

**Report to:** PLANNING COMMITTEE  
**Date of Meeting:** 06 June 2019  
**Report from:** Assistant Director of Housing and Built Environment

**Application Address:** 12-13 York Buildings, Wellington Place,  
Hastings, TN34 1NY  
**Proposal:** Discharge of condition 4 (external windows and  
door details) of Planning Permission  
HS/FA/16/00660  
**Application No:** HS/CD/18/00487

**Recommendation:**

**Ward:** CASTLE 2018  
**Conservation Area:** Yes - Hastings Town Centre  
**Listed Building:** Grade II

**Applicant:** Hastings Borough Council per Mackellar Schwerdt  
Architects The Old Library Albion Street Lewes  
BN7 2ND

**Public Consultation**

|                                  |    |
|----------------------------------|----|
| Site Notice:                     | No |
| Press Advertisement:             | No |
| Letters of Objection:            | 0  |
| Petitions of Objection Received: | 0  |
| Letters of Support:              | 0  |
| Petitions of Support Received:   | 0  |
| Neutral comments received        | 0  |

**Application Status:** Not delegated -  
Council application on Council owned land

## 1. Site and surrounding area

12-13 York Buildings is a large, late-Georgian Grade II listed building, with distinctive black mathematical tiles to the upper floors of the building frontage. The ground floor frontage of the building is a shop unit occupied by Millets. The rear of the building faces onto York Gardens. The building sits within the Hastings Town Centre Conservation Area.

The immediate area is made up of a mixture of buildings with commercial uses at ground floor level, with residential and offices above.

## Listing

Early C19. Painted mathematical tiles. Hipped tiled roof. 4 storeys. 4 windows. 2 segmental bowed bay windows of 3 light sashes with glazing bars, each from the 1st to the 3rd floors, originally curved, but flat sashes have now been substituted for the original curved sashes, though the glazing bars have been retained. On each floor 2 centre sashes with glazing bars, 1st floor tall. Small paired brackets to eaves soffit. Ground floor very large modern shop front with large fascia up to 1st floor bays.

Nos 11, 12, 13 and 14 form a group, of which Nos 11 and 14 are of local interest only.

## Constraints

- Flooding Groundwater
- Flooding surface Water 1 in 1000
- Flood Zone 2
- Archaeological Notification area

## **2. Proposed development**

The application proposes to discharge condition 4 (external windows and door details) of Planning Permission HS/FA/16/00660 (Alteration works to ground floor stair and to three upper storeys of existing building and conversion into six flats for residential accommodation)

Condition 4 states:

*"No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority*

*a) external windows and doors*

*Works 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"*

The application is supported by the following documents:

- Planning Statement

## **Relevant planning history**

HS/CD/18/00487 Discharge of condition 4 (external windows and door details) of Planning Permission HS/FA/16/00660

Not yet determined

HS/FA/16/00660 Alteration works to ground floor stair and to three upper storeys of existing building and conversion into six flats for residential accommodation (Application HS/LB/16/00661 also applies)

Permission with conditions on 20/01/17

- HS/LB/16/00661 Alteration works to ground floor stair and to three upper storeys of existing building and conversion into six flats for residential accommodation (Application HS/FA/16/00660 also applies)  
Listed Building Consent with Conditions on 20/01/17
- HS/LB/13/00172 Structural repairs to front elevation and maintenance repairs to external areas  
Listed Building Consent with Conditions on 03/05/13
- HS/FA/03/00171 ALTERATIONS TO FIRST, SECOND AND THIRD FLOORS TO FORM 5 FLATS  
Permission with conditions on 19/06/03
- HS/LB/03/00170 ALTERATIONS TO FIRST, SECOND AND THIRD FLOORS TO FORM 5 FLATS  
Listed Building Consent with Conditions on 19/06/03
- HS/FA/01/00789 ALTERATIONS TO SHOPFRONT AND REAR ELEVATIONS  
Permission with conditions on 31/01/02
- HS/LB/01/00680 INTERNAL AND EXTERNAL ALTERATIONS TO REAR OF BUILDING AT BASEMENT, GROUND AND FIRST FLOORS. ALTERATIONS TO SHOPFRONT ENTRANCE DOORS  
Listed Building Consent with Conditions on 31/01/02
- HS/FA/00/00015 CHANGE OF USE OF BASEMENT, GROUND AND FIRST FLOORS FROM A1 AND OFFICES TO A3 FOOD AND DRINK  
Permission with conditions on 02/03/00

## **National and Local Policies**

### Hastings Local Plan – Planning Strategy 2014

- Policy FA2 - Strategic Policy for Central Area
- Policy FA3 - Strategy for Hastings Town Centre
- Policy EN1 - Built and Historic Environment
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

### Hastings Local Plan – Development Management Plan 2015

- Policy LP1 - Considering planning applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy HN1 - Development Affecting the Significance and Setting of Designated Heritage Assets

## Policy HN2 - Changing Doors, Windows and Roofs in Conservation Areas

### National Planning Policy Framework (NPPF)

Paragraph 11 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.

Paragraph 12 of the NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Three dimensions of sustainability given in paragraph 8 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 9 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.

Section 12 of the NPPF sets out the requirement for good design in development. Paragraph 124 states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Paragraph 127 of the NPPF requires that decisions should ensure developments:

- Function well;
- Add to the overall quality of the area for the lifetime of that development;
- Are visually attractive in terms of:
  - \* Layout
  - \* Architecture
  - \* Landscaping
- Are sympathetic to local character/history whilst not preventing change or innovation;
- Maintain a strong sense of place having regard to:
  - \* Building types
  - \* Materials
  - \* Arrangement of streets
- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- Create safe places with a high standard of amenity for future and existing users

Paragraph 130 states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way that it functions.

Paragraph 130 also seeks to ensure that the quality of an approved development is not materially diminished between permission and completion through changes to the permitted scheme.

### **3. Consultation comments**

Hastings Borough Council (Conservation Officer) - **no objection**

The Conservation Officer has been heavily involved in the assessment of the plans submitted to discharge these conditions, and is satisfied that the amended drawings meet the requirements for the condition to be partially discharged, subject to further detail at a later date. This will not inhibit works starting on site.

#### **4. Representations**

Comments are not invited on discharge of condition applications.

#### **5. Determining issues**

The main issue to be considered in the determination of this application is the impact of the works on the character and appearance of the area, given the listed status of the building and the site's location in a conservation area.

##### a) 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.

##### b) Impact on character and appearance of the area and Hastings Town Centre Conservation Area

The front of the building was restored, some years ago, with grant aid, which was used to restore the mathematical tiles. However, the building interior and rear elevation are still in a poor condition. There are structural problems running down through the building, many doors and floors are crooked, the upper floors of the building have been severely affected by damp ingress, the wall, floor and ceiling finishes are generally in a poor condition. The upper floors of the building have been vacant for many years and are slowly deteriorating. It is therefore vital to the long-term survival of the listed building that the deterioration of the building is arrested, and that a new use is found for the upper floors.

Listed building consent (HS/LB/16/00661) and planning permission (HS/FA/16/00660) were granted in January 2017 for the conversion of the upper floors of the listed building into 6 self-contained flats. This current application seeks to discharge condition 4 (details of windows and external doors) on the planning application HS/FA/16/00660. This is the only condition that needs to be discharged on this consent.

Condition 4 states:

*"No works shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority*

##### *a) external windows and doors*

*Works 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"*

The final plans received are successful in achieving the conversion whilst retaining enough of

the essential character of the building. The proposed new external doors to the rear elevation are a significant improvement over the current modern doors, and so they will enhance the street scene in this part of the Conservation Area. The new windows are high up the building and not easily visible from ground floor level. The proposed new timber, slender-section casement windows to the second floor are an improvement over the existing relatively modern, Crittal-type windows, and much more in keeping with the character of the building. However, joinery details relating to the new windows remain outstanding. These will need to be approved at a later stage to allow for a full survey of the existing window and fanlight characteristics, prior to fixing on the details for the new joinery. It is reasonable for the final agreement to the joinery details of the upper floor fenestration to be deferred until full information regarding the condition and detailed design of the existing windows and fanlight.

In principle however (and despite of the outstanding information required) the proposals will enhance the character and appearance of York Gardens and the surrounding Hastings Town Centre Conservation Area. The details submitted comply with the requirements of the NPPF in terms of the need to conserve heritage assets. The details submitted are also in accordance with the requirements of adopted local plan policies EN1 and HN1.

### c) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) states that "Projects which are described in the first column of Schedule 2 but which do not exceed the relevant thresholds, or meet the criteria in the second column of the Schedule, or are not at least partly in a sensitive area, are not Schedule 2 development."

This development is not within a sensitive area as defined by Regulation 2 (1) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and does not exceed the thresholds of schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## **6. Conclusion**

The submitted details are of sufficient quality to allow the commencement of works. However, further joinery details relating to the new windows will need to be submitted following a full survey of the existing window and fanlight characteristics to determine their condition, prior to deciding on the details for the new joinery. In this instance therefore, condition 4 can be partly discharged, and the 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.

## **7. Recommendation**

**Condition 4 of planning permission HS/FA/16/00660 can be partly discharged. Joinery details for the new windows remain outstanding.**

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**Officer to Contact**

Mrs S Wood, Telephone 01424 783329

**Background Papers**

Application No: HS/CD/18/00487 including all letters and documents