

Report to: PLANNING COMMITTEE

Date of Meeting: 20 July 2022

Report from: Assistant Director of Housing and Built Environment

Application address: 12-13 York Buildings, Wellington Place,
Hastings, TN34 1NY

Proposal: Retention of Alteration works to existing timber
staircase. Replacement newel post.
Replacement of existing UPVC hopper and
downpipe for new Aluminium Pipe located
down the front facade. Works completed
03/05/2021.

Application No: HS/LB/22/00143

Recommendation: Grant Listed Building Consent

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: Yes
Press advertisement: Yes - Affects a Listed Building
Neighbour Letters: No
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 -
Council application on Council owned land

1. Site and surrounding area

York Buildings is located on Wellington Place and is a Grade II listed building. No. 12-13 York Buildings is a symmetrical pair of 4 storey early C19th town houses. It was constructed in the early/mid 19th Century and has a particularly attractive frontage being of vitrified mathematical tiles with double bow fronted bay windows rising from the 1st floor to the roof eaves at 3rd floor level. The front façade of the building is clad in black glazed mathematical tiles designed to look like brickwork. The building has 2 segmental bowed bay windows of 3 light sashes with glazing bars, each running from the 1st to the 3rd floors. The ground floor has a very large modern aluminium shop front with a large shop fascia up to the height of the 1st floor bays. The building is currently occupied by Millets on the ground floor and the upper floors are currently being converted into residential accommodation.

York Buildings is a prominent building in the Hastings Town Centre Conservation Area and makes a very positive contribution to the character of the Conservation Area. The building fronts Wellington Place which is a pedestrianised street.

There are other listed buildings within the wider setting of the site (e.g. 3 York Buildings, The Havelock Public House etc.) but these are too distant from the application site to be affected by the relatively small-scale external works.

Constraints

Hastings Town Centre Conservation Area

Archaeological Notification Area

Grade II Listed Building

SSSI Impact Risk Zone

Heritage At Risk Register

Listing Details

YORK BUILDINGS 1. 5204 Nos 12 and 13 TQ 8109 SE 13/213 II GV 2. 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

The proposal seeks Listed Building Consent to regularise unauthorised internal works to the building that were done during the construction phase of the project. Significant additional structural reinforcement works were required and had to be carried out to stabilise the historic main internal staircase to the building, and the rainwater goods serving the front part of the roof had to be re-routed to avoid them discharging onto a neighbouring property. The works were completed on the 3rd of May 2021.

The works that are proposed to be regularised by the submission of this Listed Building

Consent are as follows:

- a) Works to the existing timber staircase and removal of the newel post – The proposal seeks alteration to the existing timber staircase. This involves the removal of an historic curved handrail and turned wooden newel post, and its replacement with a handrail and newel post of a more authentic appearance. Initially the applicants had replaced the existing timber staircase with a straight handrail and a square modern newel. This design was considered to be out of keeping with the elegant character of the historic staircase and the Georgian interior of the building. The applicant was then advised to remove it and replace with a sympathetic staircase.
- b) The application proposes the retention of the new rainwater provision. This is the replacement of the existing UPVC hopper and downpipe at the front façade of the building with an aluminium pipe. The existing rainwater outlet serving the front roof slopes of the building was plastic and it discharged onto the roof of the neighbouring property at 11 York Buildings. The neighbour was experiencing some water ingress and no longer wished to take the rainwater from the roof of 12-13 York Buildings. New rainwater goods were then required to be installed so as to divert the rainwater so that it is discharged within the application property.

The agent also submitted further justification in the form of photographs on the 24th of June 2022 showing the internal staircase, the replacement newel and handrail in their as finished condition following the Conservation Officer's initial comments.

The application is supported by the following documents:-

Design and Access Statement

Planning Statement

Heritage Statement Addendum

Brochure for Georgian Square cast downpipes

Guttercrest rainwater hoppers

Photographs

Relevant planning history

- HS/FA/20/00762 Installation of x1 Air conditioning units (on third floor flat roof) to serve ground floor a1 retail unit and the removal of x2 air conditioning units (from the second floor flat roof) – Granted 11/02/2021.
- HS/LB/20/00763 Installation of x1 Air conditioning units(on third floor flat roof) to serve ground floor a1 retail unit and the removal of x2 air conditioning units (from the 2nd floor flat roof) – Granted 11/02/2021.
- 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) - Granted 20/01/2017.
- 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) - Granted 20/01/2017.
- HS/LB/16/00448 Existing main fascia sign to be taken down and replaced with new updated company branded fascia sign and new projection sign to R/H Side – Granted 15/08/2016.
- HS/LB/13/00172 Structural repairs to front elevation and maintenance repairs to external areas – Granted 03/05/2013.

National and local policies

Hastings Local Plan – Planning Strategy 2014

Policy EN1 - Built and Historic Environment

Hastings Local Plan – Development Management Plan 2015

Policy DM1 - Design Principles

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

Policy HN4 - Development affecting Heritage Assets with Archaeological and Historic Interest or Potential Interest

Revised Draft Local Plan (Regulation 18)

Policy SP6 - Enhancing the Historic Environment

Policy DP1 - Design - Key Principles

Other policies/guidance

National Design Guide (2019)

Historic England Advice Note 2: Making Changes to Heritage Assets

National Planning Policy Framework (NPPF)

Paragraph 130 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

in order to create an attractive, welcoming and distinctive places to live, work and visit.

- Optimise the potential of the site to accommodate an appropriate number and mix of development;
- create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 131 of the NPPF states that decisions should ensure new streets are tree lined, that opportunities are taken to incorporate trees elsewhere in developments.

Paragraph 134 of the NPPF states that development that is not well designed should be refused but that significant weight should be given to development that reflects local design policies and government guidance on design and development of outstanding or innovative design which promotes high levels of sustainability and raises the standard of design in the

area, provided they fit with the overall form and layout of their surroundings.

Paragraph 135 of the NPPF 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 194 states:

"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 195 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 197 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 199 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 200 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 202 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 206 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."

Paragraph 208 states:

"Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies."

3. Consultation comments

Conservation Officer – **No objection**. Initially the Conservation Officer advised they were unable to confirm if the inappropriate modern stair detail has now been replaced with a sympathetic historic replacement newel and handrail design as they had to evidence to that effect. Following this, on the 24th of June 2022 the agent submitted a photograph of the installed staircase which shows the replacement newel post and handrail in its as installed condition. The Conservation Officer confirms that they have no objection to the replacement traditional newel post and handrail in its as installed condition.

4. Representations

In respect of this application a site notice was displayed outside the building and an advert placed in the local paper. No responses were received.

5. Determining issues

In determining listed building applications consideration needs to be given to matters of heritage. Listed Building Consent will be given for those schemes that show a full understanding of the significance of the heritage asset and convincingly demonstrate how their chosen design sustains and enhances the significance of any heritage assets affected.

In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) the main consideration in determining a listed building consent is to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Whilst not directly applicable by law the NPPF and the Local Plan are material in this determination and the relevant policies are listed above.

Policies advise that consent will be given for those schemes that show a full understanding of the significance of the heritage asset and convincingly demonstrate how the chosen design sustains and enhances the significance of any heritage assets affected.

In this case the main issues for consideration are the impact of the proposed works on the historic integrity of the group of Grade II Listed Building and on the character and appearance of the Old Town Conservation Area.

Heritage matters

12-13 York Buildings is a Grade II listed prominent building in the Hastings Town Centre Conservation Area and makes a positive contribution to the character of the Hastings Old Town Conservation Area.

There are other listed buildings within the wider setting of the application site but these are too distant from the application site to be affected by the proposed relatively small scale external works.

Policy HN1 of the Hastings Local Plan - Development Management Plan (2015), states, applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) will be assessed against the following criteria, to ensure that the proposed development sustains and enhances the significance of the heritage asset: (a) The historic context, street patterns, plot layouts and boundary treatments, green space and landscaping, site levels, block sizes, siting, scale, height, massing, appearance, materials and finishes in relation to the heritage assets; (b) Good performance against nationally recognised best practice guidance on development in relation to heritage assets, including building in context, setting and views, architectural quality and local distinctiveness. 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 (including conservation areas).

Policy EN1 of the Hastings Local Plan – Planning Strategy (2014), states, importance will be placed on new development making a positive contribution to the quality, character, local distinctiveness and sense of place of historic buildings and areas. Particular care will be given to protecting the significance and setting of the following heritage assets: (a) Listed buildings; (b) Conservation areas; (c) locally listed heritage assets (d) historic parks and gardens; (e) scheduled monument sites; and (f) areas of archaeological potential and known archaeological find sites. There is a presumption in favour of the conservation of heritage assets and their settings. The more important the asset, the greater the weight that will be given to the need to conserve it.

The Planning (Listed Building and Conservation Areas) Act 1990 (as amended) states that with respect to any buildings or other land in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

As heritage assets are irreplaceable, any harm or loss will require clear and convincing justification. Development which sustains and enhances the significance of heritage assets and/or their setting will be encouraged. The Council will look for opportunities to enhance or better reveal the significance of the designated heritage assets, such as listed buildings and Conservation Areas in the town. Investment in the appropriate repair and restoration of heritage assets, where works will enhance their significance, will be encouraged and supported by the Council.

The proposal seeks to retain works that were carried out in past months. These works were completed in May 2021, and are as follows:-

Works to the internal staircase

The proposal seeks retention of alterations made to a timber staircase, handrail and newel post. Whilst the structural works to stabilise the staircase were broadly acceptable, they included the removal of an historic curved handrail and turned wooden newel post. This had been replaced with a straight handrail and a square modern newel. This new design was considered out of keeping with the elegant character of the historic staircase and the Georgian interior of the building and therefore was considered harmful to the historic integrity of the

heritage asset. Following this, officers advised the applicant to reinstate this with a handrail and newel post of a traditional and sympathetic design.

Officers confirm that the latest amended designs, with a turned newel post and swept handrail are much more in keeping with the character of the building interior, and they also conserve the character of the historic staircase.

The proposed structural reinforcement works to the staircase and the latest, more sympathetic proposed changes to the staircase design are not considered to be acceptable and do not harm the significance of the Listed Building.

The agent has submitted photographs to demonstrate that the replacement in its 'as installed' condition is a turned newel post and swept handrail and that it is in keeping with the Georgian character of the interior of this building. As such, works as proposed are considered to preserve the historic integrity of this Listed Building.

New rainwater provision

The application proposes the retention of the new rainwater provision. The existing rainwater outlet serving the front roof slopes of the building was UPVC and it discharged onto the roof of the neighbouring property at 11 York Buildings. The neighbour was experiencing some water ingress and no longer wished to take the rainwater from the roof of 12-13 York Buildings. The rainwater goods therefore needed to be diverted to discharge within the application property. The new route takes a vertical rainwater pipe down the front of the building to discharge onto the flat roof of the shop front at 12-13 York Buildings. The new pipe is a black painted aluminium down pipe, and as such has a traditional appearance and is not obtrusive in views of the building frontage, when seen against the backdrop of the black mathematical tile cladding on the front elevation. Given this, it is not considered that the proposed re-routed replacement downpipe will cause any harm to the significance of the Listed Building or to the character and appearance of the Hastings Town Centre Conservation Area.

Given the above, it is considered that the retention of the proposed internal works which relate to a replacement internal staircase, handrail and newel post, and the retention of the proposed external black painted aluminium down pipe at front facade of the property is acceptable. Works as proposed will not cause harm to the designated heritage asset. The proposed works will repair and replace the historic main internal staircase to the building, and the rainwater goods serving the front part of the roof and will preserve the significance of the designated heritage assets and preserve the historic fabric in an appropriate manner.

The Council's Conservation Team have been consulted and they have no objection to the replacement black painted aluminium downpipe and the replacement historic internal staircase, and consider that no harm will be caused to the designated heritage asset. They advise that the amended repair works are in keeping with the Georgian interior of the building and conserve the historic character of the staircase, and that the replacement downpipe has a traditional appearance and does not obstruct the views of the building frontage when seen against the backdrop of the black mathematical tile cladding on the front elevation of the building.

As such it is considered that works as proposed comply with the National Planning Policy Framework, in particular Paragraphs 197, 199 and 202, and Policy EN1 of the Planning Strategy 2014 and Policies DM1, HN1, HN3, and HN4 of the Development Management Plan 2015.

6. Conclusion

The proposed swept handrail and turned newel post that the applicant seeks to retain are of a traditional and sympathetic design and are in keeping with the Georgian character of the building interior. As such works as proposed are considered to conserve the character of the historic staircase, and do not harm the significance of the Listed Building.

The new pipe that the applicant seeks to retain is a black painted aluminium down pipe, with a traditional appearance and as such it is considered that the proposed pipe is not obtrusive in views from the building frontage, when seen against the backdrop of the black mathematical tile cladding on the front elevation, and when seen from Wellington Place. Given this, it is considered that the proposed re-routed replacement downpipe will not cause any harm to the significance of the Listed Building or to the character and appearance of the Hastings Town Centre Conservation Area.

As such, it is considered that the proposed works comply with the NPPF Policies and Local Plan Policies in respect of the need to conserve heritage assets and are therefore acceptable.

The proposal is therefore considered to be in accordance with the relevant policies of the NPPF and Local Plan as detailed herein. 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 Listed Building Consent subject to the following condition:

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

8933/155C; 8933/156D; 8933/157C; 8933/159B; 8933/160B; 8933/201 REV3; 8933/550B and 8933/P.1.

Reason:

1. For the avoidance of doubt and in the interests of proper planning.

Notes to the Applicant

1. Failure to comply with any condition imposed on this consent 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.

The reason for granting this consent is:

National Planning Policy Framework Section 16 applies. The works proposed will not harm (or alternatively, "will positively enhance") the designated heritage asset.

Officer to Contact

T Zulu, Telephone 01424 783254

Background Papers

Application No: HS/LB/22/00143 including all letters and documents