

<b>Report to:</b>	PLANNING COMMITTEE
<b>Date of Meeting:</b>	25 January 2023
<b>Report from:</b>	Assistant Director of Housing and Built Environment
<b>Application address:</b>	<b>West Lodge, Maze Hill, St Leonards-on-sea, TN38 0BA</b>
<b>Proposal:</b>	<b>Change of use from Visitor and Interpretative Centre (Class F1.e) to one residential unit (Class C3) with no external alterations proposed (amended description)</b>
<b>Application No:</b>	<b>HS/FA/22/00866</b>
<b>Recommendation:</b>	<b>Grant Full Planning Permission</b>
Ward:	MAZE HILL 2018
Conservation Area:	Yes - Burtons' St. Leonards
Listed Building:	Grade II
Applicant:	Hastings Borough Council West Lodge Maze Hill East Sussex St Leonards-on-sea TN38 0BA
<b>Public Consultation</b>	
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:	1
Application status:	Not delegated - Council application on Council owned land

## 1. Site and surrounding area

The application site relates to West Lodge, which along with East Lodge forms the Grade II listed building known as South Lodge. West and East Lodge are separated by a centrally placed archway which provides public access through to St. Leonards Gardens to the rear. South Lodge is a two-storey with basement detached building with basement, circa 1829 by

James Burton. An area of private garden is located to the side (west) of the property. The application site is situated on the north side of Maze Hill, in an area of historical interest in the Burton's St. Leonards Conservation Area and is surrounded by multiple other listed buildings and monuments.

West Lodge is currently in use as a Visitor and Interpretative Centre, having converted from residential use in 1999. East Lodge is used as single residential dwelling. South Lodge is located at the southern entrance to St. Leonards Gardens, a registered Grade II public garden.

The Masonic Hall, a Grade II listed building, is located south of and opposite the application site. There are a variety of built form in the area typically ranging between two and three storey. Properties are mainly terraced and in residential use.

### Constraints

- SSSI Impact Risk Zone – threshold not reached.
- Registered Parks and Gardens.
- GCN District Licensing Scheme IRZ - Amber.
- GCN District Licensing Scheme Pond Buffer - 250m.
- Flooding Surface Water 1 in 30.
- Flooding Ground Water.
- Grade II listed buildings: South Lodge (East and West), Masonic Hall (list others nearby)
- Registered Listed Park Grade II - St Leonards Gardens

## 2. Proposed development

Change of use from Visitor and Interpretative Centre (Class F1.e) to one residential unit (Class C3) with no external alterations proposed.

### Relevant planning history

<b>Application No.</b>	HS/FA/99/00332
<b>Description</b>	CONVERSION TO VISITOR AND INTERPRETATIVE CENTRE (APPLICATION HS/LB/99/333 ALSO APPLIES)
<b>Decision</b>	Permission with conditions on 23/07/99
<b>Application No.</b>	HS/LB/99/00333
<b>Description</b>	CONVERSION TO VISITOR AND INTERPRETATIVE CENTRE (APPLICATION HS/FA/99/332 ALSO APPLIES)
<b>Decision</b>	Listed Building Consent with Conditions on 23/09/99
<b>Application No.</b>	HS/CA/05/00257
<b>Description</b>	REMOVAL OF BOUNDARY WALLS FOR RAILINGS
<b>Decision</b>	Conservation Area Consent on 27/05/05
<b>Application No.</b>	HS/FA/06/00170
<b>Description</b>	Proposed new disabled w.c, amended path and additional railings (application HS/LB/06/55 also applies)
<b>Decision</b>	Permission with conditions on 03/04/06
<b>Application No.</b>	HS/LB/06/00055
<b>Description</b>	Proposed disabled WC, new path and railings (application HS/FA/06/170 also applies)
<b>Decision</b>	Listed Building Consent with Conditions on 03/07/06

<b>Application No.</b>	HS/FA/07/00877
<b>Description</b>	Replacement of existing West Lodge bay window door, East Lodge and West Lodge undercroft doors with four panel solid doors (HS/LB/07/750 also applies)
<b>Decision</b>	Permission with conditions on 07/12/07
<b>Application No.</b>	HS/LB/07/00750
<b>Description</b>	Replacement of existing West Lodge bay window door, East Lodge and West Lodge undercroft doors with four panel solid doors.(HS/FA/07/877 also applies)
<b>Decision</b>	Listed Building Consent with Conditions on 31/01/08
<b>Application No.</b>	HS/LB/12/00585
<b>Description</b>	Remove forecourt paving and replace paving materials with brick, setts and cobbles.
<b>Decision</b>	Listed Building Consent with Conditions on 25/09/12
<b>Application No.</b>	HS/FA/05/00256
<b>Description</b>	TEMPORARY ACCESS AND RAMP ALONG MAZE HILL ROAD, PROPOSED NEW BOLLARD AND PAVING TO SOUTH LODGE UNDERCROFT AND NEW BOUNDARY WALL AND RAILING ON EASTERN BOUNDARY
<b>Decision</b>	Permission with conditions on 27/05/05
<b>Application No.</b>	HS/LB/05/00258
<b>Description</b>	NEW BOLLARD AND PAVING TO SOUTH LODGE UNDERCROFT AND NEW BOUNDARY WALL AND RAILING ON EASTERN BOUNDARY
<b>Decision</b>	Listed Building Consent with Conditions on 16/02/06
<b>Application No.</b>	HS/CA/06/00717
<b>Description</b>	Temporary access and ramp along Maze Hill. (Revised location) Application number HS/FA/06/00716 also applies.
<b>Decision</b>	Withdrawn on 30/10/06
<b>Application No.</b>	HS/FA/06/00716
<b>Description</b>	Temporary access and ramp along Maze Hill. (Revised location)
<b>Decision</b>	Permission with conditions on 09/11/06
<b>Application No.</b>	HS/CA/07/00530
<b>Description</b>	Removal of boundary walls
<b>Decision</b>	Conservation Area Consent on 16/08/07
<b>Application No.</b>	HS/FA/07/00512
<b>Description</b>	Proposed permanent maintenance access along Maze Hill.
<b>Decision</b>	Permission with conditions on 16/08/07

### **National and local policies**

#### Hastings Local Plan – Planning Strategy 2014

Policy FA2 - Central Area

Policy SC1 - Overall Strategy for Managing Change in a Sustainable Way

Policy EN1 - Built and Historic Environment

Policy DS1 - New Housing Development

Policy H1 - Housing Density

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 HN1 - Development Affecting the Significance and Setting of Heritage Assets

### Revised Draft Local Plan (Regulation 18)

#### Other policies/guidance

National Design Guide

PPG: Effective Use of Land

Technical Housing Standards - Nationally Described Space Standard (2015)

East Sussex County Council (Highways) Minor Application Guidance (2017)

#### 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 under utilised 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.

### **3. Consultation comments**

Conservation – No objection subject to the addition of an informative.

Parks and Open Spaces – No response.

Gardens Trust – No comment to make on the proposal.

Waste & Street Scene Services – No objection.

Planning Policy – No response.

The NPPG advises that ‘Local planning authorities are expected to determine applications for planning permission, within a time period of 5, 8, 13 or 16 weeks (depending on the type of development). Statutory consultees should be aware of the risk that, should they fail to respond within a specified time period, a local planning authority may proceed to decide the application in the absence of their advice.’ (Paragraph: 016 Reference ID: 15-016-20190722)

### **4. Representations**

In respect of this application a site notice was displayed to a lamp post at the front of the property and an advert placed in the local newspaper. No responses were received.

### **5. Determining issues**

The main issues relevant to the determination of this application are the principle of the development, the impact on the area, including the heritage features of the conservation area, on residential amenity, on future residential amenities and on the highway.

a) Principle

The site is in a sustainable location, close to the town centre of St. Leonards-on-Sea and associated facilities, along with the St. Leonards Warrior Square train station and bus links. As such the principle of development is considered acceptable subject to the more detailed considerations below.

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

b) Loss of Existing Use and Proposed use

The principle of changing the use of the site from a visitor and interpretative centre to a dwelling is considered acceptable as it would provide an additional housing unit for the town. There is no policy relating to the loss of a visitor and interpretative centre so this is not protected through the development plan. The development plan does, however, identify the urgent need for housing in the borough, with the target for housing development set out in Policy DS1 of the Hastings Local Plan - Planning Strategy being at least 3,400 new homes over the Plan period between 2011 and 2028. The present proposal would therefore help to bring forward a new dwelling to contribute to this identified need

c) Impact on character and appearance of conservation area

No external or internal alterations are proposed as part of the present proposal so there would be no impact on the character or appearance of the area, including the heritage features of the conservation area or a listed building in terms of the built form. The proposed use would sit well within the building and the wider character of this conservation area.

d) Density

The proposed density is 33 dph. Policy H1 of the Hastings Local Plan - Planning Strategy allows for densities of at least 40 dph in sustainable areas such as this. Although the density offered by the application site is below the recommended minimum level, the application site relates to an existing building which is also Grade II listed. Therefore, the addition of this site to local housing stock will be a positive contributor to housing need in the area and, on balance, is acceptable in this regard.

South Lodge was first occupied by William Ford Burton, the eldest son of architect James Burton, in 1830. The division of the properties into East and West Lodge pre-dates the planning system, and the earliest record of East Lodge being a separate residential dwelling was from a sale of a 99 year lease in 1957. The return of West Lodge to a residential building would allow for the reinstatement of features in keeping with the original purpose of the building.

e) Impact on neighbouring residential amenities

Policy DM3 of the Hastings Development Management Plan seeks to achieve a 'good living standard for future users of proposed development and its neighbours' through considering amenity and incorporating appropriate solutions into schemes.

As already noted, no internal or external works are proposed as part of the present application. The closest residential property to the application site is East Lodge, which forms the other half of the building in question. The proposed residential use would be compatible with the existing residential use at East Lodge. Other residential properties are separated from the site by the surrounding road network such that the proposed residential use will have no

harmful impact on their residential amenities.

In principle, the change of use from a visitor and interpretative centre to a residential dwelling is likely to result in a decrease in disturbance due to fewer coming and goings from staff, residents, visitors and deliveries, and fewer people being on site. The proposal is therefore considered to reduce impact on residential amenity, and to be in accordance with the aims of Policy DM3 of the Development Management Plan.

#### f) Heritage

Policy HN4 of the Hastings Local Plan - Development Management Plan (2015) deals with development affecting a heritage asset. In this instance no external alterations are proposed. As such the Conservation Officer does not object to this application. It is noted that if alterations are proposed at some future time, such alterations are likely to be subject to a further listed building consent and full planning application.

#### g) Future residential amenities

##### Internal space

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) states: "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. Permission will be given for development where dwellings are designed to allow residents to live comfortably and conveniently with sufficient internal space."

The application is for a single residential unit and as the floorplans have not set out how the house will be laid out internally, condition no. 4 therefore requires that prior to occupation, details are submitted to, approved and implemented in terms of floor sizes in order to ensure that the space standards set out within the Technical Housing Standards (2015) are met.

##### External space

Policy DM3 of the Hastings Local plan - Hastings Development Management Plan (2015) establishes an expectation of 10m length gardens to be provided for family homes. Family homes are usually defined by having two or more bedrooms. The application is for an unknown number of bedrooms and does not provide any details of the size of the external garden space located to the west of the property. However, the application site is immediately adjacent to the substantial Grade II listed St Leonards Gardens, which is a public space. Due to this, it is considered that the external amenity space available to this location would be acceptable.

##### Waste arrangements

Policy DM3 of the Hastings Local Plan - Development Management Plan (2015) states: "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. Permission will be given for development where, there is adequate space for storage of waste and the means for its removal."

It is noted the application site is located within an established residential area and has existing waste storage and collection facilities, the waste will be placed on kerbside on day of collection, following collection this will need to be returned back inside the property to be stored discreetly as to not harm the character and appearance of the conservation area with unsightly bins.

Condition no. 5 requires that details the development shall not be occupied until a bin store

has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority.

Waste and Street Scenes Services have raised no objection to the proposal.

#### h) Impact on Great Crested Newts

The development falls within the amber impact risk zone for great crested newts. However, no built works are proposed or authorised, so the scheme considered under this application would pose no risk to great crested newts.

#### i) Highway safety/parking

No parking is proposed as part of the application, but this is no change from the current situation with the visitor and interpretative centre use which would have resulted in more trips. The site is well located in relation to public transport links, and walk able distance to the amenities of St Leonards. Parking is also available on nearby streets.

On this basis, the development is considered acceptable in terms of its impact on highway capacity and road safety.

#### j) Site Constraints

SSSI Impact Risk Zone:

The site is within a SSSI IRZ. The scale of development does not fall within the threshold for consultation with Natural England and as such it is not considered that there will be any impact on SSSIs.

Surface Water Flooding:

No built works are proposed or authorised, so the scheme considered under this application would pose no flood risk on and off site, no further consideration is required in this regard.

## **6. Conclusion**

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.

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.

### **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:



## 22.436.2.A

3. Prior to the residential occupation of the site, details of a proposed bin store and details of those responsible for its maintenance are to be submitted to and approved in writing by the Local Planning Authority. This store shall then be provided on site, prior to commencement of use of the hall and in accordance with the approved details. The store shall thereafter be retained for the storage of bins.
4. Prior to occupation, details must be submitted and approved by the Local Planning Authority in terms of floor sizes in order to ensure that the space standards set out within the Technical Housing Standards (2015) are met. Works shall be carried out in accordance with the details approved and no occupation of any building approved shall occur until those works have been completed.
5. The development shall not be occupied until a bin store has been provided in accordance with approved details which shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be retained for that purpose.

### **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 future residents.
5. In order to secure a well planned development.

### **Notes to the Applicant**

1. 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.
2. This planning permission is for a change of use of West Lodge to a single residential unit only. No consent has been granted for the sub-division of the property or for any internal or external changes to the building associated with the change of use. As the building is Grade II listed, formal listed building consent must have been applied for and obtained prior to any internal or external changes being made to the listed building, including changes to any curtilage structures (e.g. garden boundary walls). It is a criminal offence to carry out unauthorised works to a listed building.

3. Failure to comply with any condition imposed on this permission may result in enforcement action without further warning.
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**Officer to Contact**

William Larkin, Telephone 01424 783250

**Background Papers**

Application No: HS/FA/22/00866 including all letters and documents