as with the previous approval. Similarly in Unit 3 a kitchen is now to be formed in the living area which will result in services being introduced to another part of the building. The proposal will therefore involve a greater level of disturbance of the buildings historic fabric and further alter the original layout.

Other alterations are also proposed such as the removal of cupboards (hall of unit 3, kitchen of unit 4, etc) which, it is considered, will lead to further erosion to the historic character of the building. Whilst some justification has been provided regarding the need for a dry riser

taking the scheme as a whole it is considered that the works will result in harm to the historic character and appearance of the building.

The application also lacks the necessary details regarding a number of other works proposed. Whilst this information could have been requested and some of it secured by way of a condition, due to the fundamental issues raised above, further details have not been requested.

An acceptable scheme has been approved which resulted in the formation of 8 self contained flats. The current proposal would enlarge the flats but result in harm to the listed building. It is therefore considered that the public benefit of the scheme does not outweigh the harm to the heritage asset. The proposal is therefore contrary to the requirements of section 12 of the NPPF.

Other Matters

The Planning Enforcement Team are continuing to investigate the matter and are seeking the most appropriate way of resolving the breaches.

Conclusion

It is considered that the proposal would result in unacceptable harm on the historic character and appearance of the listed building. The scheme would erode the property's significance as a heritage asset and is therefore contrary to the requirements of the NPPF. I recommend the application for refusal.

These proposals do not comply 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

Refuse for the following reason:

1. The proposal will result in alterations to the layout of the building and the loss or obstruction of important architectural and historic features. The proposal would therefore cause substantial harm to the historic and architectural character of this Grade II Listed Building. The public benefit of the proposal is considered to be minimal and does not outweigh the level of harm caused by the proposal. As such the works are contrary to the Planning (Listed Buildings & Conservation Area) Act 1990 and to the requirements of the National Planning Policy Framework Section 12, particularly paragraph 132, which states:

'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.'*

Note to the Applicant

1. 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.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/LB/14/00644 including all letters and documents