

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 conditions 3 (methodology
statement) and 4 (details of balustrades,
proposals of staircase, surfacing works,
installation of ventilations, smoke vent and any
other additional structural work as required.
Details of new floor boards and window and
door joinery details and schedule.) of Listed
Building consent HS/LB/16/00661
Application No: HS/CD/18/00490

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.

2. Proposed development

This application proposed to discharge conditions 3 (methodology statement) and 4 (details of balustrades, proposals of staircase, surfacing works, installation of ventilations, smoke vent and any other additional structural work as required. Details of new floor boards and window and door joinery details and schedule.) of Listed Building consent 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)

Condition 3 states:

"Prior to the commencement of the works, a methodology statement outlining the proposals for the protection of the original architectural features of the listed building, through the construction phase, shall be submitted to the Council for prior approval. This methodology statement shall include details of the proposed physical protection measures to limit any damage to the original internal features and also details of a proposed safe storage area where original features (such as internal doors, skirting boards and floor boards) that need to be temporarily removed in order facilitate the works can be safely stored, for re-fitting later during the construction phases. All original architectural items removed must be clearly labelled to ensure that they can be returned to their original or agreed alternative site, as appropriate."

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) *Full details of the proposed new metal balustrade to the lower levels of the main entrance staircase. Details to include an elevation of a section of the proposed balustrade at 1:10 scale and larger scale details, including sections of the handrail, newels, balusters (if any) and rail profiles at a suggested scale of 1:2.*
- b) *Full joinery details for any new windows and internal or external doors, including the frames, architraves and fanlights. Elevational details shall be provided at 1:10 scale, along with 1:2 or full size horizontal and vertical cross-sections through each door or window type*
- c) *A door and window schedule to detail the following :*

- confirmation of the locations where relocated or spare original doors are to be re-used,
 - details of any door closures or upgrading of the door fabric required to meet fire safety standards
 - full details of all other door or window furniture proposed (including samples)
 - full details of the proposed reinstated roof light to Room F7 (if any re-construction is necessary).
- d) *Full details of the proposals to enclose the eastern staircase shall be provided, including full drawn information, in section and plan, explaining how the proposed partitions will be fixed in place in relation to the original staircase, details of any points of intersection or fixing to the original staircase, or to adjacent walls, floors or ceilings, and any modification required to the staircase to enable the partitions to go in. A mitigation statement shall be provided to explain what measures have been taken to limit the harm to the staircase through these partitioning works. For clarification, it is a requirement that the eastern staircase shall be partitioned off in such a way that no part of the original staircase shall be cut into or damaged to achieve the partitioning and that all works are fully reversible without harming the original stair.*
- e) *Full details of any additional works to the listed building, required to meet the Building Regulations standards, where these do not form part of the current detailed proposals. This includes any additional fire safety works or proposed improvements to the acoustic performance between the individual flats and between the flats and the ground floor shop.*
- f) *Full details of any additional structural works to the listed building that do not form part of the current proposals but that are necessary to achieve the conversion.*
- g) *Full details of the proposed making good of wall, floor and ceiling surfaces, and to the staircase, following on from the approved structural interventions in the building.*
- h) *Full details of any new external flues, bathroom and kitchen extracts (including roof terminals), intercoms, security lights, etc. that will be visible on the exterior of the building. This information to include the proposed locations, size, appearance, materials and finishes.*
- a) *Full details of the proposed smoke vent at the top of the staircase, including internal and external elevations, section details, and the proposed materials and finishes. The works shall be carried out in accordance with the details approved under this condition.*
- b) *Full details of all new floor boards including species, width and depth.*

The application is supported by the following documents:

- Methodology statement
- 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 EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

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

National Planning Policy Framework (NPPF)

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.

Paragraph 189 (of Section 16. "Conserving and enhancing the historic environment") states: "In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."

Paragraph 190 states: "Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal."

Paragraph 192 states: "In determining applications, Local Planning Authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness."

Paragraph 193 states: 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Paragraph 194 states: "Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional."

Paragraph 196 states: "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

Paragraph 200 states: "Local Planning Authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably."

3. Consultation comments

Hastings Borough Council (Conservation) - **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 conditions to be partially discharged.

4. Representations

Comments are not invited on discharge of condition applications.

5. Determining issues

In determining listed building applications consideration needs to be given to matters of heritage. 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.

It is therefore important to determine how the proposed works will affect the significance and setting of this Grade II listed building, as well as the impact on the surrounding conservation

area.

a) Heritage

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) was 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 the majority of the conditions relating to that consent. A process of negotiation has taken place regarding the detail of the proposed works to convert the listed building. The building was previously 2 houses, and converting it into 6 self-contained flats brings with it extensive internal alterations, particularly to protect residents from the risk of the spread of fire. As the building is also in a poor physical state, wide ranging structural repairs and improvements to the fabric of the building are required in order to make it habitable. The challenge has been to design these changes in such a way that the historic character of the listed building still survives.

It is considered that the current amended scheme will be successful in achieving the conversion whilst retaining enough of the essential character of the building. The scheme as recommended for approval will secure the structural stability of the buildings and deliver significant restoration works to room interiors. There have had to be compromises in some areas to meet the fire safety standards, but this has been achieved in a way that is least damaging to building character. The scheme will secure the long term survival of this prominent town centre building. Securing the use of the upper floors is the best way to ensure that the building will be maintained in the long-term.

Specific comments in relation to each conditions are set out below:

Condition 3 (methodology statement)

The submitted methodology statement for the protection and repair of Architectural features during the works (Mackellar Schwerdt Architects, MSA/8971/J-K), provides for the protection of original features in so far as it relates to:

- Internal doors.
- Door frames.
- Skirtings.
- Architraves.
- Existing windows.
- Floorboards
- Staircases.
- Existing fire surrounds.

- Plaster and Plaster cornices.

However, further details will need to be agreed with an appointed contractor once works have started on site - the information given in the statement provides a set of principles only, and therefore, further to the location of the safe storage areas and proposals regarding the protection of original features during construction works. This will not prevent a start on site, providing that no stripping out of architectural features is undertaken prior to full discharge of this condition.

Condition 4 (details of balustrades, proposals of staircase, surfacing works, installation of ventilations, smoke vent and any other additional structural work as required. Details of new floor boards and window and door joinery details and schedule)

4a) Metal balustrade to entrance staircase

The original access stair to the first floor had already been replaced with a modern steel staircase as part of an earlier conversion of the building. The proposed balustrade details, whilst modern, are relatively slender and elegant and are considered to be appropriate for use on the modern part of the rear access stair. This element of the condition can therefore be discharged (drawing 150).

4b) Joinery details

Amended plans were requested as some of the joinery details as originally submitted were not considered to be appropriate for this historic building. These have subsequently been agreed that some minor joinery details can be approved, at a later stage during the development. This is to allow full survey of the existing door and window characteristics, prior to fixing on the details for the new joinery.

Otherwise the submitted joinery details, and all ironmongery details are acceptable.

Condition 4(b) can be part-discharged. The outstanding details relate to:

- Windows TW05 and TW10
- Fanlight
- Detail of internal door architrave profiles

Details of the new third floor windows will be confirmed, once access to the original windows is available to carry out a full condition and detailed design survey of the existing windows. The final designs will be agreed following the site inspection of the original windows. This is a reasonable approach to ensure that the detailed designs are historically accurate.

Overall, it is considered that the architect has worked hard to minimise any harm to original features and, on balance, it is considered that the scheme will conserve the heritage asset. The works comply with the requirements of the NPPF in terms of the need to conserve heritage assets, in so far as the condition can be discharged at this point. The works are also in accordance with the requirements of adopted Local Plan policies EN1 and HN1.

4c) Door and window schedule

Information is satisfactory to discharge this element of the condition, in accordance with

drawing 8933/141A.

4d) Eastern staircase enclosure details

Proposals acceptable. The fabric of the original staircase will not be harmed through the proposed free-standing partitioning off of the stairway. The works will be fully reversible should the opportunity arise to bring the staircase back into use in the future. Drawings 152, 153 and 154 are therefore approved and this element of the condition can be discharged.

4e) Works required to comply with the Building Regulations

Proposals for upgrading the floors to improve fire protection are confirmed as acceptable as they will be generally contained within the floor voids and will not disrupt the original lath and plaster ceilings or floor boards. In the stair halls a suspended ceiling is being proposed to accommodate the building services. This is considered to be an acceptable solution for keeping the service pipes relatively hidden and discrete. Proposals for providing sound insulation between flats will result in a minimal 18mm build up above the retained floor board level, and the proposed insulation will be made of natural, breathable materials such as wood fibre board and lime plaster, which is acceptable.

Details of the sprinkler system remain outstanding. The specification of the sprinkler system is quite technical and will need to be carried out by a specialist sub-contractor. It is too early in the project for this element of the proposals to be specified in detail so the architect has asked that this item be dealt with at a later stage, once the sub-contractor is on board. Condition 4(e) can therefore, be part discharged.

4f) Additional structural works

The proposed structural works are appropriate to the listed building. They will secure the long-term stability of the structure without harming the special interest of the listed building.

Condition 4(f) can be discharged.

4g) Details of making good

The interior of the building is in a poor physical state of repair. There is extensive damp penetration and structural movement which have caused damage to internal linings. The proposed remedial works aim to repair the damage and restore many of the original wall, floor and ceiling finishes.

Proposed remedial works to the existing historic wall linings, floors and ceilings are acceptable.

Condition 4(g) can be discharged.

4h) Flues, intercoms, security lights etc

There are no security lights proposed as part of this application. The proposed intercom unit and extract vents are acceptable. The intercom system should however, be flush mounted to the existing wall. In terms of the kitchen extract ducts, they will be sited on an internal valley

that is not easily visible from the street, and are therefore acceptable. The boiler flue terminal positions are all on the rear elevation, and as such, are now considered acceptable. This element of the condition can now be discharged.

4i) Smoke vent details

The proposed vent sits flush to the roof and it will be sited on an internal roof slope, so as to be less visible. The proposed vent and the details shown on drawing 8933-123 are confirmed as acceptable, and this element of the condition can therefore be discharged.

4j) Details of new floor boards

The planning statement (revision A) sets out that the boards proposed are a close match to the original boards. This element of the condition can therefore be discharged (document MSA/8733 dated 23/04/19)

8. Conclusion

The proposed works to the listed building are considered acceptable and will not cause harm to the significance and setting of the listed building or the wider conservation area. The proposal therefore complies with the Development Plan in accordance with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

9. Recommendation

Condition 3 can be partially discharged, subject to further detail on the location of the safe storage areas and proposals regarding the protection of original features during construction works.

Condition 4 can be partially discharged, as follows:

4(a) - discharged

4(b) - partially discharged, subject to additional window, fanlight and architrave profile details

4(c) - discharged

4(d) - discharged

4(e) - partially discharged, subject to details of the sprinkler system

4(f) - discharged

4(g) - discharged

4(h) - discharged

4(i) - discharged

4(j) - discharged

Officer to Contact

Mrs S Wood, Telephone 01424 783329

Background Papers

Application No: HS/CD/18/00490 including all letters and documents