

Report to: PLANNING COMMITTEE

Date of Meeting: 23 June 2021

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: Variation of condition 2 (approved plans) of Planning Permission HS/FA/19/00220 (Change of use of existing lower ground floor from B1(Business) to one bedroom flat (C3) and erection of single storey rear extension) Amendment - Addition of a fenced off garden area and amendment to windows

Application No: HS/FA/21/00388

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:	No
Press advertisement:	No
Neighbour Letters:	Yes
People objecting:	0
Petitions of objection received:	0
People in support:	0
Petitions of support received:	0
Neutral comments received:	0

Application status: Not delegated -
Application submitted by serving 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.

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

This application focuses on the rear elevation of the premises and the area of curtilage to the rear.

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 to vary the plans approved under HS/FA/19/00220 in respect of the following retrospective works;

- The erection of a fence to enclose an area to the rear of the site to create a garden for the ground floor unit.
- Reduction of the size of window openings in the rear elevation at ground floor level,

The application is supported by the following documents:

None

Relevant planning history

HS/FA/19/00220 Ground Floor Shop and Premises, 379 London Road, St Leonards-on-sea, TN37 6PA

Change of use of existing lower ground floor from B1(Business) to one bedroom flat (C3) and erection of single storey rear extension

Granted 14.08.2019

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/FA/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

Refuse and Waste - **No comment received.**

4. Representations

In respect of this application letters were issued to neighbouring residents. 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 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.

The works are located at the rear of the premises and are visible from Upper Clarence Road. This portion of Upper Clarence Road is somewhat utilitarian in character due to the large car park opposite and the miss-match collection of garages and rear elevations of the commercial units which front onto London Road.

As part of the proposal two windows at ground floor level are to be reduced in size. This is considered to be a minor alteration and would not have a detrimental impact on the character of the property or the wider street scene.

The proposal will also result in the loss of an open area of hard surface to the rear of the property. This is to be replaced with a small, private garden to be used by residents and is to be enclosed by way of a 1.8 meter timber fence. The formation of a garden and erection of a fence at the rear of the premises is considered acceptable and would likely have a positive impact on Upper Clarence street scene.

Taking the above into account, it is considered that the alterations proposed are acceptable and meet 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.

As detailed above, the proposed works are relatively minor and are not considered to have an adverse impact on the amenities of the neighbouring residential properties in terms of loss of privacy, loss of light or overshadowing. In light of this, 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.

e) Future residential amenities

Internal Amenity Space:

The proposal includes the reduction in size of two windows in the rear elevation of the premises. These windows serve a shower room/WC and a kitchen. The biggest alteration is to the shower room window which is being reduced in height to create a high level window. This is considered acceptable and would aid in ensuring a satisfactory level of privacy for residents in the unit. It is however suggested that a condition be imposed to ensure this window is obscure glazed (condition 5). With regards to the kitchen window, this is to also be reduced in size however remains a good sized, two panel window that will open out over the proposed new garden. It is considered that, while smaller than previously approved, the window would still allow for an acceptable level of light to the premises and would benefit from an improved outlook onto the new garden area.

External Amenity Space:

Previously no external amenity space was provided. This was considered acceptable at the time due to the proximity to Alexandra Park and the Shornden Reservoir. The lack of external amenity space is also not an uncommon feature in a built-up area.

The proposal, by virtue of the erection of a fence, creates an area of garden space to the rear of the ground floor unit, to be used by the residents of that unit. The provision of external amenity space is considered a positive and is compliant with Policy DM3 of the Hastings Development Management Plan, however this must be balanced with the loss of the existing area of parking as discussed below.

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 residential units. Presently there are two

parking spaces on site which are both to be lost as a result of the creation of the garden. While this loss is unfortunate, it must be acknowledged that there is ample parking available in Upper Clarence Road, to the rear and permit parking available in the wider area.

The agent has advised that the parking spaces have not been used for several years and as such considers them redundant. Taking this and the level of parking available in the wider area into account it is considered that the loss of the allocated parking is acceptable on balance and would not have an unacceptable impact in terms of highway safety.

g) Waste and Refuse

Policy DM3 of the Hastings Development Management Plan requires that there is adequate space for storage of waste and the means for its removal. This includes provision for the general management of recyclable materials. This is supported by Part H of Building Regulations which sets out that waste containers should be sited so that residents don't have to push the container more than 30m to an accessible collection point, so any collection points for bins should be within that distance.

An easily accessible area for bin storage has been shown at the rear of the property and is considered acceptable. No objections have been received from the Borough Waste and Refuse Team and as such, it is considered that the altered layout of the bin store is considered acceptable and compliant with Policy DM3 as quoted above. It is however suggested that a condition be imposed to secure the provision of a storage unit for the bins to ensure they are left in a tidy manner and do not detract from the street scene between collections (condition 3).

h) Air quality and emissions

The proposed development does not fall within the screening checklist 1 or 2 of the 'Air Quality and Emission Mitigation Guidance for Sussex' 2020 produced by Sussex Air Quality Partnership. Therefore no further information is required in respect of air quality.

Lighting: No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollutions. The development is therefore in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

i) 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

These 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

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 planning permission HS/FA/19/00220.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

00B, 01B, 02B.
3. Prior to occupation, details of a secure storage unit for bins, to be installed in the position identified on drawing 00B, is to be submitted to and approved in writing by the Local Planning Authority. The bin stores shall then be installed on site prior to occupation and be retained 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.
5. The shower room window in the rear elevation shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent and be permanently fixed shut and non-opening below 1.7 metres from finished floor level. The residential unit shall not be occupied until the obscure glass is installed, and once installed, the windows shall be permanently maintained in that condition.

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 ensure a satisfactory standard of development.
4. To safeguard the amenity of adjoining residents.
5. To safeguard the amenity of adjoining and future residents.

Notes to the Applicant

1. This planning permission has been issued as a variation to planning permission HS/FA/19/00220. The conditions listed above are copied from the previous permissions 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.
2. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
3. 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.
4. 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.
5. 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/21/00388 including all letters and documents