

Report to: PLANNING COMMITTEE

Date: 29 April 2015

Report from: Head of Housing and Planning Services

Application Address: Land adjacent 33 West Street & 1 East Parade, Hastings, TN34 3AN

Proposal: Variation of approved drawings (door/window adjustments, internal layout changes, alterations to materials, additional windows, reduced roof profile, addition of juliette balconies/flues/vents) of Planning Permission HS/FA/11/00555

Application No: HS/FA/14/00717

Recommendation: Grant Full Planning Permission

Ward: OLD HASTINGS

File No: EA75001, WE90034

Applicant: Project 35 Architects 2 Stonelynk Hall Battery Hill Fairlight, East Sussex. TN35 4AP

Interest: Owner

Existing Use: Dwellings under construction

Policies

Hastings Local Plan 2004: DG1, DG2, DG3, DG4, C1, C10

Conservation Area: Yes - Old Town

National Planning Policy Framework: No Conflict

Hastings Planning Strategy: FA5, SC1, SC3, SC4, EN1, H1, H2, T3

Hastings Local Plan, Development Management Plan, Revised

Proposed Submission Version: DM1, DM3, DM4, HN1

Public Consultation

Adj. Properties: Yes

Advertisement: Yes - Conservation Area

Letters of Objection: 4

Petitions Received: 1

Application Status: Not delegated - Petition received

Summary

The proposal is for an amendment to the design of an approved scheme of 3 residential properties. The alterations proposed relate mainly to windows, doors and materials but flues, Juliette balconies and vents are also proposed. The main issues are the impacts on the character and appearance of the streetscene and surrounding conservation area and the amenity of neighbouring residents. After considering all matters I recommend the proposal for approval subject to conditions.

The Site and its Location

The site is located on the south side of West Street within the Old Town Conservation Area. The site is vacant, surfaced in tarmac and currently used by the owner as a private car park. The site adjoins 1 East Parade to the west, the western elevation of 33 West Street and 4A and 4 East Parade to the rear. The site was previously occupied by two buildings which adjoined 33 West Street and 1 East Parade, to create a terrace of buildings. Following fire damage, the last of these buildings was demolished in 2004, leaving a single storey section and the western elevation of 1 East Parade, together with the rear elevation of 4A East Parade exposed. Since that time part of the western elevation of the single storey section has been repaired with concrete blocks. The remainder of this elevation has also been covered in a blue tarpaulin and the boundary with 4A East Parade is now indicated with close board fence panels which gives the site a somewhat unsightly appearance.

The important historic character of this part of the Old Town is varied and defined by a mixture of mainly three and four storey semi detached and terraced buildings arranged along narrow streets. The majority of properties are also reasonably narrow which gives the area a strong vertical emphasis, and are built of a variety of materials including rendered brick, timber cladding and clay tiles.

Details of the Proposal and Other Background Information

The application is to vary the plan numbers condition of planning permission: HS/FA/11/00555 which was for the erection of 2 x dwellings and 1 x maisonette. The approved scheme followed a number of applications for residential development at the site. Of particular relevance were the two schemes approved under planning permissions: HS/FA/03/00798 & HS/FA/08/00093 which were both for similar schemes.

Since the approval of planning permission: HS/FA/11/00555 two other applications have been made for residential development both of which were refused (HS/FA/12/00538 & HS/FA/13/00256). The main reasons for refusal related to the impact on the character and appearance of the area, the amenity of neighbouring residents and traffic safety.

The alterations to the approved scheme involve:

Front Elevation:

- repositioning the door to the central unit;
- bringing the ground floor window of the central unit in line with windows of upper floors;
- introducing rendered skirting;
- replacing brickwork with terracotta mathematical tiles;
- forming 7 vents;
- formation of boiler flue;
- enlarging the windows of the western unit;

- alteration to the roof of the western unit to form a pitch roof with front facing gable.

Rear Elevation:

- formation of feature windows to stairwells;
- formation of inward opening obscure glazed windows to stairwells and bathrooms;
- formation of rear door to twitten;
- formation of inward openings windows with Juliette balconies at first, second and roof levels in line with twitten;
- replacement of timber weatherboard with composite weatherboard to part of rear elevation;
- formation of 5 vents;
- formation of two boiler flues.

Roof:

- formation of two flues;
- formation of glazed roof lights;
- alteration to the roof of the western unit to form a pitch roof with front facing gable.

Relevant Site History

- HS/CA/03/00868 Partial demolition of existing building and erection of flat block of 2 x 2 bed, 1 x 1 bed, and 1 x studio unit.
Withdrawn 29 September 2003
- HS/LB/03/00888 Part demolition of existing wing of 1 East Parade
Granted 17 December 2003
- HS/FA/03/00798 Part demolition of eastern wing of 1 East Parade. Erection of block of 2 x 2 bed, 1 x 1 bed and 1 x studio unit.
Granted 25 March 2004
- HS/LB/07/00039 Erection of 2 x dwellings.
Refused 22 January 2007
- HS/FA/07/00043 Erection of 2 x dwellings (Application number HS/LB/07/00039 also applies).
Refused 14 February 2007
- HS/FA/07/00658 Residential development to form 2 x town houses & 1 x maisonette.
Withdrawn 14 August 2007
- HS/FA/08/00093 Erection of 3 dwellings/units - 2 x 2 bedroom & 1 x 1 bedroom
Granted 03/06/2008
- HS/FA/11/00278 Extension of time limit for implementation of application HS/FA/08/00093 (erection of 3 dwellings/units 2 x 2 bedroom and 1 x 1 bedroom).
Withdrawn 15 June 2011
- HS/FA/11/00555 Erection of 3 residential units - 2 x 2 bedroom dwellings & 1 x 1 bedroom maisonette.
Granted 15 September 2011
- HS/FA/12/00538 Erection of 2 residential units.
Refused 29 August 2012
- HS/FA/13/00256 Erection of a 2 bedroom detached dwelling, to include off road parking and a roof garden.
Refused 14 May 2013
- HS/CD/14/00708 Discharge of conditions 2(materials) and 3 (joinery) of planning permission: HS/FA/11/00555.
Granted 12 September 2014.

Details of Consultations

A total of **4 letters of objection** and a **petition of objection** have been received. The main issues raised include: procedural matters, ownership, the legality of the planning permission, conduct of construction workers, general disturbance, size and scale and overlooking.

Planning Considerations

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 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".

Character and Appearance

The windows alterations proposed have reinforced the schemes vertical emphasis as the windows for all properties are now in line with one another. The style of windows proposed to the western units are now in keeping with the others proposed and it is considered that these features enhance the appearance of the proposal.

The mathematical tiles have a similar appearance to brickwork (as previously approved) and are traditional materials found throughout Sussex and Kent. It is considered that their use combined with the rendered skirting which effects that found at 33 West Street help to enhance the historic appearance of the surrounding conservation area.

Following amendments the flues have been reduced in size and located to the rear of the building. It is considered that this type of flue is in keeping with the traditional character and appearance of the area and that only limited views will be available from public areas.

The windows proposed to face the twitten are of a traditional design and the Juliet balconies are a feature which is found throughout the Old Town. It is considered that these features will add to the variety of styles and features which contribute to the Old Town's varied character and appearance.

The roof alterations involve forming a conventional front facing gable and introducing rooflights. Due to their positioning the roof lights will not be read as part of the streetscene. Long distance views of the roof lights will be limited due to the positioning of neighbouring properties and it should also be noted that a glazed roof was approved at 3 West Street following an appeal. At the time of considering the appeal the inspector stated:

" this part of the Conservation Area, including the adjacent listed buildings, has many quirky oddities resulting from ad-hoc built responses to the circumstances of tightly packed sites. This is part of its character and so the proposal would not be out of place".

The use of composite weatherboard to part of the rear elevation is considered acceptable on this occasion as it is to be confined to an area where it will not be publicly visible. Similarly the modern feature windows and other windows to the rear will not be visible as part of the streetscene.

The details of the vents and boiler flues can be controlled by way of a condition.

Living Environment

The roof alterations proposed will slightly reduce the bulk of the proposal but otherwise its overall size and scale is to remain unchanged. The proposed flues will be slightly higher than the overall height of the building but given their size and location to the rear of the roof it is considered that the proposal will not result in additional adverse impacts on levels of light or result in overbearing impacts or loss of outlook.

The window alterations on the front elevation will not result in additional overlooking as windows were already proposed at the same locations. The windows to the rear either serve non habitable rooms or face the existing twitten to the rear and therefore will not overlook the existing properties to the rear at East Parade. The application states that the bathroom windows are to be obscured glazed but will open inwards for cleaning. As the windows can be opened it is recommended that a condition is imposed requiring them to be obscure glazed and that they are fixed shut other than for cleaning purposes.

In terms of noise and general disturbance the overall level and type of accommodation e.g. number of bedrooms etc remains unchanged. The proposal will therefore not result in additional disturbance above that previously approved. As with the previous approval noise and general disturbance during building works can be controlled through the use of an hours of building works condition.

Implementation of Planning Permission: HS/FA/11/00555

At the time of granting planning permission: HS/FA/11/00555 a three year time limit was imposed which meant that the planning permission had to be implemented by 15 September 2014. In accordance with planning law it is only possible to implement a planning permission by commencing a "material operation". Planning law defines material operation as being any of the following:

- 1) any work of construction in the course of the erection of a building;
- 2) any work of demolition of a building;
- 3) the digging of a trench which is to contain the foundations, or part of the foundations, of a building;
- 4) the laying of any underground main or pipe to the foundations, or part of the foundations, of a building or to any such trench as mentioned above;
- 5) any operation in the course of laying out or constructing a road or part of a road;
- 6) any change in the use of any land which constitutes material development.

Additionally, where a planning permission requires details to be submitted prior to works commencing it is necessary to have first discharged the requirements of the conditions before commencing a material operation. In this case application: HS/CD/14/00708 was made for the discharge of conditions 2 and 3 of planning permission: HS/FA/11/00555 and approved on 12 September 2014.

The applicant was therefore able to make a material operation between then and 15 September 2014. The Planning Enforcement Team visited the site on 15 September 2015 and took photos of excavations at the site. The applicant has since confirmed that the excavations are for the foundation slab of the development. It is therefore considered that the works constitute a trench which is to contain the foundations and that a material operation has commenced.

Other Matters

Issues were raised regarding ownership and the site address at the time of dealing with application: HS/FA/11/00555. These were resolved at the time and in terms of the planning process the correct procedures have been followed. With regard to the address, the name of a site is only descriptive and can change over time for various reasons such as ownership changes etc. For this reason the red line which denotes the application site boundary is considered to be of more importance. The red line boundary for the current application remains consistent with that submitted with planning permission: HS/FA/11/00555.

An application for Judicial Review was also made against the decision to grant planning permission but the application was refused and the judge stated that the correct procedures had been followed.

With regard to the conduct of construction workers, it is recommended that an informative is imposed reminding the applicant to obtain the necessary consent from East Sussex County Council if it is necessary to obstruct the road.

Conclusion

It is considered that the proposed amendments will enhance the character and appearance of the streetscene whilst maintaining the amenity of neighbouring residents. I therefore recommend the proposal for approval subject to conditions.

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

The Human Rights considerations have been taken into account fully in balancing the planning issues.

Recommendation

Grant Full Planning Permission subject to the following conditions:

1. No development above ground shall take place until samples of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have either been made available for inspection at the site or submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
2. No development above ground shall commence until the following details have been submitted to and approved in writing by the Local Planning Authority:
 - a) Full joinery details of all external doors, door surrounds, door hoods (to be weathered in lead), windows (to be in timber and fitted with 'Slimlite' slender section double glazed units, or agreed equivalent), soffits and bargeboards. These shall include 1:10 elevations and 1:2 or full sized cross sections. All timber work to have a painted finish.
 - b) Full construction details of the new roof dormers. The details are to include 1:10 elevations and full size cross sections, including full details

of any proposed insulation. The dormers are to have lead roofs and cheeks.

- c) Ventilation details including the external appearance of any external extract terminals or boiler flues.
- d) The profile and decorative finish of all new rainwater goods and soil pipes (to be in either cast iron or cast aluminium).
- e) Refuse storage details.

Development 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.

3. Notwithstanding what is shown on the drawings, all new areas of render shall have a smooth (not textured) finish, with the surface of the render traditionally lined out in the form of Ashlar blocks.

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. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 ("the GPDO") (or any order subsequently revoking or re-enacting that order with or without modification) no enlargement, improvement, other alteration to the dwelling house, no erection of a porch, enlargement of the house by altering or adding to the roof, no other changes to the roof, nor the installation of a satellite antenna to the dwellinghouses hereby permitted on the approved plans SD/279/01A and SD/279/02A, submitted with this application, shall take place without the grant of a further planning permission. This means that the normal residential permitted development rights under the GPDO Schedule 2, Part 1 Classes A, B, C, D and H (as amended by Amendment Order No. 2 of 2005) have been withdrawn for the new houses shown on approved plans SD/279/01A and SD/279/02A.

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

47200/PC/001D, 47200/PC/005A, 47200/PC/006B, 47200/PC/007 (Location Plan Only), 47200/PC/009A, 47200/PC/010B

7. The south and east facing bathroom, stairwell, shower room and WC windows shall be obscure glazed with obscure glass to a minimum level of obscurity equivalent to Pilkington Texture Glass Level 3, or similar equivalent.

Reasons:

1. In the interests of the visual amenity of the area. (Hastings Local Plan 2004 - Policy DG1)
2. To ensure a satisfactory form of development in the interests of the character and amenity of the conservation area.
3. To ensure a satisfactory standard of development in terms of the character and appearance of the conservation area.
4. To safeguard the amenity of adjoining and future residents. (Hastings Local Plan 2004 - Policy DG1 and DG3).
5. In the interests of the amenities of the area and to protect the setting of the two adjoining listed buildings.
6. For the avoidance of doubt and in the interests of proper planning.
7. To safeguard the amenity of adjoining and future residents.

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 paragraphs 186 and 187 of the National Planning Policy Framework.
3. The applicant is reminded that it will be necessary to obtain the appropriate consent from East Sussex County Council if it is proposed to obstruct or partially obstruct the public highway (including West Street and the pavement). Please contact the ESCC on: 0345 60 80 193 or by e-mail: highways@eastsussex.gov.uk for further information.
3. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr T Tanner, Telephone 01424 783336

Background Papers

Application No: HS/FA/14/00717 including all letters and documents