

Report to: PLANNING COMMITTEE
Date of Meeting: 14 August 2019
Report from: Assistant Director of Housing and Built Environment

Application Address: Ground Floor Shop and Premises, 379 London Road, St Leonards-on-sea, TN37 6PA
Proposal: Change of use of existing lower ground floor from B1(Business) to one bedroom flat (C3) and erection of single storey rear extension
Application No: HS/FA/19/00220

Recommendation: Grant Full Planning Permission

Ward: SILVERHILL 2018
Conservation Area: No
Listed Building: No

Applicant: Mr Rankin per Lakota Design Associates Ltd 19 Meads Street Eastbourne BN20 7RG

Public Consultation

Site Notice:	Yes
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 - Application by Councillor

1. Site and surrounding area

The site consists of the lower ground floor of No.379 London Road. No.379 forms part of a large terrace of mixed use properties fronting on to London Road. These properties generally have commercial businesses at ground floor level with residential accommodation above. The lower ground floor is accessed from the rear of the site from Upper Clarence Road, an un-made road. At the rear of the premises is an area of hardstanding used for the parking of vehicles.

The site forms part of the Silverhill Shopping Area and is well connected by public transport.

Constraints

SSSI Impact Risk Zone

Flooding Surface Water 1 in 30

Flooding Surface Water 1 in 100

Flooding Surface Water 1 in 1000

Historic Landfill Site 250m Buffer

2. Proposed development

This application seeks permission for the change of use of the existing lower ground floor of No.379 London Road from B1 (office) to residential accommodation C3 use as a one bedroom flat. To facilitate the change of use, it is also proposed to erect a small, single storey, infill extension at the rear of the premises.

Extension Details:

- 2.45 metres in width
- 3.2 metres in depth
- 3.4 metres in height
- Materials to match the existing
- Double Glazed window

The application is supported by the following documents:

- Design and Access Statement

Relevant planning history

HS/FA/18/00612 Change of use of first floor from Health and Well-Being Centre (D1) to 1 bedroom flat (C3 use) incorporating conversion of loft space - development of roof dormer to rear roof slope and insertion of three roof-lights in front roof slope.

Granted 12.09.2018

HS/FA/18/00343 Change of use of first floor from Health and Well-Being Centre (D1) to 1 bedroom flat (C3) use.

Application WDN 05.06.18

HS/FA/14/00480 Change of use from A1 to D1.

Granted 11.07.2014

HS/FA/80/00858 Use of building as offices

Granted 04.02.1981

HS/AA/76/00264 Display of illuminated fascia sign.

Granted. 23.06.1976

HS/FA/76/00260 Construction of new shop front.

Granted. 23.06.18

HS/FA/75/00723 Change of use of lower ground floor and first floor from residential to office.

Granted 17.12.1975

HS/FA/75/00638 Change of use from shop/residence to offices with living accommodation over. (Renewal of 72/39).

Granted 19.11.1975

HS/72/00039 Change of use to offices, with living accommodation over.

Granted 28.01.1972

HS/FA/50/00046 Erection of lock-up shop; formation of pedestrian access; erection of three lock-up garages.

Granted 14.03.1950

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Strategic Policy for Central Area

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 DM4 - General Access

Policy DM5 - Ground Conditions

Policy SA2 - Other Shopping Areas (Shopping Area Silverhill)

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

Planning Policy - **No objection received**

Borough Waste Team - **No objection received**

4. Representations

In respect of this application a site notice was displayed at the front and rear of the site. No responses were received.

5. Determining issues

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

Policy DM1 of the Hastings Development Management Plan states that all proposals must reach a good standard of design, which includes efficient use of resources, and shows appreciation of the surrounding neighbourhood's historic context, street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials as well as good performance against nationally recognised best practice guidance on sustainability, urban design and place-making, architectural quality and distinctiveness.

To facilitate the change of use it is proposed to erect a small, single storey extension at the rear of the property. This extension is a minor addition to the existing building, with many of the neighbouring properties having previously been extended to the rear. The proposed extension would be visible from Upper Clarence Road at the rear however, due to its scale would not appear overly dominant or overbearing within the streetscene.

With regards to the proposed use, it is considered that the use of the lower ground floor as residential would compliment the existing mix of uses within the immediate and surrounding area. Taking these factors in to account, it is considered that the proposed development and change of use is acceptable and complies with the aims of Policy DM1 of the Hastings

Development Management Plan.

c) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan states that in order to achieve a good living standard for future users of proposed development and its neighbours it should be demonstrated that amenity has been considered and appropriate solutions have been incorporated into schemes. This includes the use of the scale, form, height, mass, and density of any building or buildings, reduces or avoids any adverse impact on the amenity (privacy, over shadowing, loss of daylight) of neighbouring properties.

The proposed change of use would not have an adverse impact on the amenities of the neighbouring residential properties as there is likely to be a reduction in the number of persons using the site, therefore reducing the impact on neighbouring amenity. Similarly, due to the location of the proposed extension, it is considered there would not be a detrimental impact on the amenities of neighbouring residents in terms of loss of privacy, overlooking or loss of light. Taking these factors into account, it is considered that the proposal is acceptable and complies with the aims of Policy DM3 of the Hastings Development Management Plan as quoted above.

d) Loss of existing use

As stated above, the lower ground floor of the premises has previously been used as an office. This office space is independent of the shop on the ground floor above. Policy E1 of the Hastings Planning Strategy seeks to retain existing employment land including B1, B2 and B8, or similar uses within the Borough. This policy states that employment uses will be retained unless it is demonstrated that there is no reasonable prospect of its continued use.

Having reviewed the planning history for the site it is apparent that the lower ground floor of the premises has previously been occupied as a residential unit, with permission for use as an office being given in 1975. No detailed marketing evidence has been submitted with this application, however, the agent has advised that the premises has been vacant since the beginning of the year, with no interest from prospective tenants. While it is acknowledged that limited information has been submitted to demonstrate that the use of this premises as an office could not continue, it is considered that, due to the previous use of the premises as residential, the change of use back to C3 use is considered acceptable in this instance. It should also be acknowledged that no objection has been received from Planning Policy in relation to the loss of the B1 use.

Taking the above in to account, it is considered that the change of use is acceptable with the proposal complying with the aims of Policy E1 of the Hastings Planning Strategy and National Planning Policy Framework (paragraph 85) which states that, a positive approach to growth, management and adaptation should be taken, with residential development playing an important role in ensuring the vitality of centres. The proposal also makes effective use of a vacant premises and provides an additional residential unit within the Borough.

e) Future residential amenities

Internal Amenity Space:

The proposed development has been assessed against the Technical Housing Standards - Nationally Described Space Standards, as provided by the Department for Communities and Local Government (DCLG). This document advises that the internal floor requirement for a single storey, one bedroom flat is 37-50m². The proposed flat has a floor area of 38m² and as such, while on the small side, complies with the aforementioned space standards. The bedroom within the unit has also been assessed and is large enough to comply. As a result of this, it is considered that the proposed flat is acceptable and provides an acceptable level of internal living accommodation.

External Amenity Space:

Due to the compact nature of the site it is not possible to provide an area of external amenity space. While this is unfortunate, the site is in close proximity to Alexandra Park and the Shornden Reservoir. This lack of external amenity space is also not an uncommon feature in a built up area. Taking these factors in to account, it is considered that the proposed development is acceptable.

f) Highway safety/parking

The East Sussex County Council parking demand calculator indicates that there should be approximately 1.5 parking spaces to serve the development. There are to be two parking spaces on site to serve the premises, with additional parking available in Upper Clarence Road to the rear. This level of parking is considered acceptable and as such, it is considered that the proposal would not have an unacceptable impact in terms of highway safety

g) Waste and Refuse

To serve the development it is proposed to provide a bin storage area at the rear of the property. This provision is considered acceptable, however, it is suggested that a condition (No.3) be imposed to ensure an area of the storage of bins is provided prior to occupation of the unit.

6. Conclusion

Taking the above in to account, it is considered that the proposed change of use is acceptable and complies 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

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

00A, 01 & 02.
3. Prior to occupation the bin stores as shown on drawing 00A are to be provided with evidence being submitted to and approved in writing by the Local Planning Authority. The bin stores shall then be retained on site thereafter for the use of residents.

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.

Reasons:

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and in the interests of proper planning.
3. To safeguard the amenity of adjoining and future residents.
4. To safeguard the amenity of adjoining residents.

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 paragraph 38 of the National Planning Policy Framework.
3. The proposal may be a material change of use to which the Building Regulations 1991 apply and a building regulation submission may be necessary before the change of use takes place.
4. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mrs E Meppem, Telephone 01424 783288

Background Papers

Application No: HS/FA/19/00220 including all letters and documents