

Report to: PLANNING COMMITTEE

Date: 20 October 2015

Report from: Assistant Director of Housing and Built Environment

Application Address: 35 Tower Road, St Leonards-on-sea, TN37 6JE

Proposal: Construction of fourteen apartments comprising 5 x 1, 6 x 2 and 3 x 3 bedrooms.

Application No: HS/FA/14/00968

Recommendation: Grant Full Planning Permission

Ward: GENSING
File No: TO45035
Applicant: Magdalen and Lasher Charity per John D Clarke Architects 2 West Terrace Eastbourne East Sussex BN21 4QX

Interest: Freeholder
Existing Use: Mixed uses including retail, residential, upholstery, car sales and car repairs

Policies

Conservation Area: No
National Planning Policy Framework: Sections 6 and 7
Hastings Local Plan -
The Hastings Planning Strategy: DS1, FA2, SC1, SC2, SC3, SC4, SC7, H1, H2, H3, E1 and T3
Hastings Local Plan -
Development Management Plan: LP1, DM1, DM3 and DM4

Public Consultation

Adj. Properties: Yes
Advertisement: Yes - General Interest
Letters of Objection: 42
Petitions Received: 1

Application Status: Not delegated - Petition received and referred by Cllr Andrew Cartwright

Summary

The application site relates to 35 Tower Road, St. Leonards-On-Sea. This is a wedge-shaped site bounded by Tower Road, St Peters Road and Cornfield Terrace. There are a mixture of buildings on site and a mixture of uses. These uses include an existing shop unit, some flatted accommodation, a small car sales yard, a car repair centre and an upholsterers.

This is an application for the demolition of the existing buildings on site and the erection of a flatted block of 14 units as a mix of 5 x 1, 6 x 2 and 3 x 3 bedrooms. The proposed building is a modern flat roof design that is part three and part four storeys tall. The proposal includes 14 undercroft parking spaces (one of which is a disabled parking bay).

The main issues to consider are the principle of the development, the impact upon the character and appearance of the area, the standard of accommodation proposed, the impact upon neighbouring residential amenities, and highway safety and parking matters.

Having considered all of these matters and taken into account the comments and objections of local residents and consultees I recommend that planning permission be granted subject to conditions and a s106 legal agreement to secure affordable housing.

The Site and its Location

The application site relates to 35 Tower Road, St. Leonards-On-Sea. The site situated at the junction of Tower Road, Cornfield Terrace and St. Peters Road. The site is wedge-shaped being wider at its southeast boundary (adjacent to 30 St Peters Road) and narrowing towards the northwestern boundary with Tower Road.

There are a mixture of buildings on site and a mixture of uses. These uses include an existing shop unit, some flatted accommodation, a small car sales yard, a car repair centre and an upholsterers.

The site is surrounded by mostly residential development (as a mix of houses and flats) in the form of terraced buildings ranging in height from two to three and half storeys. There is a school to the southwest and a public house to the north. Other commercial uses can be found at either end of Tower Road with Bohemia Road being designated as a local shopping area.

Details of the Proposal and Other Background Information

This is an application for the demolition of the existing buildings on site and the erection of a flatted block of 14 units as a mix of 5 x 1, 6 x 2 and 3 x 3 bedrooms. The proposed building is a modern flat roof design that is part three and part four storeys tall. The proposal includes 14 undercroft parking spaces (one of which is a disabled parking bay).

Previous Site History

There are no previous planning permissions relevant to this application.

The applicant did engage in pre-application discussions and this was generally positive. The redevelopment of the site was supported in principle and the applicant was given advice in respect of parking, design and affordable housing before making the application submission.

Details of Consultations

The **Refuse & Streetscene Services Officer** has raised no objection.

Southern Water has raised no objection subject to conditions and informatives regarding drainage details, possible diversion of the public sewer and connections to the existing drainage systems.

The **Local Highway Authority** initially recommended this application be refused as it did not provide sufficient off-street parking. Following this the applicant submitted a parking survey which the LHA were consulted on. Following a review of the additional information the LHA have now withdrawn their objection and now recommend approval subject to conditions. The parking situation has further improved since the LHA made their initial comments as the proposal has been reduced by one unit but maintains the same level of off-road parking.

The **Strategic Economic Infrastructure Team Manager (ESCC)** has stated that no contributions are required towards County Council service infrastructure (excluding highways and transport).

The application has been referred to the Planning Committee by Cllr Andrew Cartwright who is concerned about the lack of parking.

The application has attracted a petition (with 172 signatures) and 42 letters of objection. Concerns include:

- Overdevelopment of the site and an overcrowding of people.
- Insufficient parking and increased vehicle movements which are detrimental to highway safety.
- Development is out of character with the local area and is not of an appropriate design.
- The development will cause harm to neighbouring residential amenities due to loss of light, overshadowing and loss of privacy.
- Surface water flooding.
- Subsidence and the impact of piling.
- Poor standard of accommodation proposed.
- Impact of construction on residents, traffic and the school.
- Loss of businesses.
- Development will result in a poor mix of housing.
- Both too much and too little social housing.
- Impact on public services - e.g. schools and doctors' surgeries.

The following other matters have been raised but are not considered material to the decision making process (the concerns have been addressed directly with the objector where possible):

- Dog fouling.
- Street litter.
- Antisocial behaviour.
- Local dilapidated buildings.
- Developments at other sites.

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".

The main policies/guidance that apply are policies SC1, SC3, H1, H2, H3, E1 and T3 of the Hastings Local Plan - The Hastings Planning Strategy (HPS) and policies DM1, DM3 and DM4 of the Hastings Local Plan - Development Management Plan (DMP). Others apply and are listed above.

The main issues to consider are the principle of the development, the impact upon the character and appearance of the area, the standard of accommodation proposed, the impact upon neighbouring residential amenities, and highway safety and parking matters.

Principle of development

The existing site includes various buildings and the following commercial uses - a shop unit, a car sales area, a car repair centre and an upholsterers. Whilst there are no policies resisting the loss of retail uses in this area (i.e. the shop and car sales area), policy E1 of the Hastings Local Plan: The Hastings Planning Strategy resists the loss of employment uses - specifically those within Use Classes B1 (offices, workshops), B2 (general industrial) and B8 (storage and distribution) or similar. In this particular instance the upholsterers and the car repair centre would be considered employment uses in planning terms. The upholsterers would be considered a B1 use (possibly a B2 use depending on levels of noise and disturbance) and the car repair centre would be considered a B2 use and is a detriment to neighbouring amenities.

In most instances where there would be a loss of employment uses the applicant would have to demonstrate that the uses are redundant before alternative uses for the site would be considered. As the existing businesses are in operation, or they were at the time of my site visit, the applicant would not be able to prove redundancy of these spaces.

This particular issue was discussed during the pre-application discussions with the applicant. It was suggested that as the existing employment uses on site take up a small part of the site, employing only a small number of people, and/or have the potential to create noise and disturbance (particularly the car repairs), resisting re-development based on the retention of this small amount of employment space seemed unbalanced. Now that the application has been submitted I have reviewed this argument and I consider that the redevelopment of the site for residential, which would result in a more efficient use of the site and an improved appearance and compatibility with the area, would outweigh the loss of the employment use.

Although not a planning consideration the applicant has undertaken to help the existing businesses on site relocate to appropriate premises.

Considering the above the redevelopment of the site for residential is considered acceptable in principle.

Impact upon the character and appearance of the area

There has been a lot of objection to the design of the building and the impact the development will have on the character and appearance of the area. A lot of this objection is influenced by the prevalence of terraced Victorian architecture in the area. Although not a conservation area, the consistency in design is one of the area's key features. St Peters Road is an exceptional example of uniformity. Other roads have more variation but there are still rows of 4 or more units with similar features.

In very early discussions with the applicant it was agreed or noted that:

- There is strong rhythm and repetition in the area - this mostly relates to the strong repetitive rows of terraced housing - and this needs to be reflected in the design.
- The overall height of building needs to be reviewed especially so that the scale better relates to building heights along St Peters Road and it doesn't dominate the properties on Cornfield Terrace.
- Make sure that all elevations have a consistency in elevation treatments - for example, more consistent window size and design throughout the building to create a strong identity based on repetition, rhythm, type of opening, etc.
- A contemporary design approach is supported.

The submitted proposal is a variation of that shown during the pre-application discussions and it is clear that the applicant has used our discussion to improve the proposed design. The proposal is one that makes reference to local character in a fresh and modern way.

Firstly, the scale of the building has been refined. Previously its height and massing were exaggerated but the building is much more comparable with the properties on St Peters Road now, building up to an additional storey at the Junction of St Peters Road and Cornfield Terrace with Tower Road. The additional storey is set back from the main elevation on all sides and this helps to reduce the massing of the property. The overall scale of the building is comparable with properties in St Peters Road and Tower Road. These properties are 3 storeys with pitched roofs and this building is 3 storeys with a recessed fourth floor.

In terms of its appearance the building the proposal uses windows, design features and changes in materials to break up the facade. The way this has been done also results in repetition which is an interpretation of the repetition of bays that can be found in properties in St Peters Road and surrounding roads. The use of tall windows and Juliette balconies to reflect the use of large Victorian windows is welcomed and the building will be mostly rendered which is compatible given the use of stucco in Victorian architecture. The proposal does include some uncommon materials for the area - such as vertical timber cladding and aluminium panels - but this is deliberate to allow for an appropriate deviation from surrounding architecture and to prevent the building from being pastiche. The design and use of materials are considered acceptable as they give the proposal its modern twist and are used to break up the facade to help provide rhythm to the building or, as is the case with the use of aluminium panels for the recessed fourth floor, reduce the visual massing of the building.

Other design features have been incorporated for their practical solutions - such as angled windows which are used to avoid direct overlooking to properties on Cornfield Terrace or maximise sunlight - but all of these have been used to help make the overall appearance of the building compatible with its surroundings.

With regard to the use of the building the proposed development includes a mixture of 1, 2 and 3 bedroom flats. The surrounding area is made up of a mixture of flats and single dwellings houses. The proposed development is compatible with this local mix and will add to the housing offer in the local area. The applicant proposes that the development is 100% affordable. Concentrations of affordable housing can have negative results but at this scale, amongst a mixture of property sizes and tenures with good access to schools, shops and amenities, the proposed use is considered acceptable.

The proposed development will not harm the character and appearance of the area. It complies with policy SC1, H1, H2 and H3 of the HPS and policy DM1 of the DMP.

Standard of accommodation proposed

The applicant has provided a schedule of accommodation with their proposal which shows that all flats either meet or exceed the minimum floor spaces required by policy DM3 of the DMP. The properties otherwise have decent layouts with good levels of sunlight and daylight being achieved. There is dedicated cycle storage in the building, separate bin storage, parking and the building would be served by two lifts improving accessibility.

The development is otherwise located well in terms of public transport and access to shops and services so overall a decent standard of accommodation is proposed. The development complies with policies SC1 and H2 of the HPS and policy DM3 of the DMP.

Impact on neighbouring residential amenities

Together with design and the impacts on parking, the impact on neighbouring residential amenities is one of the application's most contentious matters. Ultimately, I am satisfied that the proposal is considerate of neighbouring amenities but the main issues are as follows.

Firstly, the scale of the building is considered by some to be overly dominant. As explained above the scale and massing of the building has been reduced and is comparable with existing development along St Peters Road and Tower Road. The proposal is taller than the properties on Cornfield Terrace but the applicant has made a concerted effort on the Cornfield Terrace elevation to set the building back and reduce its height in parts to ensure the proximity and massing in relation to Cornfield Terrace is not harmful. The same can be said in terms of the developments relationship with 30 St Peters Road. Here the building does not protrude past the rear elevation at first floor level and above, and the development along the courtyard boundary with no.30 is restricted to a single storey garden flat.

Related to the dominance of the building is the impact on daylight and sunlight. There is no denying that the proposed development will change the way existing properties in the area benefit from daylight and sunlight - the new development covers more of the site when compared with the existing situation - but that being said the relationship of the proposed development with existing development is not uncommon for an urban area. The changes in sunlight and daylight are therefore not considered harmful.

This conclusion has been further informed by the applicant's sunlight study. This shows that the properties on Cornfield Terrace already experience poor levels of sunlight during the winter but that the new building will not make that much difference during the equinox periods or during the summer.

There has been an objection from the residents at 30 St Peters Road, specifically about the loss of light to their property and courtyard area. The property already experiences overshadowing during the winter and equinox periods and whilst there would be some additional overshadowing during the summer months, the property still receives morning sunlight and benefits from the high sun during the summer. The front of the property is also southwest facing so overall the property receives a good level of light. The changes in light received would certainly not be detrimental to the amenity enjoyed at no.30 and is comparable to the other mid-terrace properties along St Peters Road.

The scale of the building is appropriate. It is not considered over dominant nor will it result in unacceptable losses of sunlight and daylight.

In terms of overlooking and privacy the applicant has ensured that any windows which are close to the Cornfield Road properties are orientated such that they do not directly face those properties or they are proposed to be obscure glazed. Other windows are suitably distanced to cause no loss of privacy in planning terms. The windows in the northeast elevation are either obscure glazed or suitably positioned to cause no overlooking to the residents at 30 St Peters Road.

The balcony areas proposed have been rationalised and are restricted to areas where they will not directly overlook any neighbouring residential properties.

Due to the residential nature of the development the proposal is otherwise not considered to cause any noise and disturbance that would cause harm to neighbouring residential amenities. Because of the loss of the car repair centre there may be some benefits in terms of noise.

The proposed development will not adversely harm neighbouring residential amenities. The proposal complies with policy DM3 of the DMP.

Parking and highway safety matters

The most contentious application issue is the impact of the development in terms of on-street parking and highway safety. Many of the objections include anecdotes of parking problems and some include photographs showing periods of on street parking pressures. Unfortunately, although the objections have been taken seriously, this information is a qualified picture of the problem as those objecting to the application have not undertaken an accurate parking study nor have they been able to quantify the extent of the problem. That being said the Local Highway Authority acknowledge the issues with on-street parking in the area and initially objected to the application stating that not enough off-street parking was proposed and this would likely lead to on-street parking pressures to the detriment of highway safety.

Since these comments were raised the applicant has undertaken a parking study of the area and the development has been reduced by one unit. Whilst there is still considered a shortfall in parking provision - 14 spaces are provided whilst 15 unallocated spaces are required - the study identifies that any that there are still opportunities for on-street parking in the vicinity of the area and this on-street parking can make up for any shortfall. There has been criticism of this study but it is the only quantitative evidence before me and as such I give it sufficient weight.

In addition to the on-street parking spaces it should be noted that the proposed development is in a sustainable location. There is very good access to public transport and shops and services are nearby with Bohemia Road within a short walking distance and Silverhill providing a supermarket, banking and post office.

It is acknowledged that the development will also increase traffic movements in the area. Despite the emotive language used by some residents the traffic movements are very small compared to the existing situation and it is not considered that the proposed development will result in any additional highway safety concerns.

Given the above the proposed development is considered acceptable in terms of parking and highway safety. It complies with policy T3 of the HPS and policy DM4 of the DMP.

Other

Many of the submitted objections relate to surface water drainage and groundwater movements. The current site is 100% impermeable and if there are any issues relating to surface water drainage, particularly if this site contributes to those problems, this development presents an ideal opportunity to address those as drainage details can be secured as part of any condition.

The applicant has not sufficiently explained how the development will contribute to achieving the requirements of policy SC3 of the HPS. This policy requires proposals to demonstrate how they will incorporate appropriate climate change mitigation and adaptation measures. Although many sustainability improvements will be achieved through the building's fabric there is potential for the proposal to include, amongst other improvements, solar thermal and PV panels. This information can be secured by condition.

The impacts of construction on neighbouring residents can be controlled by conditions restricting hours of working and managing construction traffic.

Concerns raised about subsidence and piling will be dealt with via building regulations. This consent regime will ensure that the development and its construction occur in a way which is safe and structurally sound.

Conclusion

These proposals comply with the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and I recommend that planning permission is granted subject to conditions and a s106 legal agreement to secure affordable housing.

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

Recommendation

A) That the Development Manager be authorised to issue planning permission upon completion of a S106 Agreement to secure an affordable housing contribution unless it has been conclusively shown that the development would not be viable if a contribution were made. In the event that the Agreement is not completed, or the viability issue not resolved, by 20 January 2016 that permission be refused on the grounds that the application does not comply with Policy H3 of the adopted Hastings Local Plan, The Hastings Planning Strategy 2011-2018.

B) Subject to A) above:

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:

9729/00, 02A, 03E, 04D, 06B and 07B
3. No development shall take place above ground until samples of the materials to be used in the construction of the external surfaces of the flats hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development above ground shall take place until full details of the hard landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; and hard surfacing materials.
5. All hard landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.
6. All planting, seeding or turfing for the approved garden and planting areas, as shown on drawing no.9729/03E, shall be carried out prior to the occupation of any part of the development, or with the written agreement of the Local Planning Authority, in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
7. Before they are added details of the balcony and roof terrace balustrades shall be submitted to an approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

8. Before the development hereby approved is commenced details of appropriate climate change mitigation and adaptation measures as required by policy SC3 of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
9. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
10. Prior to the commencement of development a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Local Highway Authority. This shall include the size of vehicles, routing of vehicles and hours of operation. The development shall be carried out in accordance with the approved scheme.
11. 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.
12. The new accesses shall be in the positions shown on the approved drawing no. 9729/03E and laid out and constructed in accordance with the attached HT407 form/diagram and all works undertaken shall be executed and completed by the applicant to the satisfaction of the Local Planning Authority prior to occupation of the development hereby permitted.
13. The development shall not be occupied until the parking areas have been provided in accordance the approved drawing no. 9729/03E and the areas shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
14. The building shall not be occupied until the existing accesses shown on submitted drawing no. 9729/00 have been stopped up and the kerb and footway reinstated in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
15.
 - (i) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal/management have been submitted to and approved in writing by the Local Planning Authority.
 - (ii) Development shall be carried out in accordance with the details approved under (i) and no occupation of any of the dwellings or flats hereby approved shall occur until those works have been completed.
 - (iii) No occupation of any of the dwellings or flats hereby approved shall occur until the Local Planning Authority has confirmed in writing that it is satisfied, that the necessary drainage infrastructure capacity is now available to adequately service the development.

16. The details required for condition 15 above shall include measures for the diversion of the public combined sewers prior to the commencement of development.
17. All windows shown on the approved drawings as obscure glazed shall remain obscure glazed and non-opening at all times.

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 the interests of the visual amenity of the area.
4. To ensure a satisfactory form of development in the interests of the visual amenity.
5. To ensure a satisfactory form of development in the interests of the visual amenity.
6. To ensure a satisfactory form of development in the interests of the visual amenity.
7. In the interests of the visual amenity of the area.
8. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
9. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
10. In the interests of vehicular and pedestrian safety.
11. To safeguard the amenity of adjoining residents.
12. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
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14. In the interests of the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
15. To prevent increased risk of flooding.
16. To prevent increased risk of flooding.
17. In the interests of the amenity of the neighbouring residential occupiers.

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. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).
4. A formal application for connection to the public foul sewerage system is required in order to service this development, please contact Southern Water: Developer Services, Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. Tel: 0330 303 0119. E-mail: developerservices@southernwater.co.uk.
5. Consideration should be given to the provision of a domestic sprinkler system.

Officer to Contact

Mr S Batchelor, Telephone 01424 783254

Background Papers

Application No: HS/FA/14/00968 including all letters and documents