

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 26 May 2021

**Report from:** Assistant Director of Housing and Built Environment

**Application address:** Roebuck House, 26-27 High Street, Hastings, TN34 3EY

**Proposal:** Variation of condition 2 (approved plans) of Planning Permission HS/FA/19/00157 (Conversion of existing (D1) doctors surgery to form 9 x flats including external alterations (materials and finishes). Amendments - Change to window and wall colours. Replace tile hanging to bays with render. Installation of gates. Minor internal layout changes.

**Application No:** HS/FA/20/00589

**Recommendation:** Grant Full Planning Permission

**Ward:** OLD HASTINGS 2018

**Conservation Area:** Yes - Old Town

**Listed Building:** Grade II

**Applicant:** Melisande Properties Ltd per CKA ARCHITECTURAL LTD 36 Church Street Eastbourne East Sussex BN21 1HS

**Public Consultation**

Site notice:	Yes
Press advertisement:	Yes - Affects a Listed Building
Neighbour Letters:	No
People objecting:	9
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

**Application status:** Not delegated - 5 or more letters of objection received

## 1. Site and surrounding area

The site comprises a prominent three storey corner building. Roebuck House consists of two buildings and the floors above 25 High Street, which have over time, been amalgamated into Roebuck House, with the postal address of 26-27 High Street. 26 High Street is of Victorian descent, although has undergone significant modernisation over the last century with a significant portion carried out with the construction of the 1960's extension that forms 27 High Street.

The bulk of the property faces Roebuck Street and has an undercroft access to the west part of the building through to a small courtyard parking area to the rear. The building includes clay hanging tiles and rendered bay windows, white painted timber windows and beige rendered walls with some brickwork to the eastern part of the building.

The site is located within the Old Town Conservation Area, and the upper floors above the shop at 25 High Street are listed. The application building is surrounded by attractive two and three storey buildings in both commercial and residential use, many of which are also listed. The building occupies an extremely prominent corner position as a more modern structure in the Conservation Area, despite being part listed.

### Relevant site constraints

- Old Town Conservation Area
- SSSI Impact Risk Zone
- Archaeological Notification Area
- Area affected by ground water flooding
- Grade II Listed Building

The building is also located within the Old Town and Stade Cultural Quarter as defined by the Hastings Development Management Plan 2015.

## 2. Proposed development

This application proposes to vary Condition 2 (approved plans) of planning permission HS/FA/19/00157 which gained consent on 11 September 2019 to convert the existing doctors surgery into 9 flats, together with external alterations to the building. The variation to the approved plans relates to an alternative decorative scheme and some minor changes to the internal layout. These are:

### External alterations

- Tile hanging replaced with painted render (Farrow & Ball, "Strong White")
- Painted timber windows (Farrow & Ball, "Plummett")
- Installation of gates at ground floor level facing Roebuck Street (Farrow & Ball, "Plummett")

The concrete tiled roof and facing brickwork will be retained, together with the existing black upvc rainwater goods.

### Internal alterations

- Repositioned entrance to Flat 8
- Automatic opening vent to staircases
- Swapped location of shower room and kitchens for Flats 5 and 7

It is important to note that this application is focusing on the amendment to Condition 2 only, and does not re-examine the full application for the conversion of the existing doctors surgery to form 9 flats in its entirety, as this has already been approved. Should permission to vary Condition 2 be granted, this will take effect as a new, independent permission to carry out the same development as previously permitted, subject to the amendments approved by this consent. The new permission will sit alongside the original permission, which will remain intact and unamended with the original conditions attached.

The application is supported by the following documents:

- Schedule of amendments
- Heritage Statement (Kember Loudon Williams, February 2021)

### **Relevant planning history**

- HS/FA/19/00157 Conversion of existing (D1) doctors surgery to form 9 x flats including external alterations (materials and finishes)  
GRANTED 12 September 2019
- HS/FA/10/00536 Relocation of surgery entrance together with associated works to provide disabled access  
GRANTED 29 October 2010
- HS/FA/96/00002 Erection of three storey side extension fronting Roebuck Street and extension of existing roof to form a mansard roof with additional rooms and small extension to car park  
GRANTED 23 February 1996
- HS/FA/95/00605 Erection of supporting rooms to the main surgery  
REFUSED 23 February 1996
- HS/FA/95/00335 Erection of three storey and single storey extension at rear (fronting Roebuck Street)  
APPEAL ALLOWED 2 September 1996
- HS/FA/89/01276 Replacement of windows and replacement of weatherboarding with tile hanging  
GRANTED 16 February 1990
- HS/FA/89/00867 Erection of extensions and change of use of 1st and 2nd floors of no.25 to doctors surgery  
GRANTED 9 October 1989
- HS/FA/88/01042 Erection of first and second floor extension at rear  
GRANTED 2 November 1988
- HS/FA/77/00505 Conversion of ground floor of existing surgery from car parking to

- consulting rooms, demolition of adjoining disused bakery to form car park for 6 cars  
GRANTED 4 October 1977
- HS/FA/73/01084 Erection of covered way and formation of enquiry/prescription office  
GRANTED 9 August 1973
- HS/FA/66/01092 Erection of 2 doctors surgeries, 2 flats and covered parking for 5 vehicles  
GRANTED 12 December 1966
- HS/OA/65/00040 Erection of three-storey building containing accommodation for doctors consulting rooms with residential accommodation over  
GRANTED 9 March 1965
- HS/FA/57/00090 Formation of parking space for two vans  
GRANTED 12 March 1957

## **National and local policies**

### Hastings Local Plan – Planning Strategy 2014

- Policy FA5 - Strategic Policy for Eastern Area
- Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way
- Policy EN1 - Built and Historic Environment

### Hastings Local Plan – Development Management Plan 2015

- Policy LP1 - Considering Planning Applications
- Policy DM1 - Design Principles
- Policy DM3 - General Amenity
- Policy DM6 - Pollution and Hazards
- Policy HN1 - Development affecting the Significance and Setting of Designated Heritage Assets

### Other policies/guidance

National Design Guide

### 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) - **no objection subject to the amendment of Conditions 8 and 9, and the imposition of Condition 11**

Considers that following the submission of amended plans, the level of harm to heritage assets is minimal.

### **4. Representations**

In respect of this application a site notice was displayed at the site, and an advert placed in the local paper. The Council has received 10 letters of objection, from 9 different households. In summary, these raise the following concerns:

- The use of "Plummet" for the render and "Pavilion gray" for the woodwork is not suitable for this location
- Hung tiles should be retained
- No details of internal lighting
- No details of ventilation on the roof

Comments were also received regarding the loss of the retail units as a result of the development as well as the positioning of the flues. These however, relate to the wider development to convert the doctors surgery to flats, approved under the original consent (HS/FA/19/00157), and are not for re-consideration here.

## 5. Determining issues

This application focuses on the amendment to Condition 2 (approved plans) of planning permission HS/FA/19/00157 in so far as it relates to the external materials and minor internal alterations only, and does not address the full planning permission for the conversion of the existing building into 9 flats in its entirety. Therefore, the only issue to consider as part of this report is the impact these external alterations will have on the character and appearance of the building and the wider Conservation Area, and whether the internal alterations to the layout will impact on the amenity of future residents.

### a) Principle

Policy LP1 of the Hastings Development Management Plan 2015, paragraph 4.3 of the Hastings Planning Strategy 2014 and paragraph 11 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with good access to public transport, shops, services and facilities and as such the development is considered acceptable in principle subject to other Local Plan policies.

### b) Impact on character and appearance of the Old Town Conservation Area

The site is in the Old Town Conservation Area and is surrounded by a dense collection of historic buildings, many of them listed buildings. Roebuck House is a large-scale building occupying a prominent corner site in the Conservation Area. The southern and eastern parts of the building, wrapping around the corner of High Street with Roebuck Street, are modern, but the northern part of the building, facing onto High Street, is a Grade II listed building, consisting of a shop at ground floor level with domestic-type accommodation above. Together with the pub opposite, this former medical surgery building frames the junction of High Street with Roebuck Street. The building also forms a harmonious architectural grouping with the other buildings on Roebuck Street and High Street.

The building currently has a mix of colours and textures of external materials that generally fit in with the predominantly pale render, red brickwork or red clay tile hanging to frontages in this part of the Old Town Conservation Area. This means that although a large part of the building is modern, it sits comfortably within its context. Taking this into account, the concerns raised by residents following the submission of the original application in terms of the amendments to materials were well justified at the outset. As a result, the applicant agreed to amend the paint colours proposed, removing the dark grey render colours proposed and using "Strong White" instead, on all relevant external walls. Whilst the windows and gate are now proposed to be a darker grey than originally proposed, it is considered that the contrast provided will sit comfortably within the streetscene and enhance the appearance of the building. Whilst it would have been preferred that the original tile hanging could be retained, the harm that will result is considered to be minimal and could

not justify a refusal of permission in this instance. The external decoration scheme therefore, when considered in its entirety, is not considered to cause any more than minimal harm to the significance and setting of the Listed Building or wider Conservation Area, and is therefore in accordance with Policy EN1 of the Hastings Planning Strategy 2014 and HN1 of the Development Management Plan 2015.

#### Boiler flues and ventilation to the roof

Concern has been raised by residents regarding the position of boiler flues and the lack of information regarding ventilation on the roof. Condition 9 has been amended to clarify that full details of the proposed siting of any extract terminals, which include vents and boiler flues on the visible elevations of the building must be submitted to and approved in writing by the Local Planning Authority, prior to installation. The condition has also been strengthened to state that notwithstanding what is shown on the approved drawings, no approval is given for their locations, and that no flues shall exist onto the street elevations of the building, unless otherwise agreed in writing by the Local Planning Authority. This will ensure that residents concerns are addressed, and that such details are fully assessed to ensure no harm is caused to the streetscene, in accordance with Policies DM1 and HN1 of the Development Management Plan 2015.

#### c) Layout

The amendments to the internal layout are minor in nature and do not affect the building's ability to provide a satisfactory standard of accommodation for future residents, in accordance with the requirements of Policy DM3 of the Development Management Plan 2015. The applicant is however reminded that Listed Building Consent is required for these internal works (Informative 3)

#### d) Impact on neighbouring residential amenity

Concern has been raised regarding the impact of internal lighting on neighbouring residents. The use of, or position of internal lighting in the context of full planning permission is not something within the control of the Planning System, although no external lighting is being proposed that may result in spill light to the detriment to neighbouring residential amenities. Policy DM6 of the Development Management Plan 2015 is therefore complied with.

#### e) Environmental Impact Assessment

The National Planning Practice Guidance (Paragraph: 017 Reference ID: 4-017-20170728) requires the Local Planning Authority to determine whether the project is of a type listed in Schedule 1 or Schedule 2 of the 2017 Regulations:

- if it is listed in Schedule 1 an Environmental Impact Assessment is required in every case;
- if the project is listed in Schedule 2, the local planning authority should consider whether it is likely to have significant effects on the environment.

If a proposed project is listed in the first column in Schedule 2 of the 2017 Regulations and exceeds the relevant thresholds or criteria set out in the second column (sometimes referred to as 'exclusion thresholds and criteria') the proposal needs to be screened by the local planning authority to determine whether significant effects on the environment are likely and hence whether an Environmental Impact Assessment is required. Projects listed in Schedule 2 which are located in, or partly in, a sensitive area also need to be screened, even if they are below the thresholds or do not meet the criteria.

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 amended external decoration scheme is now considered to be appropriate for this building, and will not cause harm to the significance and setting of the building or the wider Conservation Area. Whilst the retention of the tile hanging would be proposed, the scheme as a whole now sits comfortably within the streetscene, addressing the majority of residents concerns. The proposal therefore 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:

01, 02, 03, 04, 06A, 12C, 13C, 14D and 16G

3. 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.
4. 1 x 1100 litre wheeled waste bin and 1 x 1000 litre wheeled recycle bin should be provided within the designated waste storage room on first occupation of the flats hereby approved.
5. No part of the development shall be occupied until the car parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles
6. No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with plans and details submitted to and approved in writing by the Local Planning Authority. The area shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
7. The submitted Construction Management Plan (House Designs, August 2019) shall be implemented and adhered to in full throughout the entire construction period.
8. Notwithstanding what is shown on the approved elevation drawings, the following paint colours are approved for use on the building : Farrow and Ball “Plummett” for the window joinery and timber gates, Farrow and Ball “Strong White” for the render. The works must then be undertaken in accordance with these approved paint colours.
9. Prior to the installation of any other extract systems, full details of the proposed siting of any extract terminals (including vents and boiler flues) on the visible elevations of the building, or anywhere on the listed building, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include elevations showing the proposed locations of the vent terminals and details of the size, appearance, materials and finishes of the terminals. Thereafter, the approved form of extract terminal shall be fitted in the agreed locations.  
  
Notwithstanding what is shown on the approved drawings, no approval is given for the boiler flue locations shown on the application drawings and no boiler flues shall exit onto the street elevations of the building, unless otherwise agreed in writing with the Local Planning Authority
10. Prior to commencement of development, details of the Hastings and Rother Clinical Commissioning Group approval for the relocation of the Primary Care Unit to Ice House, Rock-A-Nore Road, shall be submitted to and approved in writing by the Local Planning Authority.

11. No external changes to the north east elevation of the listed building are approved under this planning permission.

**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 nearby residents.
4. To ensure a satisfactory standard of development.
5. To provide car-parking space for the development.
6. To provide alternative travel options to the use of the car in accordance with current sustainable transport policies.
7. In the interests of highway safety and the amenities of the area.
8. To ensure a satisfactory form of development in the interests of the character and appearance of the area.
9. To ensure a satisfactory form of development in the interests of the character and appearance of the area.
10. In order to ensure that the requirements of Policy SA3 of the Hastings Development Management Plan 2015 are met
11. To ensure a satisfactory form of development in the interests of the character and amenity of the area.

**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. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.uk).
4. Any changes to the building foundations will require Southern Water approval. An investigation of the water main is required to ascertain its

condition, size and depth. The design for erection of additional floor and extensions should take into account additional load of that construction that will be affecting the public apparatus. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)".

5. Consideration should be given to the provision of a domestic sprinkler system.
6. The waste bins will need to be provided by the developer and owner of the property upon completion.
7. All works should be undertaken with due regard to Health & Safety guidance notes HS(G)47 Avoiding Danger from Underground Services. This document is available from HSE offices.
8. The applicant is reminded that a separate Listed Building Consent application is required for the proposed works that affect the listed parts of the building, above the shop at 25 High Street. Conversion works should not commence to any part of the listed building until this consent has been obtained.
9. This planning permission has been issued as a variation to the original planning permission HS/FA/19/00157. With the exception of Conditions 8 and 9 which have been amended and the addition of a new Condition 11, the conditions listed above are copied from the previous permission and may have already been discharged. If the conditions have been dealt with previously you will not be required to deal with those conditions again, unless matters associated with those conditions have changed. Any outstanding matters required by condition should be submitted to the Local Planning Authority as soon as possible.

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### **Officer to Contact**

Mrs S Wood, Telephone 01424 783329

### **Background Papers**

Application No: HS/FA/20/00589 including all letters and documents