

**Report to:** PLANNING COMMITTEE

**Date of Meeting:** 22 December 2022

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

**Application address:** Ridge House, 27 Boscobel Road, St Leonards-on-sea, TN38 0LX

**Proposal:** Proposed conversion of building to form 5no. self-contained flats including the installation of a door in the South elevation and replacement of windows in the rear elevation with French doors.

**Application No:** HS/FA/22/00788

**Recommendation:** Grant Full Planning Permission

Ward: MAZE HILL 2018  
Conservation Area: Yes - Burtons' St. Leonards  
Listed Building: No

Applicant: Hop Farm Real Estate per Kember Loudon Williams Ltd Ridgers Barn Bunny Lane Eridge, Kent. TN3 9HA

**Public Consultation**

Site notice: Yes  
Press advertisement: Yes - Conservation Area  
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 consists of a large, detached late Victorian property on the west side of Boscobel Road. The premises is currently vacant having previously been used as accommodation for older persons. The property is set back from the highway with an area of hard and soft landscaping to the front.

The site is within the Burtons St Leonards Conservation Area but is not a listed building.

The surrounding area is predominantly residential with The Morton Centre care home and the Highlands Inn Hotel and Bar in the wider area.

### Constraints

Conservation Area - Burton St Leonards

GCN District Licensing Scheme IRZ - Amber

SSSI Impact Risk Zone - threshold not exceeded

## 2. Proposed development

This application seeks permission for the change of use of an existing, vacant, care home to 5no. self-contained flats. To facilitate the conversion the following external alterations are also proposed:

### North (rear) Elevation

- Removal of conservatory
- Ground floor patio area to new French door-set
- New escape window
- New window and brickwork below to an existing door opening
- Stepped access to new rear French door-set

### South Elevation

Two new Flat entrance door-sets to the ground floor. Flat 2 entrance is to an existing door opening and Flat 1 is to an existing window opening, towards the rear of the building.

### West Elevation

Two new French door-sets and stepped access to existing window openings on the ground floor

The application is supported by the following documents:

- Planning and Heritage Statement

### **Relevant planning history**

**Application No.** HS/51/00751

**Description** Conversion of existing room into garage.

**Decision** Permission Without Conditions on 12/02/52

---

**Application No.** HS/57/00722

**Description** Conversion of dwelling house into two self-contained flats.

**Decision** Permission Without Conditions on 10/12/57

---

**Application No.** HS/FA/60/00142

**Description** Conversion to provide 3 flats.

**Decision** Refused on 12/04/60

---

<b>Application No.</b>	HS/60/00479
<b>Description</b>	Change of use to Guest house and installation of fittings.
<b>Decision</b>	Permission with conditions on 26/07/60
<b>Application No.</b>	HS/68/00821
<b>Description</b>	Change of use from guest house to old peoples home.
<b>Decision</b>	Permission Without Conditions on 29/08/68
<b>Application No.</b>	HS/68/01267
<b>Description</b>	Erection of fire escape
<b>Decision</b>	Permission with conditions on 16/01/69
<b>Application No.</b>	HS/FA/83/00038
<b>Description</b>	Erection of a single storey extension at the rear to form 3 bedrooms, bathroom, and w.c.
<b>Decision</b>	Permission with conditions on 06/04/83
<b>Application No.</b>	HS/FA/83/00548
<b>Description</b>	Extension of comprise three bedrooms, bathroom and wc
<b>Decision</b>	Permission with conditions on 28/09/83
<b>Application No.</b>	HS/FA/93/00182
<b>Description</b>	Formation of vehicular hardstanding
<b>Decision</b>	Permission with conditions on 24/05/93
<b>Application No.</b>	HS/FA/22/00319
<b>Description</b>	Proposed alterations and conversion of building to form 6no. self-contained flats, proposed works include some changes to window and door fenestration.
<b>Decision</b>	Refused on 11/07/22

### **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

Policy EN1 - Built and Historic Environment: CA2 BURTONS' ST. LEONARDS

Policy H2 - Housing Mix

#### 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 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 HN3 - Demolition involving Heritage Assets

Policy HC2 - Residential Institutions and Student Halls of Residence

#### Revised Draft Local Plan (Regulation 18)

Policy SP2 - New and Affordable Housing

Policy SP5 - Conserving and Enhancing the Natural Environment

Policy SP6 - Enhancing the Historic Environment

Policy DP1 - Design - Key Principles

Policy DP2 - Design - Space and Accessibility Standards

Policy DP3 - Sustainable Design

Policy DP7 - Access, Servicing and Parking

### National Planning Policy Framework (NPPF)

Paragraph 8 sets out the three overarching objectives of the planning system in order to achieve sustainable development. Those are: 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 (to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;); and environmental (to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy)

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.

Paragraph 11 of the NPPF sets out a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12 of the NPPF states that the development plan is the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 of the NPPF sets out that planning applications be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 120 of the NPPF states, amongst other things, that decisions should promote and support the development of underutilised land and buildings, especially if this would help meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

Paragraph 123 of the NPPF states that Local planning authorities should take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:

- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
- b) make more effective use of sites that provide community services such as schools and

hospitals, provided this maintains or improves the quality of service provision and access to open space.

Paragraph 124 of the NPPF states that planning decisions should support development that makes efficient use of land.

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 183 of the NPPF states that decisions should ensure a site is suitable for its proposed use having regard to ground conditions and risks arising from land instability and contamination.

Paragraph 184 of the NPPF sets out that where sites are affected by land stability or contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 185 of the NPPF states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development - and avoid noise giving rise to significant adverse impacts on health and the quality of life; b) identify and protect tranquil

areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

### **3. Consultation comments**

Conservation - **No objection - no harm**

Highways - **No objection, subject to conditions (Nos. 3, 4)**

### **4. Representations**

In respect of this application a site notice was displayed at the front of the site and an advert placed in the local paper. In response to this, 10 letters of objection from 9 different properties were received. The concerns within these letters include:

- Unsightly wrought iron fire escape - existing structure approved in 1968
- Loss of privacy
- Lack of parking
- Impact on on-street parking
- Impact on free-flow of traffic
- Overdevelopment of the property
- Loss of garden
- Should be converted into a house rather than flats
- Lack of information on existing windows
- Location of bins
- Small accommodation
- Change of windows
- Overlooking

### **5. Determining issues**

#### a) Principle

The site is in a sustainable location and the application is therefore in accordance with Policy LP1 of the Hastings Local Plan - Development Management Plan 2015 in this respect and acceptable in principle subject to other Local Plan policies.

#### b) 5 Year Housing Land Supply

As the Council cannot demonstrate a 5 year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

#### c) Impact on character and appearance of the Conservation Area

Policy HN1 of the Hastings Development Management Plan states that applications that have the potential to impact upon the significance of designated heritage assets (including conservation areas) must be fully assessed, to ensure that the proposed development sustains and enhances the significance of the heritage asset. This policy goes on to state that 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).

This is supported by Policy DM1 of the Hastings Development Management Plan which requires that all proposals must reach a good standard of design, which include efficient use of resources, and takes into account, amongst other things, protecting and enhancing local character and shows an appreciation of the surrounding neighbourhood's historic context,

street patterns, plot layouts and boundaries, block sizes and scale, height, massing and materials.

**Use:**

The use of the premises as residential flats would complement the existing residential properties along Boscobel Road and would not be out of character with the area. It is also considered that the occupation of the premises as residential flats would not be dissimilar to the use as a residential care home, by virtue of the coming and going of staff, visitors and residents.

**External alterations:**

As part of the development, it is proposed to demolish the existing conservatory at the rear of the site and carry out alterations to windows and doors, in the rear and side elevations. These alterations are relatively minimal and while the use of timber windows rather than the Upvc and aluminium would be preferred, due to the site being within a Conservation Area, these windows are not visible from the public domain. These materials are also already present at the site. In light of these factors, the external works and materials proposed are considered acceptable on balance.

**Overall impact:**

Taking the above into account, it is considered that the works are acceptable and meet the aims of the policies quoted above along with paragraph 192 of the National Planning Policy Framework.

d) Future residential amenities

The Department for Communities and Local Government (DCLG) has produced Technical Guidance for Space Standards (TGSS) in order to achieve a good living standard for future users of proposed development. This document advises that, for a single storey, 1 bedroom unit, there should be a minimum of 37-50m<sup>2</sup> and for a single storey, 2 bedroom unit should be a minimum of 61-70m<sup>2</sup>.

The proposed units are as follows;

Unit 1 - 1 Bedroom - 43.5m<sup>2</sup>

Unit 2 - 1 Bedroom - 37m<sup>2</sup>

Unit 3 - 2 Bedroom - 71.m<sup>2</sup>

Unit 4 - 2 Bedroom - 74m<sup>2</sup>

Unit 5 - 2 Bedroom - 61.7m<sup>2</sup>

All units meet the minimum requirements respectively. All bedrooms within the units also meet the minimum size requirements for singles and doubles respectively. Lastly, it should also be noted that following the previous refusal the total number of flats within the unit has been reduced from 6 to 5. This aids in providing a better mix of flat sizes within the unit and is considered to address a previous reason for refusal.

e) 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

No extensions are proposed to the premises and as such there would not be an impact on the neighbouring properties in terms of loss of light or overshadowing.

As stated above, concerns have been raised by local residents in terms of loss of privacy as a result of the change of use and alterations to windows and doors. While these concerns are acknowledged, the alterations to the existing openings are relatively minor, being the replacement of a window with a door in the southern elevation, the replacement of door with a window and the slight increase in size of two windows in the northern elevation and the installation of new patio doors to the rear. These alterations, being at ground floor, are not considered to result in unacceptable change to the existing relationship between the existing properties and its neighbours. Similarly, the occupation of the premises as flats is considered compatible with the established residential area. The proposal therefore complies with the aims of Policy DM3 of the Hastings Development Management Plan.

#### g) Highway safety/parking

##### **Trip Generation:**

The applicant has not submitted trip generation analysis for this development. However, the proposed development is unlikely to result in a significant impact on the local highway network. Therefore, it is not considered this development will result in a significant impact on the local highway network.

##### **Access:**

The site has an existing vehicle access from Boscobel Road and this is to remain the same for the proposed development. This is considered acceptable by the County Highways Authority.

##### **Car Parking:**

There are two existing car parking spaces and these are to remain the same for the proposed development. A development of this size is expected to have a parking demand of approximately 4 parking spaces. The proposed parking arrangement is considered to provide one parking space (secured by condition No.5) due to the tandem parking arrangement, and it is considered that three vehicles would need to be accommodated in the local highway network.

Parking on Boscobel Road is somewhat restricted due to existing parking demand. Excessive over spill parking could lead to inappropriate parking blocking the highway, increasing the hazards to highway users. However, in this instance the County Highways Authority have raised no objection due to the accessible location and the parking demand for this site potentially being lower due to the size of the proposed units. Highways have advised that the parking demand is unlikely to result in a significant impact on the local highway network and as such, refusal on these grounds is not justified.

##### **Cycle Storage:**

Cycle parking should be in accordance with the East Sussex County Council's adopted parking standards with 1 cycle space per 1-2 bed flat. Covered, secure and convenient cycle storage should be provided for 5 cycles. The applicant is proposing a cycle store at the rear of the site. This is considered acceptable and the provision of this store is to be secured by condition No. 3.

##### **Accessibility:**

The site is within walking distance of a wide variety of services and amenities. The site is located 60m away from the nearest bus stop which provides regular bus services to Hastings town centre and St Helens. West St Leonards Railway Station is approximately 800m away and St Leonards Warrior Square is 1.1km away, both within walking or cycling distance. These provide regular train services to London, Hastings, Ore, Ashford and Brighton. The site is therefore located in a relatively accessible location.

#### h) Waste and Refuse

Policy DM3 of Hastings Development Management Plan requires adequate space for storage of waste and its removal. The site layout shows a bin and recycling store located on the driveway at the front of the site. While this store is in an accessible location for collection, it causes obstruction to the parking area, reducing the available space as discussed in more detail above. Condition 4 is therefore attached which requires details of the bin store in an alternative location, to be submitted and approved and that the development be carried out in accordance with the approved details.

#### i) Ecology

Impact on Great Crested Newts:

The development falls within the amber impact risk zone for great crested newts however, due to the scale of the proposal and minimal external works, it is not expected that newts would be a constraint for this development. Condition 8 requires development to cease if Great Crested Newts be found on site during the development process.

### **6. Conclusion**

The site is located within a sustainable location with easy and frequent access to services and as such the principle of residential development is acceptable. As the Council cannot demonstrate a 5-year housing supply at this time, the tilted balance of NPPF paragraph 11d) is engaged. The recommendation is for approval and the need to deliver housing adds further weight in favour of granting planning permission.

The proposed development would provide an acceptable living environment for the future occupants of the dwellings without adversely impacting on the amenities of neighbouring residents and without causing harm to the Burtons St Leonards Conservation Area.

Given the above it is considered that the proposed development is in accordance with the relevant policies of the NPPF and Local Plan as detailed herein. These proposals are considered to 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 this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

7257/1/A, 7257/2, 7257/3/A, 7257/LBP, 7257/EX/1, 7257/EX/2.

3. (i) Prior to occupation of the development, details of cycle storage must be submitted to and approved in writing by the Planning Authority.  
  
(ii) No part of the development shall be occupied until covered and secure cycle parking spaces have been provided in accordance with the approved details. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
4. (i) The development shall not be occupied until details of refuse storage have been submitted to and approved in writing by the Local Planning Authority. Details shall also include refuse bin collection points, where relevant.  
  
(ii) No part of the development shall be occupied until the all the approved details have been implemented. The refuse store and bin collection point shall thereafter be retained in perpetuity.
5. The existing parking area is to be retained for use by residents of the new units and shall not be used other than for the parking of motor vehicles.
6. Prior to occupation, the north elevation window to the bathroom of flat 1 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. Once installed, the windows shall be permanently maintained in that condition.
7. 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.
8. Should Great Crested Newts be found at any stages of the development works, then all works should cease, and Natural England should be contacted for advice.

**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. In order that the development site is accessible by non-car modes and to meet the objectives of sustainable development.
4. To ensure a satisfactory standard of development.
5. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

6. To safeguard the amenity of adjoining and future residents.
7. To safeguard the amenity of adjoining residents.
8. To protect features of recognised nature conservation importance.

#### **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. Consideration should be given to the provision of a domestic sprinkler system.
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. The developer is advised to inspect the external escape stair for structural integrity prior to occupation of the units. Should this feature be found unsafe, a further planning application will be required for its replacement.

---

#### **Officer to Contact**

Mrs E Meppem, Telephone 01424 783288

#### **Background Papers**

Application No: HS/FA/22/00788 including all letters and documents