

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: Variation of condition 10 of Planning Permission HS/FA/13/00344 (conversion to form 8 self contained flats) - including internal alterations

Application No: HS/FA/14/00645

Recommendation: REFUSE PLANNING PERMISSION

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: H4, DG1, DG2, DG3, C1, C3, C7, C8
Conservation Area: Yes - Markwick Terrace
National Planning Policy Framework: Various Sections
Hastings Planning Strategy: FA2, SC1, EN1, EN3, H1, H2, T3
Hastings Local Plan, Development Management Plan, Revised
Proposed Submission Version: DM1, DM3, DM4, DM6, HC1, HN1, HN2

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 amendments to a previous approval by varying the plan numbers condition of planning permission: HS/FA/13/00344. The original planning permission was for the formation of 8 x self contained flats and the current proposal seeks permission for

internal alterations including the addition of more bedrooms. The main issues are the intensification of use, the quality of the living environment and the impact of the proposal on the historic character and appearance of the Grade II listed building. There is a separate application for listed building consent reported elsewhere on this agenda. 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 1930's 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 proposal involves various internal alterations including the relocation of kitchens, bedrooms and bathrooms and the sub division of some flats to form additional bedrooms. As a result of the proposal the numbers of bedrooms will be altered as follows:

Ground Floor

Approved: 2 x studio flats and 1 x 2 bedroom flat

Proposed: 1 x 1 bedroom flat and 2 x 2 bedroom flats

First Floor

Approved: 1 x 1 bedroom maisonette (split with second floor) and 2 x 1 bedroom flats

Proposed: 1 x 1 bedroom maisonette (split with second floor) and 2 x 2 bedroom flats

Second Floor

Approved: 1 x 1 bedroom and 1 x 2 bedroom flats
Proposed: 2 x 2 bedroom flats

An application for listed building consent has also been submitted under reference: HS/LB/14/00644 which appeared earlier on the agenda for 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

No objections have been received as a result of the public consultation on this application.

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 previous approval at the site was considered to be acceptable as it remained sympathetic to the building's 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 ensured 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 building's 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. It is therefore considered that the proposal is contrary to the requirements of Policy C3 of the Hastings Local Plan 2004, Policy EN1 of the Hastings Planning Strategy 2011-2028, Policy HN1 of the Hastings Development Management Plan Revised Proposed Submission Version 2014 and Section 12 of the National Planning Policy Framework (NPPF).

The application also lacks the necessary details regarding a number of other works proposed such as pipework, vents etc. 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.

The proposal involves removing windows from an external walkway to the rear of the building. The walkway is a later addition and the alterations proposed are considered acceptable. With the exception of replacement glazing and details such as flues, vents, pipes etc no other external works are proposed. It is therefore considered that the proposal would not result in harm to the streetscene or surrounding conservation area.

Other considerations:

As planning permission has already been granted for the development of flats at the premises, the main issues besides character and appearance relate to the intensification of use and the quality of the living environment.

Whilst the overall number of units remains unchanged the number of bedrooms would increase. The room sizes proposed comply with the space standards for self contained flats and the level of parking required would remain 11 spaces if allocated which could be secured through conditions. I am therefore of the opinion that the proposal would create a suitable living environment and that it would not result in adverse impacts on the amenity of neighbouring residents.

With regard to housing type the proposal would result in additional 2 bedroom units which would be considered family size units. Whilst local planning documents advise that the Borough has low levels of family size accommodation and local policies aim to address imbalances in the housing stock, there is also a requirement to provide housing for a variety of groups in society. The previous scheme involved a mixture of studio and 1 and 2 bed flats and did not result in harm to the listed building, whereas the current proposal provides 2 bedroom units, it will result in harm to the listed building. Any benefits of the proposal are therefore not considered to outweigh the harm caused.

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.

Conclusion

It is considered that the proposal would result in unacceptable harm to 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 and local planning policies. I recommend the application for refusal.

These proposals 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. The proposal is contrary to guidance in the NPPF with particular reference to paragraph 132; and to Policy C3 parts (a), (b), (c) & (d) of the Hastings Local Plan 2004, Policy EN1 of the Hastings Planning Strategy 2011-2028, and Policy HN1 of the Hastings Development Management Plan - Revised Proposed Submission Version 2014, which state:

NPPF Paragraph 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.'

POLICY C3 - Development Involving Listed Buildings:

Planning permission for development involving proposals to extend or alter a listed building will only be granted if all the following criteria are met:-

- (a) It is appropriate in design, scale, materials and colour to the form of

the building;

- (b) It will not detract from the special architectural or historic character and appearance of the building;
- (c) It does not involve changing the use of a listed building to one which would adversely affect the special architectural or historic value, or its setting, unless the existing use can be proved to be no longer practicable;
- (d) It does not involve externally or internally altering a listed building in a way which would adversely affect its special architectural or historic character;...

Planning permission will be refused for applications affecting listed buildings if sufficient information is not provided to allow a full assessment of a proposal to be made.

POLICY EN1: Built and Historic Environment:

To promote understanding and appreciation of the historic environment the Council will, within three years from the adoption of the Development Management Plan, develop a historic environment strategy for the conservation of the historic environment, including those heritage assets identified as being most at risk through neglect, decay or other threats. This will reinforce the historic environment record for the borough, a key information source in assessing the impact of future development on the historic environment.

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. 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.

There are many areas of the Borough where there is high archaeological

potential, but where the extent of the likely finds is, as of yet, unknown. Great care needs to be taken to protect this archaeological resource through the planning process.

Detailed design policies to protect the town's heritage assets will be set out in the Development Management Plan.

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

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).

The topography of Hastings means that the Council will give consideration to the impact of development on the setting of heritage assets, including the impact upon more distant views and from across the other sides of the valleys. The Council encourages proposals that sustain or enhance the setting of heritage assets.

Consideration will also be given to the impact of new development on the setting of the Hastings and St. Leonards seafront, almost all of which is covered by conservation area designation. This area currently enjoys relatively unimpeded long views, which are a key element of area character.

This policy is written for designated assets. However, non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments (given the results of a Historic Environment Record informed study), will be treated as having at least the same level of significance as other designated heritage assets.

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/FA/14/00645 including all letters and documents