



Appeal Decision

Site visit made on 12 January 2022

by G Ellis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th February 2022

Appeal Ref: APP/B1415/W/21/3276360

10-12 Astec House, Sedlescombe Road South, St Leonards on Sea, East Sussex TN38 0TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Astec Computing (UK) Ltd against the decision of Hastings Borough Council.
 - The application Ref HS/FA/20/00125, dated 12 February 2020, was refused by notice dated 15 December 2020.
 - The development proposed is the redevelopment to provide a mixed scheme comprising 225.9sqm of business floorspace and 1 x 1 bed, 7 x 2 bed and 1 x 3 bed apartments, together with associated parking.
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Decision

1. The appeal is allowed, and planning permission is granted for the redevelopment to provide a mixed scheme comprising 225.9sqm of business floorspace and 1 x 1 bed, 7 x 2 bed and 1 x 3 bed apartments, together with associated parking at 10-12 Astec House, Sedlescombe Road South, St Leonards on Sea, East Sussex, TN38 0TA in accordance with the terms of the application, HS/FA/20/00125, dated 12 February 2020, and the plans submitted with it and as subsequently revised, subject to the conditions set out in the attached Schedule.

Procedural Matters

2. The description of development is taken from the appeal form as the proposal changed during the planning application process and the revised description was agreed with the Council. The plans listed on the Council's decision notice do not take account of the revisions, however the main parties have confirmed that the plans on which the application was determined included the amended plans dated 8 September 2020. I have considered the appeal on the basis of the amended plans.
3. A previous scheme for '*a Redevelopment to provide a mixed scheme comprising 290 sqm of business floor space and 12 x two bed and 1 x three bed apartments together with associated parking*' was dismissed at appeal in July 2019 (appeal reference APP/B1415/W/19/3224998).
4. When I arrived at the appointed time for my site visit, which was identified as access required, nobody was present. However, I was able to view the site from the public highway and as such I consider that there is sufficient information before me to determine the appeal.

Main Issues

5. The main issues are the effect of the development on: -

- the character and appearance of the area; and
- the living conditions of the occupiers of No. 8 Sedlescombe Road South with regards to privacy.

Reasons

Character and Appearance

6. The appeal site is a corner plot at the junction of Sedlescombe Road South and Ponswood Road. The existing flat roofed office building is part two storey, part single storey with a surface car park running the full length of the rear. The neighbouring properties (a doctors' surgery to the north and a chapel to the west) are single storey buildings with pitched roofs, however, the area generally comprises taller buildings with Victorian residential properties to Sedlescombe Road South. The road slopes down to a busy intersection which forms part of Silverhill District Centre and has a range of facilities including a superstore and other retail and commercial units.
7. The proposal is for a four-storey building which would have a staggered building form with a cantilevered element to the rear. The overall height of the building would be relative to that of 14 Sedlescombe Road South, located to the south and on higher ground. The fourth storey would be inset and clad in zinc. Whilst I acknowledge that zinc cladding is not a material prevalent in the locality, in my view, it would help to minimise the visual impact of the penthouse with the principal elevations predominately appearing as 3 storeys. I also accept, as noted by the appellant, that materials, which included zinc cladding, was not a matter raised in the previous appeal decision which identified various concerns with the design and massing of that scheme.
8. The proposed development has been reduced in height and scale from the previous five storey scheme. The design now has more of a horizontal emphasis and its siting follows the existing building, maintaining the existing separation distances to the neighbouring properties and set back from the footway. The design does contrast with the traditional buildings in the vicinity, although the flat roof is reflective of the existing building, and the corner position provides an opportunity for visual variation.
9. In my view, the building has been designed to address the street frontages and the concerns raised in the previous appeal decision. There would still be quite a step change in height between the proposal and the neighbouring doctors' surgery. However, a building of a similar scale is located to the other side of the doctors' surgery and the proposed fourth storey elements are set away from the north-east elevation. As such, I find the scale of the building would not be out of keeping with the general rhythm of the street or be so overly dominant that it would be visually harmful.
10. The proposed bin store would be located adjacent to the access point and thereby would be visible along Ponswood Road. Nevertheless, I note the location is to facilitate collection and is a result of consultation with the Council's waste management team. Currently all but one side of the site is visually open with boundary treatment comprising low level walls. However,

taller boundary treatments are found along Ponswood Road including opposite where an extensive wall forms the side boundary to No.14. The bin storage area is proposed to be enclosed by rendered walls which could be supplemented by planting or other design features.

11. The National Design Guidance 2019 referred to by the Council explains that waste storage should be accessible and where a street frontage location is required bins are sited within well designed stores (paragraph 134). Requirements for the subdivision of the office and residential waste, and for further screening could be secured through a condition requiring the details to be approved by the Council. Therefore, whilst it would be a notable feature, given the constraints and the provision of screening, I do not find as part of the development as a whole the bin store would be unacceptable or conflict with the design guidance.
12. Overall, I find that the development would not be an incoherent feature or have a detrimental visual impact on the character of the area. The development would accord with policy DM1 of the Hastings Development Management Plan 2015 (DMP) and the National Planning Policy Framework (the Framework) which amongst other things, require a good standard of design, and for proposals to take into account visual impact.

No. 8 Sedlescombe Road South (privacy)

13. Both the existing office building and the doctors'surgery (No.8) have windows on the interfacing flank elevations. The existing gap between the buildings which is formed of a landscaped area and an access drive to the rear of No.8 would be maintained. The proposed building would be taller and project further to the rear on the upper floors, but not beyond the rear building line of No.8 and no windows are proposed in this part of the northeast elevation. Impact on the neighbours living conditions was not a matter raised by the Council to the previous scheme (appeal decision paragraph 13), and that scheme was closer and had windows over three floors in the flank elevation. There is already mutual overlooking between the two buildings, and I do not find this would be unacceptably exacerbated by the proposed windows to the north-east elevation.
14. In contrast, due to its height and position, the proposed terrace to the penthouse, may potentially give rise to overlooking of the rear of No.8 which includes a number of rooflights. Comments from an interested party indicate that the rear of the building is used as consulting rooms, and I am also mindful of not prejudicing any future uses. I do, however, agree with the appellant that the potential loss of privacy could be appropriately addressed by the inclusion of a privacy screen to restrict views towards No.8. Such a feature could be secured via condition, and a screen is already proposed for the terrace to the south-west elevation and thereby could be integrated as part of the design.
15. I therefore conclude that the resultant development would avoid adverse impacts on the amenity of the neighbours as required by DMP policy DM3.

Other Matters

16. The Council's decision notice includes a fourth reason for refusal relating to the living conditions of the future occupiers of flat 9 in relation to the bedrooms being served by French doors. The Council suggest that not having a window is

unacceptable for safety reasons. Flat 9 is on the third floor and both sets of doors open on to private terraces with balustrades. As such, I am not persuaded that the doors could not be opened at night if required. DMP policy DM3 is a general amenity policy and I have not been directed to any specific policies or guidance which prohibits this arrangement for bedrooms. Accordingly, I do not find any conflict with the development plan, and it is not a matter to which I have attached weight.

17. Interested parties have raised a number of other issues which were addressed in the Council's officer report. Matters of air quality, parking provision, access, and drainage were found to comply with the relevant policies and conditions have been proposed to secure required provisions. There is no specific evidence before me which would lead me to take a different view on these matters.
18. The Council currently do not have a 5-year housing land supply. Therefore, in accordance with the Framework there is a presumption in favour of sustainable development. The site is located close to amenities and accessible by non car modes. The development would also make more efficient use of the site, contribute to boosting the supply of homes and provide enhanced office accommodation which are benefits of the development.

Conditions

19. I have had regard to the list of conditions provided by the Council and advice in the Planning Practice Guidance (PPG). Where necessary, I have reworded them for clarity and simplicity, and have also amalgamated some of the conditions to avoid duplication.
20. Conditions are necessary in the interests of compliance with statutory requirements relating to the commencement of development [1] and certainty [2]. Conditions are necessary to minimise disturbance to local residents in relation to the working hours [3] and construction management arrangements [4]. Details are also required in relation to foul sewerage and surface water disposal to ensure the development makes adequate provisions [5], although I have not included the need for the Council to confirm capacity as sewer connection can be separately arranged.
21. Conditions are necessary to ensure appropriate provisions are made for access and parking before the building is occupied [6] and that the spaces are of a sufficient size [7]. I have also included a condition to secure the cycle storage to help facilitate sustainable modes of transport [8]. As set out above conditions are necessary in relation to the provision of a privacy screen to the terrace [9], and further details of the bin store area [10].
22. The Council has suggested a condition relating to contamination, however given the existing office use and that no reference to likely contamination of the site has been made I do not find that this is necessary. A condition is also suggested for fixed plant, machinery and equipment associated with air movement, but the basis for this has not been clearly specified, and I have not imposed the requirement.

Conclusion

23. For the reasons set out above, and having regard to all other matters raised, I allow the appeal subject to conditions.

G Ellis

INSPECTOR

Schedule of 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:

17.892/01F, 17.892/02, 17.892/03J, 17.892/04L, 17.892/05J, 17.892/06A, 17.892/07D, 17.892/08C, 15.637.01 and 15.637.2
3. With the exception of internal works the building works required to carry out the development and associated deliveries 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.
4. Before the development is commenced, including any ground works or works of demolition, a Construction Management Plan to take account of highway and environmental protection issues, shall be submit to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate, but not be restricted to, the following matters:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt; and
 - a scheme for recycling/disposing of waste resulting from demolition and construction works.
5. Before the development is commenced details of the proposed means of foul sewerage and surface water disposal/management shall be submit to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the details approved and no occupation of the building hereby approved shall occur until those works have been completed.
6. The building shall not be occupied until the access, turning space and parking spaces have been provided in accordance with the approved plan 17.892/03J and thereafter be kept available at all times for those purposes.
7. The proposed parking spaces shall measure at least 2.5m by 5m (extra 50cm where spaces abut walls).
8. The development shall not be occupied until cycle parking provisions have been provided in accordance with the approved plans 17.892/03J and 17.892/07D and shall thereafter be retained for that use.
9. The penthouse flat (flat 9) hereby permitted shall not be occupied until the terrace on the north-eastern elevation has been fitted with a privacy screen.

Details of the screen shall be submitted to and approved in writing by the local planning authority before it is installed and once installed the privacy screen shall be retained thereafter.

10. Notwithstanding condition 2, the building shall not be occupied until details of the bin store including any screen planting have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained thereafter.