

# Planning Committee Agenda

**Wednesday, 25 May 2016 at 6.00 pm**

Council Chamber, Aquila House, Breeds Place, Hastings, TN34 3UY

If you are attending Aquila House for this meeting, please enter the building via the Tourist Information Centre entrance.

For further information, please contact Emily Horne on 01424 451719 or email: [ehorne@hastings.gov.uk](mailto:ehorne@hastings.gov.uk)

		Page No.
1.	Apologies for Absence	
2.	Declarations of Interest	
3.	Minutes of the meeting held on 20 April 2016	1 - 4
4.	Notification of any additional urgent items	
5.	Planning Applications attracting a petition:	
(a)	Factory and Premises, 36 Croft Road, Hastings ( <i>Mr Y Watt – Planning Officer</i> )	5 - 18
6.	Planning Applications:	
(a)	11-15 Sedlescombe Road North, St. Leonards on Sea ( <i>Miss S Roots – Senior Planner</i> )	19 - 32
(b)	3 North Street, St. Leonards on Sea ( <i>Mrs E Meppem – Assistant Planner</i> )	33 - 42
(c)	Summerfields Business Centre, Hornty Park, Hastings ( <i>Ms K Phillips – Senior Planner</i> )	43 - 60
(d)	Land at and South of Holmhurst St. Mary, The Ridge, St. Leonards on Sea ( <i>Mr S Batchelor – Senior Planner</i> )	61 - 84
(e)	Island outside St. Leonards Warrior Square Railway Station, Kings Road, St. Leonards on Sea ( <i>Mr Y Watt – Planning Officer</i> )	85 - 92
7.	Planning Appeals and Delegated Decisions ( <i>Mrs E Evans – Planning Services Manager</i> )	93 - 94

This page is intentionally left blank

# Agenda Item 3 Public Document Pack

## PLANNING COMMITTEE

20 APRIL 2016

Present: Councillors Street (Chair), Scott (Vice-Chair), Beaney, Beaver, Edwards, Dowling, Lee, Roberts, Rogers and Wincott

**86. APOLOGIES FOR ABSENCE**

None.

**87. DECLARATIONS OF INTEREST**

None.

**88. MINUTES OF THE MEETING HELD ON 23 MARCH 2016**

**RESOLVED** – that the minutes of the meeting held on 23 March 2016 be approved and signed by the Chair as a true record.

**89. NOTIFICATION OF ANY ADDITIONAL URGENT ITEMS**

None.

**90. PLANNING APPEALS AND DELEGATED DECISIONS**

The Planning Services Manager reported that 1 appeal had been dismissed and 1 appeal had been allowed. She also reported on the number of delegated decisions.

All matters had arisen between 11<sup>th</sup> March to 08<sup>th</sup> April 2016.

**91. PLANNING APPLICATIONS:**

**91.1 Shop and Premises, 26 George Street, Hastings**

Proposal:	Conversion of basement from ancillary storage to bar area in connection with the existing premises at ground floor
Application No:	HS/LB/15/01024
Existing Use:	Bar
Conservation Area:	Yes – Old Town
Listed Building	Grade II
Public Consultation	Not delegated – More than 2 letters of objection

## **PLANNING COMMITTEE**

**20 APRIL 2016**

The Planning Services Manager gave a verbal update as to the position regarding the fire exits on the basement.

Councillor Beaver proposed a motion to approve the application. This was seconded by Councillor Scott.

**RESOLVED** – (unanimously) that Listed Building Consent be granted subject to the following conditions:

- 1. The work to which this consent relates shall be begun before the expiration of three years beginning with the date on which this consent is granted.**
- 2. The works hereby permitted shall be carried out in accordance with the following approved plans:**  
  
**nr995/15/01, nr995/15/02 (revised), nr995/15/03, nr995/15/04, nr995/15/05, nr995/15/06 & Staircase Details**
- 3. 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.**
- 4. No works shall take place until a sample of the proposed stone covering to the existing internal stairs between the ground floor and basement is submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with the approved details.**
- 5. All making good to be on a like for like basis to match existing materials and finishes.**

### **Reasons:**

- 1. This condition is imposed in accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.**
- 2. For the avoidance of doubt and in the interests of proper planning.**
- 3. In the interests of the amenity of the neighbouring residential occupiers.**

## **PLANNING COMMITTEE**

**20 APRIL 2016**

- 4. To ensure the architectural and historic character of this Grade II Listed Building is adequately protected.**
- 5. To ensure the architectural and historic character of this Grade II Listed Building is adequately protected.**

### **Notes to the Applicant**

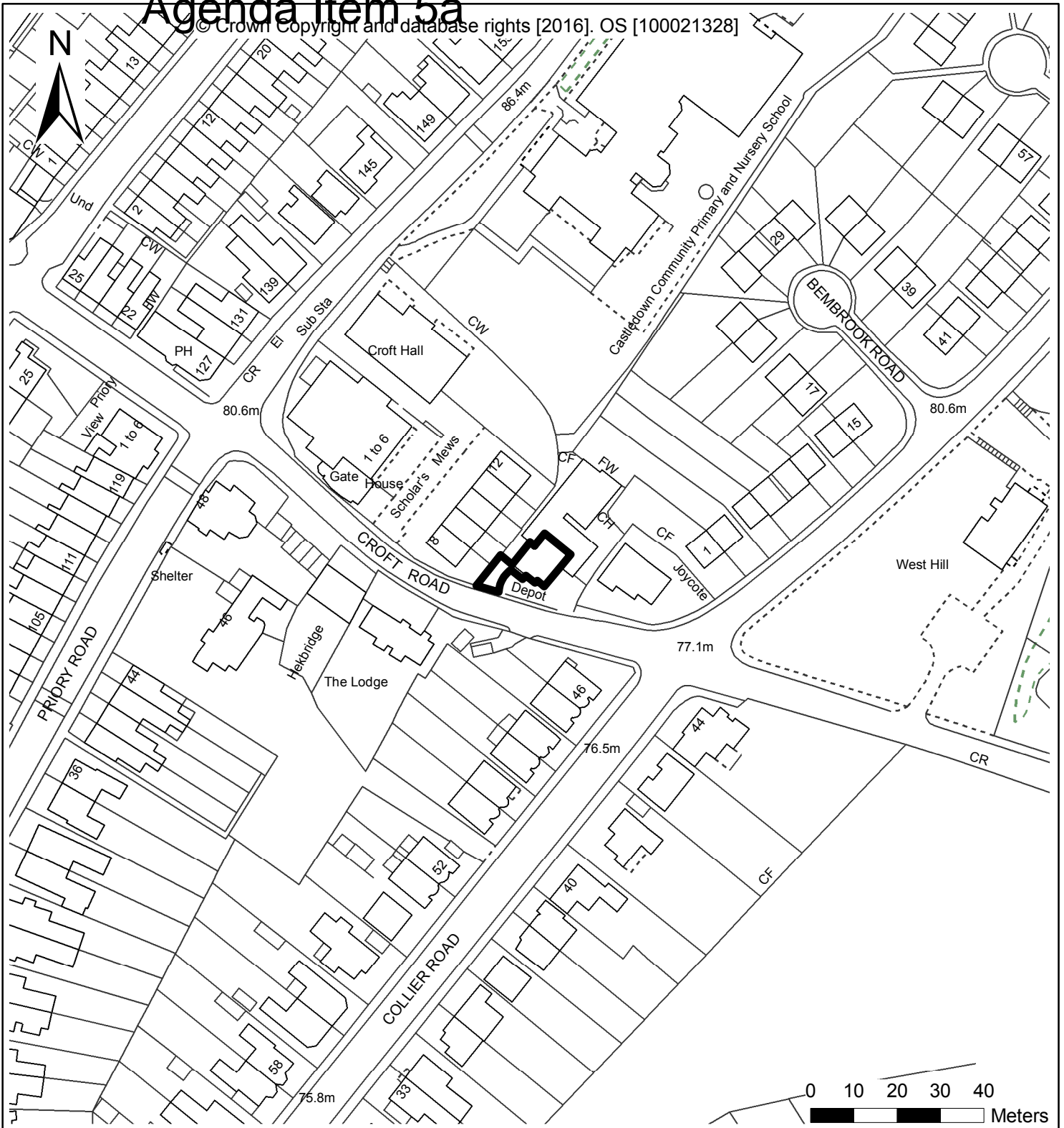
- 1. Failure to comply with any condition imposed on this consent may result in enforcement action without further warning.**
- 2. Statement of positive engagement: In dealing with this application Hastings Borough Council has actively sought to work with the applicant in a positive and proactive manner, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework.**
- 3. The Assistant Director of Environment & Place must be consulted with regard to the requirements of the Food Safety (General Food Hygiene) Regulations 1995 and the Health and Safety at Work Etc. Act 1974. Please email [foodsafety@hastings.gov.uk](mailto:foodsafety@hastings.gov.uk) or call 01424 451078.**

(The Chair declared the meeting closed at 6.11 pm)

This page is intentionally left blank

# Agenda Item 5a

© Crown Copyright and database rights [2016]. OS [100021328]



**Factory and Premises**  
**36 Croft Road**  
**Hastings**  
**TN34 3JU**

Retrospective temporary change of use from warehouse (B8) to tile showroom (A1) (amended description)



Assistant Director Housing & Built Environment  
 Hastings Borough Council,  
 Aquila House, Breeds Place,  
 Hastings, East Sussex TN34 3UY  
 Tel: 01424 451090  
 email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: May 2016

Scale: 1:1,250

Application No. HS/FA/16/00086

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank



**Report to:** PLANNING COMMITTEE

**Date:** 25 May 2016

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

**Application Address:** **Factory and Premises, 36 Croft Road, Hastings, TN34 3JU**

**Proposal:** **Retrospective temporary change of use from warehouse (B8) to tile showroom (A1) (amended description)**

**Application No:** **HS/FA/16/00086**

**Recommendation:** **Grant Full Planning Permission**

Ward: CASTLE  
File No: CR35250T  
Applicant: Trade Counters Direct Ltd. per Town & Country Planning Solutions Sandhills Farmhouse Bodle Street Green HAILSHAM, East Sussex. BN27 4QU

Interest: Owner  
Existing Use: Ancillary area to tile showroom (use Class A1) - Unauthorized

### **Policies**

Conservation Area: No  
Listed Building: No

### **Public Consultation**

Adj. Properties: Yes  
Advertisement: No  
Letters of Objection: 15  
Petitions Received: 1

Application Status: Not delegated - More than 2 letters of objection received

### **Notes**

Neighbours Expire: 21 March 2016      Members Expire: 21 March 2016 or same as advert expiry if later.

Neighbours Checked on site: Yes  
Objection letters read: Yes  
Site Visited: 18 February 2016  
Page 7

## Site and Surrounding Area

The site is broadly rectangular in shape and is situated on the northern side of Croft Road adjacent to Scholars Mews, approximately 60m from its junction with Priory Road to the west and 30m from its junction with Bembrook Road/Collier Road to the east.

The site contains a single storey building positioned within the central part of the site and set back approximately 5m - 8m from the Croft Road frontage. The storage and distribution element to the rear of the building is used by Trade Counters Direct Ltd in association with their bathroom and plumbing retail outlet located at nos. 363, 365 and 367 Old London Road within the Ore Village District Centre, Hastings, TN35 3BD. The front part of the building (previously used as B1 offices and part B8 storage and distribution) has however, been used and is currently still being used as a separate tile show room (A1 retail use), although operated by the same company. The rest of the site is laid to hardstanding.

The area immediately surrounding the site is predominantly characterised by a mixture of residential properties. Castledown Community Primary is located north west of the site and is accessed via Priory Road and Torfield School also located off Croft Road approximately 140m to the east.

## Proposed development

This proposal seeks temporary retrospective planning permission (until 1 May 2017) for a change of use from part B8 (storage and distribution) to A1 (retail use for tile showroom). This small area of approximately 25m<sup>2</sup> is currently used as floor space which forms part of the existing tile showroom. Therefore, the amount of B8 gross internal floor space lost as part of the proposed change of use will be 25m<sup>2</sup>.

The rest of the floor space to the front of the building, which has a gross internal floor area of 97m<sup>2</sup> benefits from permitted development that allows a temporary 2 year flexible A1 use for a tile showroom. This is pursuant to the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 3, Class I, Clause I (a). The permitted development rights expire in April 2017. The application is for temporary permission which would expire on 2 May 2017 from which point the building would be required by condition to revert back to office (B1) use. This would accord with the permitted development rights for such changes of use where, after the expiry of a 2 year period, the General Permitted Development Order 2015 requires the site to revert to its previous lawful use at the end of the period of flexible use. In other words, the recommendation does not give permission for the loss of the office (B1) or warehouse (B8) use beyond that allowed by permitted development.

The total internal floor space area relating to retail (A1) use on the site would therefore increase to 122m<sup>2</sup>.

The application does not relate to the existing remaining B8 use (storage and distribution) as this already benefits from extant planning permission.

There are no proposed changes to the previously approved access arrangements, the external elevations or the general layout of the rest of the site's curtilage.

The application is supported by the following documents:

Application form, dated 15 February 2016

TCPS 619A/1 (Site Location Plan)

TCPS 619A/2 (Floor Plan - As Approved from planning permission HS/FA/08/00612 )

TCPS 619A/4 (Floor Plan - Existing/Proposed) - Revised drawing

Planning Statement prepared by Town & Country Planning Solutions (Ref: CPS 619A) t , dated February 2016

Email from Barclays Bank, dated 27 April 2015 - Acceptance of application for a mobile payment card reader (sent to premises and first used from 1 May 2015)

## Relevant Planning History

- HS/FA/16/00016 Variation of Condition 1 of Planning Permission HS/FA/08/00612 - To permit either an office or tile showroom use within the front part of the building (with approved storage and distribution used retained within the rest of the building), withdrawn prior to validation on 22.01.2016 (Council's request)
- HS/FA/15/00711 Change of use to a mixed warehouse/tileshop/showroom, withdrawn on 10.11.2015
- HS/FA/08/00612 Retrospective application for use as offices and stores, granted on 24.10.2008
- HS/FA/03/00751 Remove warehouse roof felt covering and replace with metal sheet profiles, granted on 14.10.2003
- HS/FA/03/00252 Demolition of existing premises. Erection of 3 town houses with parking, refused on 12.05.2003
- HS/80/00106 Erection of an aerial mast for radio taxis, granted on 02.04.1980
- HS/73/01341 Redevelopment by erection of 3 houses and 3 garages, with vehicular/pedestrian access, granted on 13.12.1973
- HS/OA/73/00912 Redevelopment by the erection of six flats and six garages with vehicular access. refused on 12.07.1973
- HS/69/01004 Change of use from milk depot to car repair workshop, refused on 28.11.1969
- HS/61/01014 Single storey extension to form additional storage space., granted on 16.11.1961
- HS/55/00828 Alterations to access, granted on 14.02.1956
- HS/FA/50/00696 Internal alterations and extension of Garage roof shelter, granted on 12.12.1950

**Note:** HS/FA/15/00711 was withdrawn as the applicant established that the tile showroom (Use Class A1) was in accordance with the Town and Country Planning (General Permitted Development) (England) Order 2015 for a single period of up to 2 years. That permitted development right is a more recent addition to the legislation that came into effect in April 2015. Although the applicant advised the Council that the current A1 use started in January 2014, the two year permitted development flexible use period cannot start earlier than the right came into effect (4/2015). Further information provided by the agent shows that an electronic card payment device was installed in the showroom in May 2015. Subsequent to the above information, the current A1 use within the front part of the building (97m<sup>2</sup> area) is still considered to be permitted development until 1 May 2017.

## **Relevant Environmental Health (Pollution) Complaint History**

Environmental Health have not received any noise complaints in relation to the subject premises. This was confirmed on 24.03.2016.

## **Development Plan Policies and Proposals**

### Hastings Local Plan – Development Management (DMP) (2015)

LP1 - Considering Planning Applications

DM1 - Design Principles

DM3 - General Amenity

DM4 - General Access

DM6 - Pollution and Hazards

### Hastings Local Plan – Planning Strategy (HPS) (2014)

DS2 - Employment Growth

FA2 - Strategic Policy for Central Area

SC1 - Overall Strategy for Managing Change in a Sustainable Way

SC2 - Design and Access Statements

E1 - Existing Employment Land and Premises

T3 - Sustainable Transport

### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

Retention of Employment Land and Premises Supplementary Planning Document (SPD) 2015

East Sussex County Council Guidance for Parking at Non-Residential Development

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 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.

Section 1 - Building a strong, competitive economy

Section 7 - Requiring good design

## **Consultations comment**

**Enforcement officer, no objection.** Stated the following on 22.03.2016:

*"We received a complaint in 2011 for a possible change of use and working outside permitted hours.*

*In July 2015 we received a complaint for a change of use without planning permission.*

*In November 2015 and March 2016 we received complaints regarding working outside permitted hours."*

**Environmental Health Manager, no objection.** Stated the following on 24.03.2016:

*"I refer to the above Planning Application and as there have been no noise complaints received by this department, in relation to the above premises and that the proposal is for an extension of the existing use, I raise no objections to the proposed development."*

**Waste and Street Scene Services officer, no objection.** Stated the following on 17.03.2016:

*"I have viewed the application and drawing's and can confirm our approval."*

**East Sussex County Council ESCC (Highways), no objection.** Stated the following on 26.02.2016:

*"I do not wish to restrict grant of consent subject to the observations below*

*An Office or Tile showroom, in accordance with the ESCC, Parking Standards should provide 1 space per 30m<sup>2</sup>.*

*The proposed site area is 122m<sup>2</sup> which creates a demand for 4 spaces. The current office area of 97m<sup>2</sup> plus storage space of 25m<sup>2</sup> would require the same level of parking provision as is proposed. The 1 space allocated therefore falls short of the recommended number, however, taking into consideration the site has been operating as a tile showroom for 2 years and the potential to park on street this is not considered to be a major concern.*

*With this in mind, I do not feel that a recommendation for refusal could be justified in this instance as a severe impact would not be created and therefore the proposal is in accordance with the transport requirements of the NPPF."*

The owner of no.46 Collier Road, Hastings wrote to ESCC (Highways) on 09.03.2016 regarding the above comments.

**ESCC (Highways) (additional comments to objector)** replied to the above email stating the following on 10.03.2016:

*"Thank you for your comments and the information provided.*

*Although I understand your concerns, this application seeks permission for change of use to permit either an office or tile showroom. We can only take into account the change of use rather than the storage and distribution that has already been approved.*

*The tile showroom or office space is unlikely to generate the need for additional deliveries by lorry, it will generate the need for additional parking however there is capacity to accommodate this within the vicinity without causing a severe issue.*

*I hope this clarifies my views."*

## **Representations**

There have been 16 objections received against the proposal and a petition with 16 signatures.

Note: Some notification letters were not initially sent to Croft Hall (Internal GIS error, which has since been rectified) during the first consultation period and therefore the application was re consulted with a revised deadline for comments being 21.03.2016.

### Summary of objections

- Direct contravention of policies.
- Out of character with the area and street pattern and in unsuitable location.
- Concerns in relation to highway safety (residents, children) including parking, congestion, traffic generation.
- Noise and disturbance.
- Rubbish from skip which is unsightly.
- Croft Road is a Heritage site and not an Industrial one. Ivy House Lane is the Industrial site not Croft Road.
- Opening hours have not been stipulated. Highly likely that the premises will be used after working hours/at the weekend.
- Devaluation of neighbouring nearby properties.
- Insufficient enforcement action.
- It will become impossible for the Council to determine which part of the premises operates as a show room and which part operates as a warehouse, making enforcement impossible.
- Questions the number of estimated proposed customers to the business each day.
- Questions the neighbour notification process as to who should have been notified of this planning application.
- Nos 1-7 Scholars Mews consulted on the last application but not this application. Nos. 1 to 7 use the same gates as nos. 8 to 12 Scholars Mews and Croft Hall and therefore are equally affected by the problems caused by the Tile Centre. Planning was alerted to this omission, but it has not been rectified.

- Torfield School not been consulted either.
- Size the business has grown to over the last few years.
- Associated garish banners.
- Harm to residential amenity.
- No Design and Access Statement.
- Disagree with closing statement of Planning Statement “Would not give rise to any unacceptable conflict with planning policies or give rise to demonstrable harm.”
- If the use of just offices were to be granted, it is feared that an immediate repeat use of the current Development Rights to use the 2 year rule again to keep the current Hastings Tile Centre open.
- No provisions at all for disabled employees or even customers ie toilets, ramps, wide doorways and parking.
- Breach of the Human Rights Acts 1998, Article 8 – the right to respect private life and our homes.
- A new planning application was meant to be made by the end of December 2015.
- Further damage to road and properties from large lorries.
- Questions the comments made by East Sussex County Council (Highways).

#### Summary of petition:

- Loss of privacy from delivery vehicles when loading and unloading.
- Waste provision inadequate.
- Rat infestation at Nos. 8-12 Scholars Mews.
- Highway Safety in relation to large delivery vehicles.
- Felt that Policy DM3 not achieved in terms of achieving a good living standard for future users of proposed development and neighbours.
- Traffic congestion at certain times from delivery vehicles.
- Commercial business is not suitable in a residential area.
- Business has reached a certain size and been an issue now for approximately 5 years, in terms of impact on the area and life generally.
- Permission would further impact the area and people's lives would be further deteriorated.
- Residents state that reports on highways and amenities are inaccurate.

### **Determining Issues**

The main planning issue is therefore, whether the temporary retrospective (until 1 May 2017) change of use from part B8 (storage and distribution) to A1 (retail use for tile showroom) has given rise to any demonstrable harm having regard to relevant planning policies and other planning considerations. Based on the relevant policies listed above the main considerations are the principle of the proposal, loss of Part B8 use (approximately 25m<sup>2</sup>) for a temporary period, impact on character and appearance of area, impact on neighbouring residential amenities and highway safety/parking.

## **Principle of development**

The site is in a sustainable location and the application is therefore in accordance with policy LP1 Hastings Local Plan - Development Management (2015) in this respect and acceptable in principle subject to other local plan policies. Although located within a residential area, the application site has been in commercial use for many years dating back to at least the early 1950's. The Council has previously granted consent for the current B1 and B8 uses on site. A change in planning regulations on 15 April 2015 to the General Permitted Development Order means that the existing tile showroom at the front of the building (97m<sup>2</sup> area) is currently authorised for a temporary flexible period ending on 1 May 2017. Therefore, this part of the building doesn't require planning permission or further consideration as part of this application. Furthermore the loss of the office (B1) use does not need to be justified during the permitted development period. The temporary consent means that the retail (A1) will revert to the office (B1) in May 2017.

Although the building (and the land) as a whole is occupied by Trade Counters Ltd, the two existing uses (i.e storage and the tile showroom uses) are not mutually dependent upon each other and instead form two separate 'planning units'. The authorised B8 use is directly related the applicants existing and separate retail outlet located elsewhere in the local area. The storage area is used to receive bathroom and heating items ordered at the retail outlet within Ore Village for onward distribution to (or collection by) customers.

The applicant's separate retail outlet in the Ore Village District Centre has space only for a small display of tiles. The tile showroom use at the application site provides for the display of a much greater range of tiles for customers.

The Council can only consider the temporary change of use for part of the building rather than the use of the whole building as storage and distribution element, which already has planning permission and does not form part of this application. Given that the additional ancillary internal floor space (approximately 25m<sup>2</sup>) to the tile showroom is unlikely to generate an increase in noise levels (no tile cutting taking place on site), no need for additional deliveries by lorry and can accommodate parking on site without causing harm to highway safety or parking, the principle of the development is considered to be satisfactory.

## **Character and Appearance of the Area**

No external changes are proposed. Therefore, the character and appearance of the local area will not be compromised. The impact on the character of the area arising from the change of use between B8 to A1 is not considered to be significant or harmful.

## **Amenity of Neighbouring Residents**

Policy DM3 Hastings Local Plan – Development Management (2015) seeks among other matters, to ensure that the use of a building has an acceptable impact upon the amenities (i.e. living conditions) of neighbouring properties. Although the site has been in commercial use for over 65 years, it is now surrounded by residential properties, including a relatively new housing development that has taken place on land immediately to the west (a former Education Centre) under the provisions of Policy H15 (65) of the former Hastings Local Plan (adopted in April 2004).



The application site is surrounded by residential properties. The major amenity issues to be considered are covered within parking and highway safety, noise and hours of use sections of this report.

Based on evidence provided by the applicant, comments from the consultees and the fact that the tile showroom is lawfully authorised for a temporary use until 1 May 2017, it is considered the proposal will not have an unacceptable impact on the amenity of neighbouring residents. Furthermore, conditions of consent will be included to ensure that the amenity of neighbouring residents is protected.

Finally, due to the small proposed temporary additional ancillary internal floor space area of the tile showroom (approximately 25m<sup>2</sup>), the impact upon neighbouring residential occupiers is not considered to be harmful or any different to what lawfully exists on site at present.

### **Hours of use**

No operating hours have been proposed as part of this application. It is reasonable to condition this consent to have the same existing operating hours as per approved planning application HS/FA/08/00612. This will ensure there will be a neutral impact in terms of operating hours. The premises will therefore be limited by condition to 8am to 5pm, Monday to Fridays, 8am to 12:30pm Saturdays and no operation on Sundays.

Given these considerations the development is acceptable in principle subject to other local plan policies and considerations below.

### **Noise**

Policy DM6 of the Hastings Local Plan - Development Management Plan, 2015 states that noise and odour that is detrimental to neighbouring and/or local amenity is kept to a practical minimum.

It is considered that the proposed use will have a minimal impact with regards to noise as there will be no tile cutting taking place on site and customers will only be attending the site to view samples within the tile showroom, an activity which will not increase the type of noise levels currently experienced at the site. It is noted that Environmental Health have received no noise complaints regarding the current use and they have no objections to the application.

### **Refuse**

While the tile showroom use generates a limited need to dispose of refuse and recycling, this is also minimal and is unlikely to be greater than the alternative B8 use approved previously. The refuse and recycling needs generated by the remainder of the storage and distribution use is not relevant to the current application. The Council's Waste Services have reviewed the application and have no objections. In terms of refuse this proposal is considered to be satisfactory.

### **Temporary loss of Part B8 (storage and distribution) use**

Policy E1 of HPS seeks to retain existing employment floor space and the Retention of Employment Land and Premises SPD further supports this and explains what information is needed to justify the loss of employment space.

The element of the proposed A1 use that is taken from the existing warehouse (B8) use is ancillary to the existing tile showroom (approximately 25m<sup>2</sup>) and is temporary until 1 May 2017. It would not therefore result in any significant or material loss in terms of employment potential during this temporary period. The loss of part of the B8 use will not require compliance with the SPD on employment as the amount of floor area lost is a) small and b) temporary. A period of 12 months from now until the temporary consent expires would allow the applicant sufficient time to market the premises in order to prepare a case for any future planning application should the applicant subsequently wish to make the proposed changes of use permanent. A marketing exercise of this nature would be needed to fully address the requirements of Policy E1 of the Hastings Planning Strategy and Retention of Employment Land Supplementary Planning Document.

Overall, the small temporary change in floor space to A1 from part B8 will not have a significant conflict with the overall aims of Policy E1 or the SPD and is considered to be acceptable.

### **Highway safety/parking**

The majority of objections submitted relate to the impact of the proposed change of use on traffic congestion from lorries, damage to the road and properties from lorries, highway safety, issues entering and exiting residential properties due to parked delivery vehicles and parking generally on and off the site. The proposal has been considered by the Local Highway Authority (LHA) and no objection has been raised. The submitted objections do not provide sufficient evidence to outweigh the consultation response from the LHA. The LHA have concluded that they can only take into account the change of use rather than the storage and distribution element which already has planning permission.

As stated above a tile showroom (A1), in accordance with the ESCC, Guidance for Parking at Non-Residential Development should provide 1 space per 30m<sup>2</sup>. The new overall temporary total site area for the tile showroom will be 122m<sup>2</sup> (97m<sup>2</sup> + 25m<sup>2</sup>) which creates a parking requirement for 4 car parking spaces. The current combined authorized use of use class B1 (97m<sup>2</sup>) and part B8 (25m<sup>2</sup>) requires 3 car parking spaces. The 1 space allocated therefore falls short of the recommended number of car parking spaces; however, as there is potential to park on street and the LHA have not objected to this application, it is considered that a reason for refusal on highway grounds could not be reasonably applied.

The temporary additional ancillary internal floor space for the tile showroom (approximately 25m<sup>2</sup>) is unlikely to generate the need for additional deliveries by lorry however a condition in relation to delivery times specifically in relation to the tile showroom will be placed on the consent.

Given the comments from the LHA, a recommendation for refusal wouldn't be justified in this instance as a severe impact would not be created from the proposed change of use. The proposal is considered acceptable having regard to policy DM4 Hastings Local Plan – Development Management (2015) and policies SC1 and T3 Hastings Local Plan – Planning Strategy (2014) and the transport requirements of the National Planning Policy Framework.

The stated damage to Croft Road and to residential properties by lorries is currently being investigated by ESSC (Highways).

## **Air Quality and Emissions**

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. No external lighting is proposed and residential amenities are not harmfully affected. The development will not give rise to ground or surface water pollution. The development is, therefore, in accordance with Policy DM6 of the Hastings Development Management Plan (2015).

## **Conclusion**

The proposal complies with the development plan in accordance with Section 38 (6) of the Page 37 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.

Having reviewed the proposed submission, it is considered to be acceptable and the application is therefore recommended for approval of a temporary consent subject to conditions.

## **Recommendation**

### **Grant Full Planning Permission subject to the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:  
  
TCPS 619A/1, TCPS 619A/2, TCPS 619A/4, TCPS 619A Planning Statement
2. Deliveries and waste collection to and from the premises shall not take place except between the following hours:-  
  
08:00 to 17:00 Monday - Friday  
08:00 to 12:30pm Saturdays, and  
at no time on Sundays or Bank Holidays.
3. The premises shall not be used except between the following hours:-  
  
8 am - 5pm Monday - Friday,  
8am - 12.30pm Saturdays,  
Not at all on Sundays or Bank Holidays.

4. Notwithstanding the provisions of the The Town and Country Planning (General Permitted Development) Order 2015, the approved tile show room (A1 retail use) shall be restricted to the area marked on drawing number TCPS 619A/3 only.
5. The temporary change of use from part B8 to use class A1 shall cease on 1 May 2017. The use class as approved will return back to use class B8 as of 2 may 2017.

**Reasons:**

1. For the avoidance of doubt and in the interests of proper planning.
2. To safeguard the amenity of adjoining residents.
3. In the interests of the amenity of the neighbouring residential occupiers.
4. In the interests of the amenity of the neighbouring residential occupiers.
5. To safeguard the amenity of adjoining 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 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.

---

**Officer to Contact**

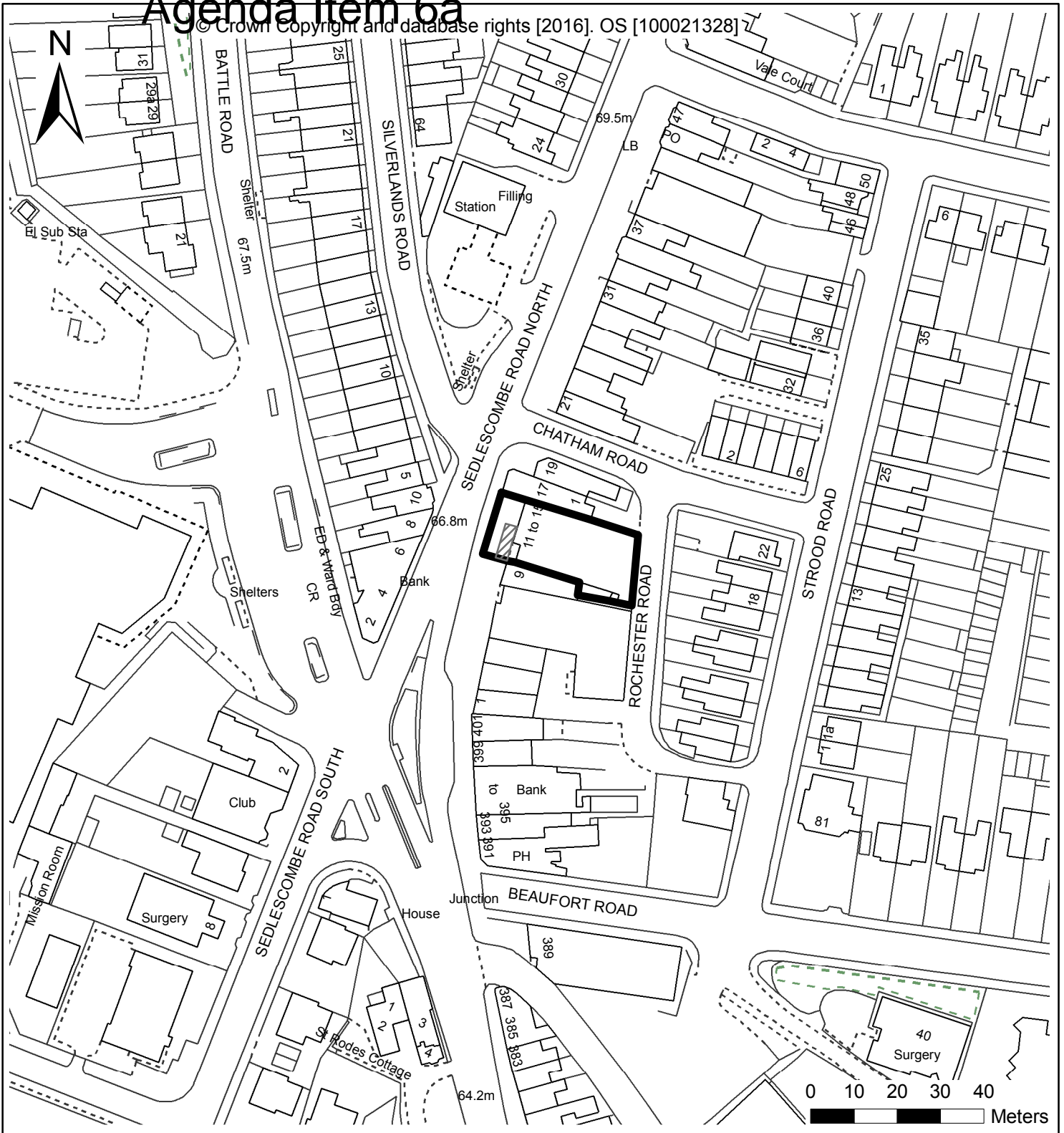
Mr Y Watt, Telephone 01424 783336

**Background Papers**

Application No: HS/FA/16/00086 including all letters and documents

# Agenda Item 6a

© Crown Copyright and database rights [2016]. OS [100021328]



**11-15 Sedlescombe Road North**  
**St Leonards-on-sea**  
**TN37 7DA**

Change of use from A1(Supermarket) to D2(Bingo Hall) with coffee shop extension, extension to create lobby area, shopfront alterations, canopy & outdoor seating area.



Assistant Director Housing & Built Environment  
 Hastings Borough Council,  
 Aquila House, Breeds Place,  
 Hastings, East Sussex TN34 3UY  
 Tel: 01424 451090  
 email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: May 2016

Scale: 1:1,250

Application No. HS/FA/16/00040

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

**Report to:** PLANNING COMMITTEE

**Date:** 25 May 2016

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

**Application Address:** 11-15 Sedlescombe Road North, St Leonards-on-sea, TN37 7DA

**Proposal:** Change of use from A1(Supermarket) to D2(Bingo Hall) with coffee shop extension, extension to create lobby area, shopfront alterations, canopy & outdoor seating area.

**Application No:** HS/FA/16/00040

**Recommendation:** Grant Full Planning Permission

Ward: SILVERHILL  
File No: SE50009V  
Applicant: Mr Hargreaves per Vector Planning & Design Ltd  
Innovation Centre, Highfield Drive  
Churchfields, St Leonards on Sea, East Sussex. TN38 9UH

Interest: Freeholder/Leaseholder  
Existing Use: Vacant supermarket (A1 retail use)

**Policies**  
Conservation Area: No  
Listed Building: No

**Public Consultation**  
Adj. Properties: Yes  
Advertisement: Yes - General Interest  
Letters of Objection: 7, 1 neutral comment  
Petitions Received: 0

Application Status: Delegated

## Notes

Neighbours Expire: 06 April 2016      Members Expire: 06 April 2016 or same as advert expiry if later.

Advert Expires: 08 April 2016

Neighbours Checked on site: Y

Objection letters read: Y

Site Visited: 20 April 2016

## Site and Surrounding Area

The site comprises a ground floor commercial property within Silverhill District Shopping Centre as defined by the Hastings Local Plan Policies Map. The upper floors are in residential use and occupied, although currently subject to enforcement investigation. The front elevation of the hairdressers, adjacent to the site, (no. 17 Sedlescombe Road North) projects approximately 5.5m in front of the front elevation of the application site, with the retail unit to the south continuing the same, set back, frontage line.

Rochester Road runs along the rear of the premises, providing access for services. Residential properties predominantly surround the defined shopping area with the roads most immediately affected being Chatham Road and Strood Road to the rear, and Silverlands Road, opposite.

A large Asda supermarket is also located a short distance away.

The site is constrained by:

- Historic landfill buffer zone
- Site of Specific Scientific Interest (SSSI) Impact Risk Zone (IRZ)

## Proposed development

It is proposed to change the use of the existing vacant supermarket (A1) to a bingo hall (D2) use, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended).

In addition to the change of use, the applicant proposes an extension to the front of the building at ground floor level to create a coffee shop and lobby area, together with shopfront alterations and an outdoor seating area on the existing pavement with canopy above. Pre-decision amended plans were received to increase the amount of glazing in the front and side elevation of the new coffee shop, to help retain the shopfront appearance of the building, avoid an interruption in the shopping frontage and provide an improvement to the streetscene.

The coffee shop and lobby addition will extend 2.8m from the front elevation, covering 8.2m of the existing shopfront. A gap of 6.3m will remain from the side elevation of 17 Sedlescombe Road North (Clippers Hairdressers) to the north of the site. The extension is proposed as 2.3m in height, with the canopy above extending and additional 1.4m up to its highest point, between the top of the existing shop front fascia and the first floor windows. The canopy will overhang part of the proposed outdoor seating area.

2 rows of outdoor seating are to be provided to the front of the building on the existing pavement area. This seating will be enclosed by planters sited approximately 3m in front of the new coffee shop and extending to the side elevation of 17 Sedlescombe Road North.

Inside the building, fixed seating and tables to serve 122 people are provided in the main hall along with a stage and book sales area. Towards the rear of the building, a lounge, catering/bar, fruit machine and storage area are also provided.

Bin storage is provided to the rear of the building, with new steps to ground level to serve the reformed rear access door being provided.



The application is supported by the following documents:

- Existing and proposed elevations and floor plans
- Proposed roof plan
- Planning Statement
- Transport Report
- Sectional detail of deck and sound proofing
- Waste minimisation statement

### **Relevant Planning History**

HS/FA/14/00516	Alterations to fenestration of west and east elevations at first floor including new windows. GTD 28/07/2014
HS/PA/13/00493	Change of use from offices to residential PERMISSION NOT REQUIRED 19/09/2013
HS/FA/12/00862	Conversion of part of first floor to 2 x 2 bed flats REF 21/12/2012
HS/FA/12/00583	Extension of accommodation to form second floor comprising of 2 x 2 bed flats and 1 x 1 bed flat GTD 12/09/2012
HS/FA/00/00622	New automatic sliding door at front of store and alterations to existing shopfront GTD 26/10/2000
HS/FA/66/00198 (11 Sedlescombe Road North)	Use of shop as betting office (renewal of previous permission) GTD 10/03/1966
HS/FA/64/00150 (11 Sedlescombe Road North)	Extension of period of use of betting shop GTD 18/12/1964

### **Development Plan Policies and Proposals**

#### 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 SA2 - Other Shopping Areas

#### 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 E3 - Town, District and Local Centres

#### Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the Development Plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 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 23 refers to planning policies needing to be positive, promoting competitive town centre environments and setting out policies for the management and growth of centres over the plan period.

Paragraph 32 states that 'Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe'.

## **Consultation comments**

### **Highway Authority - No objections**

The Highway Authority do not consider that there are sufficient grounds for refusal of permission on highway issues in this instance and note that the former use as a supermarket is likely to have generated a greater number of visitors per day than the proposed bingo hall. Whilst they acknowledge that during peak periods (consistent with visitors to the bingo hall arriving and leaving at similar times), parking demand is likely to be more than currently experienced, visitors to the bingo hall are likely to require more long term parking than supermarket users and, as such, are more likely to park their vehicles in a suitable location further from the site or alternatively arrive on foot or by public transport. In that regard, the Highway Authority point out that the site is in a sustainable and accessible location, well located in terms of public transport and access from the Town Centre. Bus services continue throughout the evening and, therefore, provide an alternative to travelling to and from the site by car.

### **Licensing - No objections**

No adverse comments to make in respect of the application. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall before it can be operated legally.

### **Building Control - No objections**

Building Control confirm that the works proposed will also be subject to building regulations as a change of use to a public building so all the relevant regulations will apply including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power.

### **Environmental Health (contaminated land) - No objection and informative note recommended**

Environmental Health identify that the main area of concern in respect of contaminated land would have been the former Marshal Tufflex site (now Asda). The other small pockets of land identified as being potentially contaminated include a laundry and other areas already developed and, as such, it is not considered that a requirement to undertake a contaminated land assessment is necessary. An informative has however been recommended that requires further scientific analysis to be undertaken should any suspicions with regard to potential contamination be aroused as a result of excavation.

### **Environmental Health (noise) - No objection**

Whilst there is no basic objection to the proposal, there is a lack of detail regarding proposed hours of use and plant requirements such as air conditioning. Environmental Health also note that sound proofing and hours of operation during the construction phase are key issues that need to be addressed given the residential units above the premises.

### **Planning Policy - No objection**

Notes that the loss of A1 retail use will not result in non-A1 uses exceeding the threshold set by Policy SA2 of the Development Management Plan. They do note however, that the scale and concentration of non-retail units within this area of Silverhill will be a significant consideration.

## **Representations**

7 letters of objection and 1 neutral comment have been received following neighbour consultation. The concerns raised include:

- Increased parking demand and lack of available on street parking
- Non-compliance with Parking Provision in New Development Supplementary Planning Document (SPD)
- Bingo and slot machines are already provided for elsewhere in the town
- It is not necessary to have any more coffee shops or cafes in Silverhill. This will impact on existing trade.
- Loss of public bench
- Reduction in pavement depth and the impact this will have on the character of the area and safety of pedestrians
- Increase in litter
- Increased noise levels and how they will be addressed
- Fire safety

These issues are addressed in the main body of the report, below.

## Determining Issues

### Principle

Policy LP1 of the Hastings Local Plan - Development Management Plan (2015), paragraph 4.3 of the Hastings Local Plan – Planning Strategy (2014) and paragraph 14 of the NPPF set out a presumption in favour of sustainable development. The site is within a sustainable location with reasonable/good access to public transport, shops, services and facilities and, as such, the development is considered acceptable in principle subject to other local plan policies.

### Loss of existing retail use

The application premises is located in the district shopping area of Silverhill, as defined by Policy E3 of the Hastings Planning Strategy 2014 and Policy SA2 of the Development Management Plan 2015. Criterion a) of Policy SA2 identifies that non-A1 uses must not exceed 45% of the overall number of uses in the shopping area. It also states that the proposed change of use should not result in an excessive concentration of such uses that would cause a significant interruption in the shopping frontage, reducing its attractiveness and causing harm to the vitality and viability of the centre as a whole (Criterion b).

The Council's Shopping Survey shows that there are 4 x A3 and 7 x A5 uses (out of a total of 41 surveyed) present in the district shopping area as at September 2015. The survey also shows that proposed change of use would result in non-A1 uses being 41.5% of total uses in Silverhill, falling within the threshold of 45% set by Policy SA2. Therefore, whilst it is acknowledged that the proposed coffee shop may provide competition with existing uses of a similar nature, the addition of another A3 use in this area will not be contrary to policy and it is not considered to cause significant harm to the vitality or viability of the shopping area as a whole. It should also be noted that whilst objections regarding competition are noted and the Council is sympathetic to the concerns raised in this regard, competition between businesses is not a material consideration in determining planning applications. Taking these issues into account, criterion a) of Policy SA2 is therefore complied with.

In respect of criterion b) of Policy SA2, A1 uses (including one vacant retail unit) operate in numbers 7-19 Sedlescombe Road North inclusive. Whilst the application relates to a large unit in this block of shop units, the change of use of one shop in a block of 4 is not considered to cause a significant interruption in the shopping frontage. Furthermore, amended elevations have been submitted to show more glazed areas to the front elevation as would be expected in a shopping area, thereby allowing for the proposed elevations to site more seamlessly into this shopping location and prevent interruption. Criterion b) of Policy SA2 is therefore complied with. Issues regarding the appearance of the shopping frontage as set out in Policy SA2 are discussed below in terms of the character and appearance of the area.

## Employment

Information in the submitted transport report details that approximately 8 people will be employed as a result of this development - similar to that in the previous supermarket. The change of use is not, therefore, likely to have a detrimental effect on employment levels and is in accordance with Policy SC1 of the Planning Strategy in relation to providing access to employment.

## Impact on the character and appearance of area

The application proposes alterations to the existing shopfront to provide a new door leading directly to the main bingo hall on the left of the front elevation. This section of the front elevation will retain its open and glazed shopfront appearance, similar to that existing. Pre-decision amendments have also been received that propose further glazing to the front and side elevation of the new front extension to ensure the glazed appearance is continued across the width of the shopfront, helping to retain the character and appearance of the existing shop frontage as far as possible.

The canopy will project 2.6m out from the 1st floor, covering the depth of the proposed front extension only. The second row of proposed seating nearest the road will remain uncovered. Whilst similar canopies are not evident in the nearby area, it is not considered that this addition will cause significant harm to the appearance of the streetscene given the varying styles of shopfront and the general appearance of this district centre.

It has been suggested by objectors that the proposed development will impact negatively on the village character of the area. The work undertaken to improve the appearance of the front of the building by maintaining the appearance of the original shopfront as much as possible, taken together with the seating areas and planters proposed, are considered to be an improvement to the appearance of the existing shopfront which is obscured by advertising throughout. The proposal is, therefore, considered to be in accordance with both policies SA2 and DM1 of the Development Management Plan and work towards maintaining an attractive streetscape.

Policy E3 of the Hastings Planning Strategy makes specific reference to promoting the re-use of vacant buildings in town, district and local centres. Bringing this vacant building back into a continued use will positively contribute to achieving this element of policy.

## Impact on Neighbouring Residential Amenities

The proposed change of use to a bingo hall is likely to have some impact on neighbouring residential properties as a result of entertainment and other associated noise. Consultation comments considered that the application lacked detail in terms of the use of extractor fans, air conditioning and air handling units, which in turn meant that it would not be possible to fully assess whether the soundproofing information provided is adequate. It has since been confirmed by the agent that no alteration to the existing air conditioning systems is proposed and no new air handling units, extractor fans or chiller units will be required. It is, therefore

considered that, subject to a condition limiting the maximum noise levels from the proposed PA system or other plant equipment, the impact on the residential units above and nearby will be adequately mitigated. Similarly, noise from car parking is unlikely to increase as a result of the proposed change of use as it is unlikely that the actual numbers of cars parking in the nearby area will be a greater number than for the existing supermarket (see parking comments below).

### Pedestrian flow and car parking

The application has no parking on site and no parking is proposed on site. The situation in this respect, therefore, remains unchanged. Several objections have been received relating to car parking and the lack of provision. The Highway Authority have not objected to the proposal on these grounds given that the site's location is both sustainable and accessible and the likely parking habits of the bingo hall users, i.e. that patrons are more likely to park more in appropriate locations further away from the premises in light of the longer stays, rather than just stopping nearby to 'pop in' to the supermarket. Whilst reference has also been made to the parking Supplementary Planning Document and the requirements for new spaces within, an assessment has been made in terms of this application on its own merits, which takes into account the accessible location of the site and the existing/previous use of the building which would also have generated a demand for parking. The recommendation is, therefore, made that the new proposal will not have a significant impact on the existing parking pressures in the area.

Taking these points into consideration, in addition to paragraph 32 of the National Planning Policy Framework which states that 'Development should only be prevented on or refused on transport grounds where the residual cumulative impacts of development are severe', it is considered that the proposal is not contrary to either the NPPF or Policy DM4 of the Development Management Plan, and that a refusal of permission on highway grounds could not be justified in this instance.

The application proposes a large seating area on the existing pavement fronting the application site and concern has been raised regarding the resultant lack of pavement space in front of the site. The seating area will not project further forward than the existing front elevation of the adjacent premises at 17 Sedlescombe Road North and will still allow for 3m of pavement width in front of the planters. It is generally advised by the Highway Authority that a footway has a minimum width of 2m, which will still be exceeded despite the seating area being in place. Taking this into account, it is considered that adequate pavement space will remain, which will be adequate to serve the footfall of the shopping area. The position of the front elevation of no. 17 Sedlescombe Road North is such that the proposed seating area will not cause an obstruction in the flow of pedestrian movement.

### Waste

A waste minimisation statement has been provided with the application which sets out how construction and demolition waste will be disposed of and recycled as far as possible. Existing bin storage at the rear of the property will be utilised to accommodate the waste generated from the bingo hall use. These details are considered adequate to alleviate

concerns raised from objections regarding waste generation and are considered to be in accordance with Policy DM3 of the Development Management Plan with regard to waste and waste storage.

### Public realm

This application relates to the change of use and the proposed front extension, together with other associated alterations. The location of the public bench as mentioned in an objection does not form part of the application and is not affected by the proposed development in terms of affected floorspace.

### Fire safety

Comments made regarding fire safety will be addressed through Building Regulations and an informative has been recommended to this effect.

### Other site constraints

Having regard to guidance contained within 'Air Quality and Emission Mitigation' 2013 produced by Sussex Air Quality Partnership, the proposed development will not exceed statutory guidelines for airborne pollutants and Environmental Health Officers have no objection in this respect. The development will not give rise to ground or surface water pollutions and consultation with Environmental Health Officers has also resulted in no further action being needed at this stage in respect of the sites location in a historic landfill buffer zone. The development is therefore in accordance with Policies DM5 and DM6 of the Hastings Development Management Plan (2015).

In accordance with approved guidelines, the development is not of a significant scale to warrant further consultation in respect of its location within the SSSI IRZ.

## **Conclusion**

Taking account of the considerations above, it is considered that on balance, the level of harm caused by the proposed change of use is not so significant as to justify refusal in this instance. The proposal will bring an empty premises back into viable use, contributing positively to the vitality of this designated shopping area and also providing new employment in both the coffee shop and the bingo hall. Effort has been made to approve the appearance of the building frontage, ensuring that the appearance of the shopping area is maintained and enhanced. It is, therefore, considered that 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.

## **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:  
  
53-15-100, 53-15-200 A, 53-15-201 B.
3. No development shall take place above ground until details (including colour) of the materials to be used in canopy hereby permitted as part of the overall development 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. Noise emitted from the proposed PA system and any other plant equipment as part of the use hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10dB below the minimum external background noise, at a point 1 metre outside any window of any residential property, unless and until a fixed maximum noise level is approved by the Local Planning Authority.
5. 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.

### **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 form of development in the interests of the character and amenity of the area.
4. To safeguard the amenity of adjoining and future residents.
5. 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. If during any excavation, suspicions are aroused as to potentially contaminated land, then further scientific analysis must be undertaken.
4. The applicant is advised that the premises will need to be licensed separately under the Gambling 2005 for a Bingo Hall.
5. The applicant is advised that the work proposed will also be subject to building regulations. All the relevant regulations will apply, including means of escape requiring consultation with the Fire Brigade, disabled provisions and conservation of fuel and power.

---

## **Officer to Contact**

Miss S Roots, Telephone 01424 783329

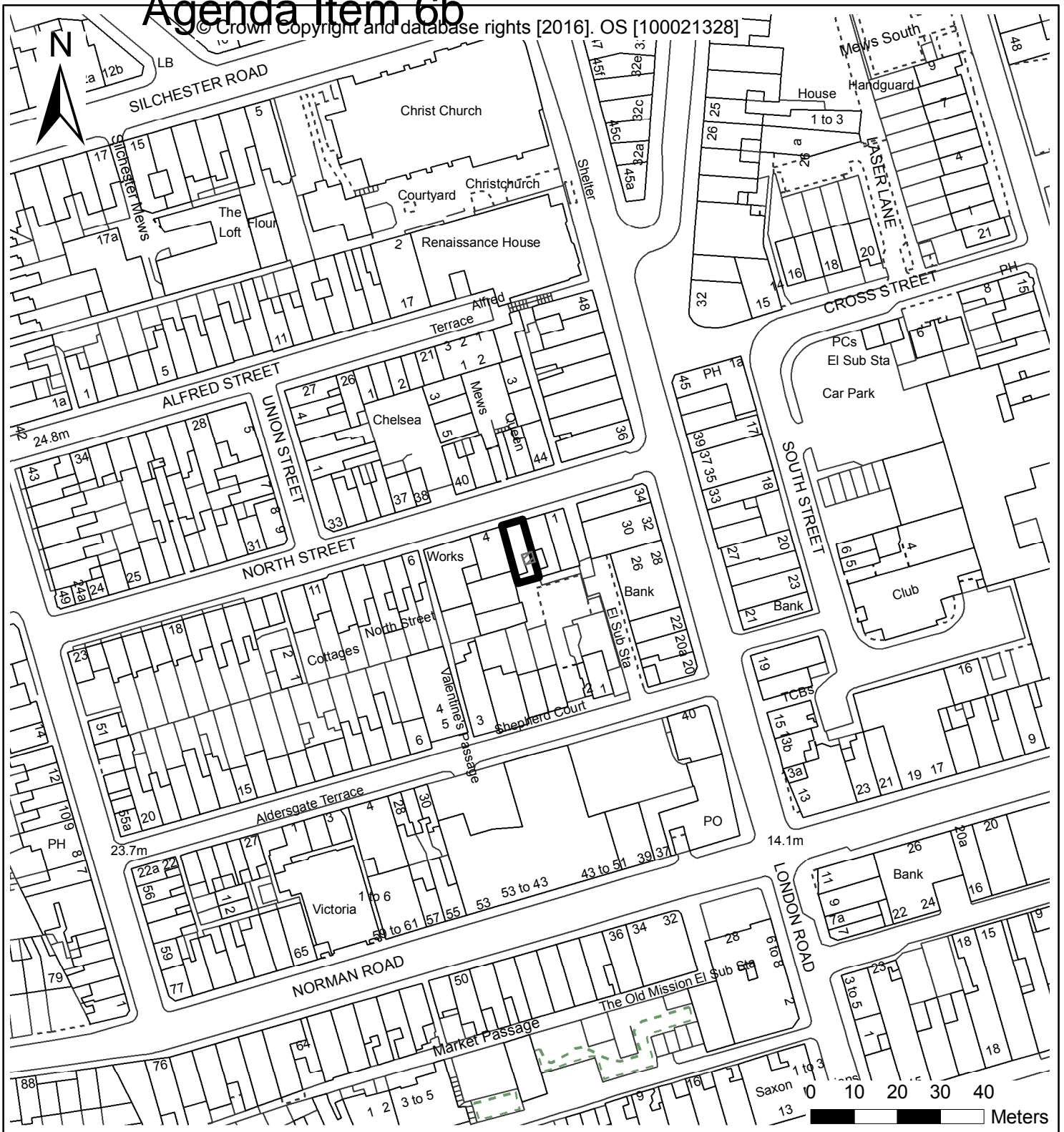
## **Background Papers**

Application No: HS/FA/16/00040 including all letters and documents

This page is intentionally left blank

# Agenda Item 6b

© Crown Copyright and database rights [2016]. OS [100021328]



**3 North Street  
St Leonards-on-sea  
TN38 0EY**

Change of use of ground floor shop to single private dwelling, single storey rear extension, alterations to front elevation to remove 'shopfront' and addition of window at first and second floor. As amended by plan B080.02B received 19.01.2016 (amended description).



Assistant Director Housing & Built Environment  
Hastings Borough Council,  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dquenquiries@hastings.gov.uk](mailto:dquenquiries@hastings.gov.uk)

Date: May 2016

Scale: 1:1,250

Application No. HS/FA/15/00338

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

**Report to:** PLANNING COMMITTEE

**Date:** 25 May 2016

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

**Application Address:** 3 North Street, St Leonards-on-sea, TN38 0EY

**Proposal:** Change of use of ground floor shop to single private dwelling, single storey rear extension, alterations to front elevation to remove 'shopfront' and addition of window at first and second floor. As amended by planB080.02B received 19.01.2016 (amended description).

**Application No:** HS/FA/15/00338

**Recommendation:** Grant Full Planning Permission

**Ward:** CENTRAL ST LEONARDS

**File No:** NO75003

**Applicant:** Mrs Burlington per Kent Architecture 101 Station Road Polegate East Sussex BN26 6EB

**Interest:** Freeholder

**Existing Use:** Vacant unit

### **Policies**

**Conservation Area:** Yes - St. Leonards East

**Listed Building:** No

### **Public Consultation**

**Adj. Properties:** Yes

**Advertisement:** Yes - Conservation Area

**Letters of Objection:** 4

**Petitions Received:** 0

Application Status: Not delegated - More than 2 letters of objection received

### **Summary**

This application is for the conversion of the ground floor to a residential unit, a single storey rear extension and the installation of new windows in the front elevation.

The main issues are the impacts on the amenity of the neighbouring properties and the impact on the St Leonards East Conservation Area.



### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the development plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly: 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 (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 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.

### Details of Representations

As part of this application 16 neighbouring properties were consulted, a site notice was displayed and an advert was placed in the local paper. In response to these 6 letters of objection to the proposal were received.

The concerns within these letters include:

- Over development of the first and second floors
- Loss of the window blanks
- Lack of amenity space for the maisonette
- Lack of refuse storage
- Detrimental impact on the Conservation Area as a result of the alterations to the exterior.

Within the submitted letters of objection there were also elements of support for the proposal, including:

- I am all in favour of the works proposed to the ground floor
- The accommodation will work well and be an asset
- The ground floor seems fine
- The amended proposal has much improved the bay window design on the first and second floor
- The timber sliding sashes are welcomed.

It should be noted that although shown on the proposed plans, the layout of the upper floor residential accommodation does not form part of this application. The use is existing and as such the internal layout is not a matter for consideration as part of this application.

### Details of Consultations

Conservation -

No objection subject to conditions.

County archaeology -

No objections to the proposal and no conditions considered necessary.

### 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"

### **Impact on Residential Amenity**

Policy DM3 of the Hastings DMP 2015 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. This Policy goes on to state that dwellings with 1 bedroom require a minimum internal floor area of 51m<sup>2</sup>.

The Department for Communities and Local Government also recently produced Technical Guidance for Space Standards (TGSS). These standards require that the minimum internal floor area for a 1 bedroom/1 person, single storey unit is 39m<sup>2</sup>.

Clearly there is some discrepancy between these two figures and, having calculated the floor area of the unit, it is apparent that it meets the DCLG requirement and not the HBC figure. In light of this further guidance has been sought from the Hastings DMP. Paragraph 2.32 states that the Council may deem it necessary to refer to national guidance on housing quality, particularly that from the Homes and Communities Agency (HCA), who cite the Housing Quality Indicators of 2008 as a good grounding for assessing the standard of proposed new homes. The guidance within the TGSS is therefore a material consideration. As with design, this is a dynamic and changing subject area. It is, however, considered that a standard for internal space that is appropriate in new build housing is to provide at least a minimum of liveable space. The management and orientation of that space can be negotiated on a site specific basis.

When taking this paragraph into account, it is considered that, as the proposed residential unit meets the size requirements of the DCLG, the internal living area is acceptable.

To the rear of the property there is an existing L shaped yard/garden area which is accessed directly from the ground floor unit. This rear yard has an existing maximum depth of approximately 6 metres and, although this area falls short of the 10 metres suggested by point (g) of Policy DM3, and will be further reduced as a result of the proposed extension, it is considered acceptable given the proposed residential unit is not designed for family use and similar small amenity spaces can be found in the immediate locality, as might be expected in an urban area.

The extension is shown to project out from the rear elevation by 2.5 metres and have a width of 2.2 metres. It is shown to have a flat roof and in-fills the space between the existing rear projection and the boundary wall with No. 2 North Street. The boundary between the properties is depicted by a tall brick wall approximately 2.4 metres in height. The proposed extension is shown to be 2.6 metres in height and, as a result, will project slightly above the top of the wall. In light of the existing wall, it is considered that the erection of the extension would not materially affect the neighbouring property in terms of levels of sunlight and daylight. Similarly, as a result of the existing wall there would be no material impact on the existing levels of privacy to the neighbours at No. 2 North Road. As a result of these factors, the proposed extension is considered acceptable.

### **Loss of Retail**

Policy SA3 of the Hastings DM Plan relates to shops and services outside the shopping areas. This policy states that proposals for the change of use or redevelopment that would result in the loss of a local shop or service outside the defined commercial areas will only be permitted when:

- a) there is an alternative within reasonable walking distance; or



b) it is demonstrated that the existing use is no longer viable.

It is acknowledged that as a result of this proposal an existing retail unit would be lost; however, due to the proximity of the site to the St Leonards central shopping area, which is less than a five minute walk, it is considered that the proposal is in accordance with requirements of Policy SA3 as quoted above.

### **Impact on Character of the Conservation Area**

As stated above, the site is location within the St Leonards East Conservation Area. Policy HN2 of the Hastings Planning Strategy relates specifically to the changing of doors, windows and roofs in Conservation Areas

This policy states that in Conservation Areas, the Council will seek to maintain the form and appearance of original windows, doors and roofs where these contribute to the character of the building and the significance of the wider conservation area. It goes on to state that, to ensure properties are repaired and maintained to a good standard, planning permission will be given for new windows that reflect the traditional proportions, materials, finishes and opening arrangements of those that were originally fitted in the building.

The application proposes three main changes to the front elevation: the replacement/renovation of the existing windows and the addition of two new windows, one at first floor and one at second floor.

Having visited the site, it is apparent that the windows in situ are not original to the building, are in a poor condition and, as a result, detract from the character of the building. As part of this application, it is proposed to remove the existing mis-matched timber and UPVC windows and replace them with double-glazed timber sliding sashes. The proposed new windows are also shown to have glazing bars and horn detailing. It is also proposed to remove the mis-matched front doors and replace them with more sympathetic timber panelled doors with an opening transom window above.

On the first and second floor of the front elevation there are two recesses roughly the shape of smaller windows. Advice from the Conservation Officer is that these recesses were for design purposes rather than blocked up windows. The application proposes to place windows here. Concerns have been raised by local objectors in relation to the resultant loss of symmetry between the pair of properties at No.2 and No.3. Although this is a valid consideration, especially within a Conservation Area, it must be acknowledged that, although historically the properties would have been a matching pair, due to multiple alterations having been carried out to the exterior of these properties, the majority of the symmetry has been lost. The Council's Conservation Officer has raised no objection to the insertion of windows within these recesses. The plans show the replacement windows will be the same size as the recesses.

With regard to the single storey rear extension, it is apparent that this will not be visible from the road and as such will have no impact on the character on the Conservation Area.

Taking these factors into account, it is considered that the proposed works to the exterior and the extension to the rear would not have a detrimental impact on the character of the property or the wider Conservation Area. As a result the proposal is considered to meet the requirements of Policies HN1 and HN2 of the Hastings DMP.

### **Archaeological Interest**

A portion of the yard/garden area falls within an Archaeological Notification Area (ANA), however the premises and location of the proposed extension does not. Although the site of the proposed extension does not fall within the ANA, due to its proximity the County Archaeology Team were consulted. No objections were received and it was advised that the proposal would not have a significant archaeological impact and no conditions in relation to archaeology are required.

### **Affordable Housing**

In line with Policy H3 of the Hastings Planning Strategy the Council requires an affordable housing contribution to accompany this application. Having discussed this requirement with the applicant, an agreement in principle has been made to the Council confirming that a financial contribution will be made in line with the requirement of this Policy or evidence to demonstrate the viability of the scheme will be submitted. In light of this, it is suggested that the application be recommended for approval subject to a resolution on this issue.

### **Sustainable Development**

The NPPF sets a presumption in favour of sustainable development (paragraph 14), which aims to boost significantly the supply of housing (paragraph 47) and encourages local planning authorities to identify the type and tenure of housing required (paragraph 50).

In this case the proposal has been designed to minimise the impact on the neighbouring properties and, taking these factors into account, it is considered that the proposal represents sustainable development and will help achieve the aims of both local and national planning policy.

### **Evidence of Community Involvement**

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

### **Recommendation**

**A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure a financial contribution towards the provision of off-site affordable housing, unless it has been conclusively shown that the development would not be viable if a payment were made. In the event that the Agreement is not completed or the viability issue not resolved by 25 August 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 2011-2028 unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.**

**B) Grant permission subject to the 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 materials to be used in the construction of the extension hereby permitted shall be those indicated on the approved plan B080.02B
3. The new and replacement windows in the front elevation shall be slim-line double glazed units.
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. The development hereby permitted shall be carried out in accordance with the following approved plan: B080.02B.

### **Reasons:**

1. This condition is imposed in accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. To ensure that the finished extension matches the appearance of the existing dwelling.
3. To ensure that the finished development takes proper account of the character of the surrounding area in its use of materials in the interests of the amenity of the area.
4. To safeguard the amenity of adjoining residents.
5. For the avoidance of doubt and in the interests of proper planning.

### **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 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.

---

**Officer to Contact**

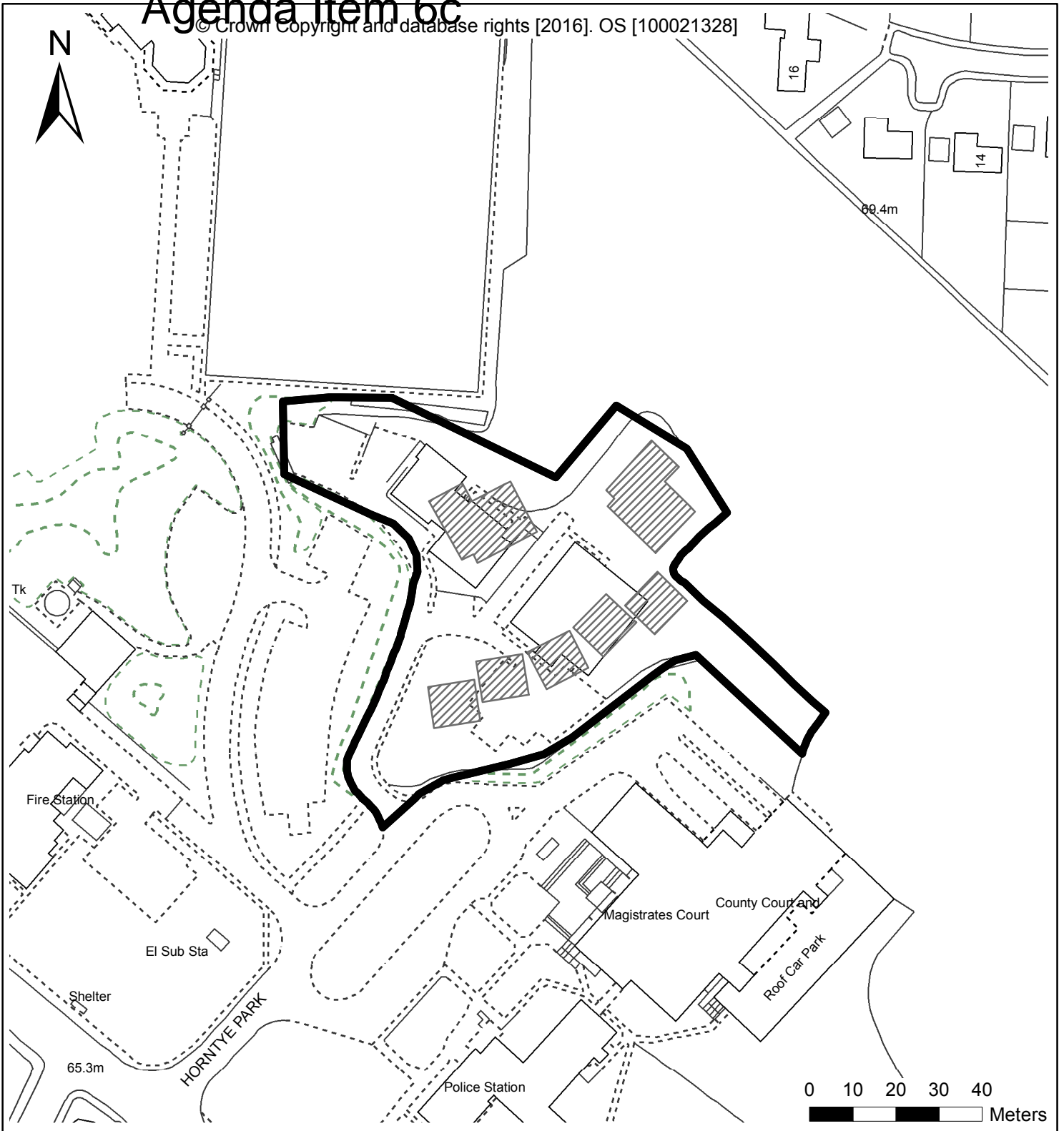
Mrs E Meppem, Telephone 01424 783288

**Background Papers**

Application No: HS/FA/15/00338 including all letters and documents

# Agenda Item 6c

© Crown Copyright and database rights [2016]. OS [100021328]



**Summerfields Business Centre**  
**Horntye Park**  
**Hastings**  
**TN34 1UT**

Demolition of single storey offices and redevelopment of site for 10 x 3 bed dwelling houses and 22 x 1 and 2 bed flats, access, parking and landscaping



Assistant Director Housing & Built Environment  
 Hastings Borough Council,  
 Aquila House, Breeds Place,  
 Hastings, East Sussex TN34 3UY  
 Tel: 01424 451090  
 email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: Mar 2016

Scale: 1:1,250

Application No. HS/FA/15/00984

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-licence, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank

**Report to:** PLANNING COMMITTEE

**Date:** 25 May 2016

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

**Application Address:** **Summerfields Business Centre, Hornty Park, Hastings, TN34 1UT**

**Proposal:** **Demolition of single storey offices and redevelopment of site for 10 x 3 bed dwelling houses and 22 x 1 and 2 bed flats, access, parking and landscaping**

**Application No:** **HS/FA/15/00984**

**Recommendation:** **Grant Full Planning Permission**

Ward: GENSING

File No:

Applicant: Hastings Borough Council/Amicus Horizon Limited per Kember Loudon Williams Ridgers Barn Bunny Lane Eridge, Nr. Tunbridge Wells, Kent. TN3 9HA

Interest: Council Owned

Existing Use: Vacant Offices (B1)

**Policies**

Conservation Area: No

Listed Building: No

**Public Consultation**

Adj. Properties: Yes

Advertisement: Yes - General Interest

Letters of Objection: 2

Petitions Received: 0

Application Status: Not delegated - Council applicaton

### **Summary**

This is a full planning application for the demolition of the existing office buildings, and the erection of 10 X 3 bedroom dwellings and 10 X 1 and 12 X 2 bed flats (32 residential units in total). The application proposes 8 of the 32 dwellings (25%) to be affordable housing. Marketing has been submitted as evidence of viability of the site for employment. The need for housing is referenced in the Local Plan and government guidance within the National Planning Policy Framework (NPPF). The need for affordable housing far exceeds supply and it is considered that this proposal will positively assist in providing more people with decent home thereby supporting the ongoing regeneration of Hastings.

The development is sustainable development in the context of the National Planning Policy Framework (NPPF) and on balance it is recommended that a resolution to grant planning permission be made and, that subject to the satisfactory completion of a S106 legal agreement to secure the provision of affordable housing and other contributions, planning permission is granted.

## **Site and Surrounding Area**

The application site is 0.605 ha in total and comprises two, single storey, low level buildings, which are currently vacant. The buildings are currently vacant and were last in use as general offices (B1) and Registrar of Births, Deaths and Marriages (B1).

The buildings lie within a larger complex comprising Horntye Park Sports Complex and the Fire Station to the north and the Police Station and Law Courts to the south.

The neighbouring site to the west (curtilage of Horntye Park Sports Complex) has planning permission for a total of 205 apartments, which was granted in 2013. That consent has not been implemented and will expire on 24 June 2016. Part of that development (known as east block) proposes 22 X 2 bed flats and would be located to the west of the application site.

Summerfields Woods lies to the north of the application site and comprises the Summerfields Woods Local Nature Reserve (LNR) and Bohemia Walled Garden.

The site is surrounded by trees of varying size and landscape value. A large belt of conifers lie on the south east boundary and a mix of trees and shrubland to the northeast.

The nearest residential properties to the north are over 80 metres away from the boundary.

The main entrance to the site is via a private road which has a junction with Bohemia Road (A21), which is a main route into the town centre of Hastings.

## **Proposed Development**

The application proposes the demolition of the existing office buildings and the erection of 10 X 3 bedroom, semi detached houses and two, four storey blocks of 10 X 1 bed and 12 X 2 bed apartments (total of 32 residential units). There will be 52 parking bays and 35 cycle bays. All existing buildings are currently vacant, the Registrars facility has relocated to the Town Hall in Queens Square.

Within the southern section of the site a biodiverse garden is proposed which will be a shared amenity space for the future occupants of the development. The existing line of conifers to the south will be replaced with a new line of tree planting in order to retain a screen between the development and the Law Courts.

The application is supported by the following documents:

Environmental Land Risk Report  
Arboricultural Assessment Report  
Design and Access Statement  
Ecological Assessment Report  
Marketing Documentation  
Drainage Strategy and Sustainable Drainage Management and Maintenance Plan



Statement of Community Involvement  
Transport Statement  
Planning Statement  
Marketing Information  
Draft Viability Statement produced by Bespoke Solutions

## **Relevant Planning History**

- HS/OA/66/00309 Use of land for erection of civic buildings, law courts, police & ambulance, school extension and municipal offices  
Granted 26 July 1966
- FA/84/94/1465 Continued Use of building as office for Borough Planners office  
Granted 14 March 1984
- HS/FA/90/00347 Erection of pre-fabricated office building  
Granted 26 July 1990
- HS/FA/08/00296 Adj to site at Horntye - Residential west block development comprising 60 X2 bed apartments and 1 X4 bed penthouse and east block to comprise 32 X 2 bed apartments  
Granted 25 June 2013
- HS/FA/11/00334 Adj to site at Horntye - Erection of 22 X 2 bed flats (south block)  
Granted 25 June 2013

## **Development Plan Policies and Proposals**

### Hastings Local Plan - Planning Strategy (2014)

DS1 - New Housing Development  
SC1 - Managing Change in a Sustainable Way  
SC2 - Working Towards Zero Carbon Development  
SC7 - Flood Risk  
EN3 - Nature Conservation and Improvement of Biodiversity  
EN5 - Local Nature Reserves  
H1 - Housing Density  
H2 - Housing Mix  
H3 - Provision of Affordable Housing  
E1 - Existing Employment Land and Premises  
CI1 - Infrastructure and Development Contributions  
CI3 - Childrens Play Provision  
T3 - Sustainable Transport

### Hastings Local Plan - Development Management (2015)

LP1 - Considering Planning Applications  
DM1 - Design Principles  
DM3 - General Amenity  
DM4 - General Access  
DM5 - Ground Conditions  
HN1 - Development Affecting the significance and Setting of Designated Heritage Assets  
HN8 - Biodiversity and Green Space

## Other Policies/Guidance

Sussex Air Quality and Emissions Mitigation Guidance 2013

Employment Land Retention Supplementary Planning Document

### National Planning Policy Framework (NPPF)

The NPPF states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para 14 sets out a general presumption in favour of sustainable development and states that development proposals which accord with the Development Plan should be approved without delay.

Three dimensions of sustainability given in paragraph 7 are to be sought jointly; 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 (providing housing, creating high quality environment with accessible local services) and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst paragraph 10 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 17 sets out the Core Planning Principles .

Paragraph 22 relates to employment sites.

Paragraph 50 requires Local Planning Authorities to deliver a wide choice of high quality homes and widen opportunities for home ownership.

Paragraph 51 relates to the reuse of buildings.

## **Consultation Comments**

### **The Acting Housing Needs and Enabling Manager: No objection**

"The Housing Department have observed a growing demand for affordable accommodation across the Borough of Hastings and, in particular, Central St Leonards and the Town Centre. The difficulty low income and benefit dependent households are facing in securing accommodation is reflected in the rising number of accepted homelessness applications we have received in recent years (207% increase since 2010/11). We are in need of, in particular, accommodation for affordable rent, across all unit types. This proposed development will assist this department in meeting the growing affordable housing demand and meeting the housing aspirations of the local community".

**The ESCC Highway Authority: No objection** and comment that the proposed residential use would be less intensive in terms of traffic generation than the previous business use. Parking requirements were discussed at pre-application stage and conditions are recommended.

**The Environment and Natural Resources Manager: No objection** subject to conditions relating to wildlife mitigation and S106 financial contributions towards play area maintenance and the upkeep of Summerfields Woods.

**The Council Arboriculturalist: No objection,** agrees to the removal of the trees but recommends a condition for replacement of the trees in order that the law courts are still provided with adequate screening.

**The Conservation Officer: No objection** and concludes that the re-development of the land will not result in harm to the setting of the designated heritage asset (ice house).

### **ESCC Lead Flood Authority - Verbal update at committee**

Following detailed comments from the SUDS team, a detailed drainage design will be submitted by the end of May. Either a verbal report will be given at committee or a condition added requiring details of final design to be submitted prior to commencement of development.

**The Environmental Health Officer: No objections** subject to conditions regarding construction hours, contaminated land, construction waste and method statement.

## **Representations**

There have been 2 letters of objection which raise the following concerns:

1. Surface water drainage
2. Impact on Summerfields Woods
3. Construction Noise/Traffic
4. Noise from existing uses not compatible with residential uses

It should be noted that an objection relating to loss of employment and the need for a doctors surgery has subsequently been withdrawn.

## **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".

## **Determining Issues**

1. Loss of Existing Use

Although the premises have been vacant for nearly a year, their last use was as offices (B1), which is considered an employment use. As such, Policy E1 (Existing Land and Premises) is relevant. Policy E1 seeks to retain employment uses unless it can be demonstrated that there is no reasonable prospect of its continued use for employment uses. The Policy is also supported by The Employment Land Retention Supplementary Planning Document which gives details of how the policy will be implemented.

A marketing exercise in respect of the employment use was carried out by Stiles Harold Williams in 2013/14. A report detailing enquires from prospective purchasers and advertising methods was submitted in July 2014. Following the marketing exercise, one realistic offer was made. However, the proposed redevelopment was for a relatively small amount of office space with the majority for residential.

Further updated report was submitted in June and November 2015 which concluded that the market had not significantly changed and that the commercial use of the site remained an unattractive proposition for potential purchasers.

As detailed in the Local Plan, Summerfields business centre does not lie within the 5 established industrial estates in Hastings. The site is not therefore allocated for employment on the Local Plan. Turning to the issue of supply of employment land it is noted that there is existing purpose built employment floorspace in Queensway Priory Square and Lacuna Place in Hastings, which is currently underutilised and hard to let. There is also a major commercial development planned for North Bexhill which will support over 3,000 jobs in the neighbouring District Council of Rother.

Para 22 of the NPPF states

"Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities".

Para 51 of the NPPF is similarly relevant

"Local planning authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate".

Whilst this paragraph relates to the use of buildings rather than land, it is considered that the overall sentiment of the paragraph is relevant to this case. The obvious need for new homes (especially affordable housing) is such that retaining an employment use where there is no interest is not sustainable for the future.

## 2. Layout and Design/Proposed Residential Use

The proposed development will comprise 10 X 3 bedroom houses, 10 X 1 bedroom and 12 X 2 bedroom flats. The houses will be two storey and the apartments 4 storey, both with pitched roofs. The apartments will have a lift. Materials will be brick and render. The density of 49 dwellings per hectare is acceptable and the development makes full and effective use of the land in compliance with Policy H1 of the Hastings Planning Strategy.

The development of 1, 2 and 3 bedroom properties will provide a good mix of accommodation, 25% of which will be affordable units for rent. The scheme is therefore compliant with Policies H2 and H3 of the Strategy.

The amount of internal floorspace is compliant with point f of Policy DM3 and with national floorspace standards. The houses will have a rear garden which is over 10m in length.

The dwellings have been designed around a landscaped homezone which will incorporate parking with a landscaped area to provide a soft appearance. A further parking court is proposed at the north of the site which will service the apartment block to the north of the site.

The pattern of built form adjacent to the site includes the approved, but unimplemented, residential development at Horntyte which will be 5 - 7 storeys and the adjacent law court building is 3 storeys in height. The proposed development will retain a semi rural feel and will be comparable in height to the existing built form and as such will not be detrimental to the overall character of the area.

### 3. Impact on Residential Amenities

The approved residential development within the Horntyte Sports Complex (east block), adjacent to the site, has been considered in the design of the scheme. The closest residential units within that development will be over 22 metres away from the proposed housing at Summerfields. It is considered that this distance is sufficient to ensure there would be no harm arising from the proposed development on future residential amenities of the occupants at Horntyte.

The existing residential properties to the north of Summerfields are over 80 metres away and will not be impacted by the new development. These are the only two residential areas, closest to the site, that would be affected by the proposed development.

### 4. Ecology/Trees

An Ecological Assessment Report dated December 2015 was submitted with the application. The report makes a number of recommendations with regard to an existing badger sett, potential bat activity and protected species in general. These recommendations must be adhered to and will be attached to any approval by way of detailed conditions.

An Arboricultural Assessment Report dated December 2015 has been submitted as part of the application. A total of 27 trees will require removal in order to facilitate the proposed development. Nine of these trees are to be felled due to their poor condition. The remainder of the trees proposed to be felled will be replaced with new tree planting located between the adjacent Law Courts and the proposed development to provide an appropriate screen. New tree planting is also proposed 'home zone' in order to soften parking areas.

Existing access to Summerfields Woods will be retained as a public access point for the footpath.

Subject to appropriate conditions and a legal agreement, the impacts of the development in terms of ecology and trees are considered acceptable. The proposals adequately address policies EN3, EN5 and EN6 of the HPS and HN8 of the DMP.

### 5. Highways/Parking

The site lies in a central location, less than 1km from Hastings Town Centre. It has good access to public transport links and Warrior Square Station is approximately 800m walk. The application site is accessed by means of an existing access road which leads from a junction with Bohemia Road (A21). The A21 is a primary route linking Hastings with London. A Transport Statement dated 20 November 2015 was submitted as part of the application. No off site highway works are proposed as the existing access will remain.

The development proposes 52 parking spaces and 35 cycle parking spaces. The highways authority have discussed the parking requirement at pre-application stage and agreed to the amount/provision.

In location terms, the ESCC highways authority is supportive of the proposal.

The proposals are considered to be acceptable in terms of Policy T3 of the Hastings Planning Strategy and DM4 of the Development Management Plan.

## 6. Affordable Housing and other Contributions

The development will provide 25% affordable housing which will be secured via a S106 Agreement. The mix will be 4 X 1 bed flats, 2 X 2 bed flats and 2 X 3 bed houses (8 residential units in total).

Financial contributions will also be secured via S106 towards primary schools, libraries, play space and Summerfields Woods, subject to viability.

## 7. Sustainable Construction

A Sustainable Drainage Management and Maintenance Plan has been submitted and the ESCC SUDS team have no objection subject to conditions which are attached to this recommendation.

The proposed development addresses Policy SC7 of the Hastings Planning Strategy

## 8. The Ice House/Heritage

There is a Grade II Listed Ice House in close proximity to the development (northwest of the site), within the Hornty Park complex. The applicant has provided a Heritage Statement which assesses the significance of the Ice House and the potential impact of its setting from the proposed residential development. The impact is not considered to be harmful to the setting of the structure given that the majority of the structure is subterranean.

The County Archaeologist has recommended conditions to ensure that any potential archaeology is dealt with appropriately during construction.

The Conservation Officer has no objection to the proposed development.

Potential heritage impacts have been considered and the scheme is acceptable in terms of policy EN1 of the HPS and policies HN1 and HN4 of the DMP.

## **Evidence of Community Involvement**

The agents for the planning application wrote separately to the Law Courts, Police Station, Fire Station, Hornty and the Bohemia Walled Garden with details of a draft redevelopment scheme.

A pre-application planning forum was carried out on 06 October 2015, it was well attended by local residents and Councillors.

## Conclusion

Considering the above discussion the proposed development is considered to be sustainable development in accordance with the NPPF. The loss of employment uses has been justified via an acceptable marketing exercise. It will provide for much needed residential accommodation and secure benefits such as affordable housing, public open space and improvements to the Summerfields Local Nature Reserve through S106 financial contributions. These proposals are also considered to comply with or appropriately address the development plan in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004.

## Recommendation

**A) That the Planning Services Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:**

- **financial contribution towards upgrade & maintenance of play facilities;**
- **financial contribution towards the upkeep of Summerfields Woods Local Nature Reserve**
- **financial contributions to primary schools, libraries and Public Rights of Way; and**
- **affordable housing**

**unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed, or the viability issue not resolved by 25 August 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, CI1, EN2, EN3, EN5, EN6, and HN8) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.**

**B) Subject to the 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:  
12489\_00-00-3-3, 12489\_00-01-3-4, 12489\_05-01-3-3, 12489\_00-01-2-1,  
12489\_B\_15\_00-2-3, 12489\_05-01-3-1, 12489-SPR-60-01-2\_2,  
12489-SPR-60-02-2\_2, 12489\_99-01-3-1, 12489\_99-02-3-1,  
12489\_20-01-2-3, 12489\_B\_30\_00-2-1

3. No development shall take place above ground until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to/made available on site and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. No development 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 and thereafter retained. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs lighting etc.); proposed and existing functional services above and below ground (eg drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.); retained historic landscape features and proposals for restoration, where relevant.
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 and thereafter retained.
6. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of soft landscaping to the whole site (including the Biodiverse Garden), which shall include indications of all existing trees and hedgerows on the land including details of those to be retained, together with measures for their protection in the course of development. New soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate together with an implementation programme.
7. All planting seeding or turfing comprised in the approved soft landscaping scheme 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. The soft landscaping areas shown within the approved landscaping scheme shall be provided prior to occupation of any part of the development and thereafter retained.



8. 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.

9. (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.
10. Prior to occupation, a “lighting design strategy for biodiversity” for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
- a) identify those areas/features on site that are particularly sensitive for all bat species and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

11. No development shall commence until the role and responsibilities and operations to be overseen by an appropriately competent person [ e.g. *an ecological clerk of works /on-site ecologist*] have been submitted to and approved in writing by the local planning authority. The appointed person shall undertake all activities, and works shall be carried out, in accordance with the approved details.

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

13. All ecological measures and/or works shall be carried out in accordance with the details contained in Land at Summerfields, Bohemia Road, Ecological Assessment Report by Ash Partnership dated December 2015.
14. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers from being trapped in open excavations and/or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include:
  - a) creation of sloping escape ramps for badgers, which may be achieved by edge profiling of trenches/excavations or by using planks placed into them at the end of each working day; and
  - b) open pipework greater than 150 mm outside diameter being blanked off at the end of each working day.
15. No development shall take place above ground until full details of all boundary walls/fences/railings/enclosures have been submitted to and approved in writing by the Local Planning Authority. All such boundary walls/fences/railings/enclosures shall be erected before the building to which it relates is occupied.
16. No works or development shall take place above ground until full details of all proposed tree planting, and the proposed times of planting, have been approved in writing by the Local Planning Authority. Thereafter all tree planting shall be carried out in accordance with those details and at those times.

17. No development shall take place until temporary protective fences to safeguard the trees and/or hedges to be retained on the site have been erected in accordance with the current BS5837:2012: Trees in relation to design, demolition and construction, standards and to the satisfaction of the Local Planning Authority. All such fences shall be kept in a sound, upright and complete condition until the development has been completed and/or the Local Planning Authority confirm in writing that the works have been sufficiently completed for the fencing to be removed.
18. Prior to demolition works commencing on site a Traffic Management Scheme shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include details relating to storage compounds for plant/machinery/materials; wheel washing provision, welfare facilities and contractor parking. The development shall be implemented in accordance with the approved Traffic Management Scheme.
19. The development shall not be occupied until a turning space for service/emergency vehicles has been provided and constructed in accordance with details which have been submitted to and approved in writing by the Planning Authority and the turning space shall thereafter be retained for that use.
20. The development shall not be occupied until parking areas have been provided in accordance with the approved plans and the areas shall thereafter be retained for that use.
21. The development shall not be occupied until a cycle parking area has been provided in accordance with the approved plans and the area shall thereafter be retained for that use.
22. Prior to the landscaping of the Biodiverse Gardens, details of the management and responsibility of the Biodiverse Garden to be submitted in writing and approved by the Local Planning Authority. Thereafter, management of the garden to be carried out in accordance with the approved details.
23. Prior to the commencement of development, 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 the Local Planning Authority. The development shall be carried out in accordance with the approved details and measures proposed shall be retained thereafter unless agreed in writing by the Local Planning Authority.
24. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved programme of archaeological work.

25. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 24 and that provision for analysis, publication and dissemination of results and archive deposition has been secured, unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.
26. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
27. No work shall be carried out on site for the development hereby approved until a detailed management plan for reducing construction waste during the building process in the form of site management, waste management and project design and planning has been submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be implemented throughout the period of work on site.

**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 form of development in the interests of the visual amenity.
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. To ensure a satisfactory form of development in the interests of the visual amenity and in order to ensure a satisfactory level of soft landscaping within the new development.
8. To safeguard the amenity of nearby residents.
9. To ensure adequate drainage provision and prevent increased risk of flooding.
10. To protect features of recognised nature conservation importance.
11. To protect features of recognised nature conservation importance.

12. To protect features of recognised nature conservation importance.
13. To protect features of recognised nature conservation importance.
14. In the interests of the safety and wellbeing of badgers on the site.
15. To ensure a satisfactory form of development in the interests of the visual amenity.
16. In the interests of the visual amenity and adequate screening to neighbouring sites.
17. In the interests of the health of the trees.
18. In the interests of highway safety and for the benefit and convenience of the public at large.
19. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
20. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
21. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
22. To protect and enhance the conservation and biodiversity of the garden.
23. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
24. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
25. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
26. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
27. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.

#### **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. Consideration should be given to the provision of a domestic sprinkler system.

---

**Officer to Contact**

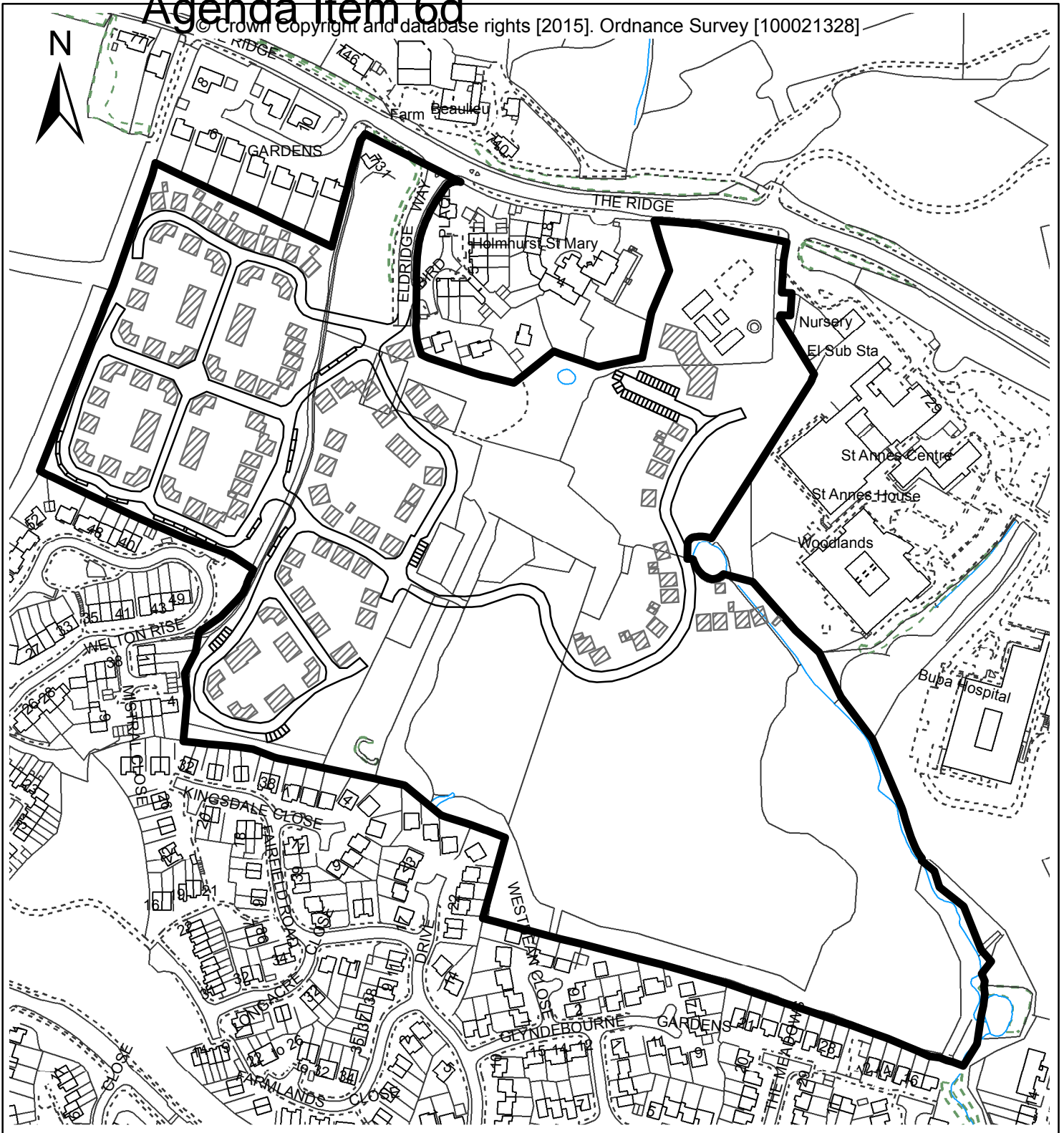
Ms K Phillips, Telephone 01424 783250

**Background Papers**

Application No: HS/FA/15/00984 including all letters and documents

# Agenda Item 6d

© Crown Copyright and database rights [2015]. Ordnance Survey [100021328]



**Land at and South of Holmhurst St Mary  
The Ridge  
St Leonards-on-sea**

Redevelopment of land to the south of Holmhurst St Mary of up to 208 units with access off of The Ridge



Acting Development Manager,  
Hastings Borough Council,  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: NOV 2015

Scale: 1:3,000

Application No. HS/OA/15/00077

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to Ordnance Survey.

This page is intentionally left blank



**Report to:** PLANNING COMMITTEE

**Date:** 25 May 2016

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

**Application Address:** Land at and South of Holmhurst St Mary, The Ridge, St Leonards-on-sea

**Proposal:** Redevelopment of land to the south of Holmhurst St Mary of up to 208 units with access off of The Ridge

**Application No:** HS/OA/15/00077

**Recommendation:** Grant Outline Planning Permission

Ward: CONQUEST  
File No: RI10729V  
Applicant: Foreman Homes Ltd Unit 1 Station Industrial Park Duncan Road Park Gate, Southampton, Hampshire. SO31 1BX

Interest: House building developer  
Existing Use: Undeveloped

**Policies**

Conservation Area: No  
National Planning Policy Framework: Sections 4, 6, 7, 8, 10, 11 and 12  
Hastings Local Plan -  
The Hastings Planning Strategy: DS1, FA1, SC1, SC2, SC3, SC4, SC5, SC7, EN1, EN2, EN3, EN4, EN6, EN7, EN8, H1, H2, H3, CI1, CI3, T3 and T4  
Hastings Local Plan -  
Development Management Plan: LP1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8, HN9 and LRA1

**Public Consultation**

Adj. Properties: Yes  
Advertisement: Yes - General Interest  
Letters of Objection: 48  
Petitions Received: 1

Application Status: Not delegated - Petition of objection received

## Update

This application was previously presented to Planning Committee on the 25th November 2015. At this time a resolution to grant permission subject to conditions was agreed on the following basis:

**A) That the Development Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:**

- **a financial contribution towards local highway improvements;**
- **a Travel Plan and associated auditing contribution;**
- **the provision, maintenance and management of open space and play provision;**
- **the maintenance, management and monitoring of trees, protected species and wildlife areas;**
- **a financial contribution towards Sussex Police and their infrastructure requirements;**
- **the repair and restoration of the Statue of Queen Anne - a Grade II\* Listed Building;**
- **financial contributions to schools, libraries and Public Rights of Way; and**
- **affordable housing**

**unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed, or the viability issue not resolved by 25 May 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, C11, T3, EN3, EN6, EN1, and HN1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan.**

As a result of on going discussions the legal agreement has not yet been completed and will not be completed by the deadline of 25 May 2016. The legal agreement discussions are moving forward in a positive manner but the application is brought before the Planning Committee in order to agree an extension to the deadline for the completion of the legal agreement by 3 months

The report below is identical to that previously brought to committee with the exception of the proposed deadline in the recommendation which is amended to remove the deadline of 25 May 2016 and replace it with a new deadline of the 25 August 2016.

## **Summary**

The application relates to over 13ha of land to the south of Holmhurst St Mary to the north of the Borough.

This is an outline planning application for the provision of up to 208 dwellings with all matters, other than access, reserved.

The proposal has been accompanied by indicative plans and an Environment Statement to help explain why the proposal is acceptable.

As the proposal is in outline form only, the main consideration is the principle of the development, but to help with that assessment consideration has been given to the impact on the character and appearance of the area, the standard of the accommodation proposed, the impact on neighbouring residential amenities, highway safety and parking related matters, the impact on protected species and biodiversity (including trees), flooding and surface water drainage issues, air quality, noise and vibration, land contamination, heritage and archaeology.

Having considered these issues, the responses from objectors and the responses from statutory and non-statutory consultees, I consider the proposed development conforms to the development plan and is sustainable development in the context of the NPPF. I recommend that planning permission be granted subject to conditions and a s106 legal agreement.

## **The Site and its Location**

The application site relates to over 13ha of land in the north of the Borough. Part of the land was formerly part of the Holmhurst St Mary estate but the site otherwise extends to the boundary with St Anne's House and the Conquest Hospital to the east, the housing developments branching from Little Ridge Avenue and Harrow Lane to the south (i.e. Welton Rise, Chalvington Drive, Fairfield Road, etc.), and Harrow Lane playing fields to the west. The site wraps around the Holmhurst St Mary building, which is now converted to residential, and the more modern properties at Francis Baird Place and Beaulieu Gardens. Across The Ridge to the north of the site is Beaulieu Farm which is included within the High Weald Area of Outstanding Natural Beauty (AONB).

The site is irregular in shape and is set at an elevated position with a slight slope to the south-east. Access to the site is currently available from Eldridge Way via The Ridge. The site is currently characterised by open fields with densely wooded areas and significant shrub planting. It includes some elements of a former formal garden, old outbuildings and classrooms, old tennis courts, a graveyard and a statue of Queen Anne which is a Grade II\* Listed Building.

The site has a Public Right of Way crossing it from north to south (Eldridge Way to Welton Rise).

Part of the application site (over half) is allocated for housing in the Hastings Local Plan: Development Management Plan (DMP) but the site is also constrained by a Local Wildlife Site and Ancient Woodland designations. There are also areas of Tree Preservation Orders from the centre of site southwards and eastwards.

The site is located in a setting comprising residential, commercial, industrial and rural elements.

## **Details of the Proposal and Other Background Information**

This is an outline planning application for the provision of up to 208 new dwellings. As this is an outline planning application, the main consideration is the principle of the development as the applicant has requested that matters of appearance, landscaping, layout and scale are reserved matters and details of these will be submitted at a later date should outline planning permission be granted. The developer has requested that access is approved at this stage and a single point of access is shown (following negotiations to remove a second access) on the indicative layout plan submitted with the application. The access would utilise the existing Eldridge Way. The proposal includes the demolition of existing buildings on site.

As mentioned above, part of the application site, most of the land the applicant proposes to develop on, is currently allocated for housing in the DMP. This allocation is carried forward from the previous Hastings Local Plan 2004 (HLP). In the HLP the site was a 'reserved' allocation which meant the site was intended to come forward towards the end of the last local plan period. This is because the site is a substantial greenfield site and it was appropriate for other brownfield sites to be developed first. The applicant was advised prior to submitting this application that it was considered that the site was ready to come forward for development.

Since this advice and following the submission of the application, the Council has now adopted the DMP. In the DMP the site is no longer a 'reserved' site and can come forward for development at anytime subject to normal planning considerations. The main reason for this is that the Borough has to meet an ambitious housing target up until 2028 and with limited opportunities for developing housing in the Borough, this site needs to be built in order for the Council to achieve its Local Plan objectives.

Since the application was originally submitted, the indicative layout has been amended and further information has been provided to address comments made with regard to the second access into the site (now removed), the works to the listed statue, development around the listed statue and matters related to the environmental statement chapters on air quality, noise and vibrations and soil, geology and land contamination.

This application follows a planning application from 2008 for the development of the site. As explained, at that time the application was a reserved site in the HLP and the application was refused as it was considered premature. It was also refused due to concerns about moving the Statue of Queen Anne, traffic, and the lack of a legal agreement to secure development contributions.

## Previous Site History

HS/FA/08/00657 Development of land at Holmhurst St Mary comprising: demolition of existing derelict and dilapidated classrooms; demolition of former staff accommodation at 731 The Ridge; construction of new access roads served from The Ridge, via Eldridge Way; formation of new bus access/emergency vehicle link between the application site and Welton Rise (to south); construction of 173 dwellings, of which 52 are affordable homes, with associated hard and soft landscaping and parking; dismantling, re-positioning and works to Grade II\* Listed statue of Queen Anne (subject of separate Listed Building Consent application) and landscaping, planting and enhancement of the Holmhurst St Mary Site of Nature Conservation Importance (SNCI) including provision of an environmental play area.

Refused 23 December 2008

Appealed but appeal withdrawn 04 August 2009

## Details of Consultations

**Rother District Council** has raised no objection.

The **County Archaeologist** has raised no objection subject to conditions to secure the investigation of archaeological interest.

The **Environment & Natural Resources Manager** has provided comments combining all of his team's specialism, which includes ecology, trees, play areas and open space. No objection to the development has been raised but various issues have been raised which will need to be resolved in any detailed submission, by condition or through a s106 legal agreement. Matters include maintenance and management of the undeveloped spaces, appropriate landscaping, protection of trees and ecology.

The **Forestry Commission** has raised no objection.

The **High Weald AONB Unit** has raised no objection.

**Natural England** has raised no objection to the proposed development and considers that there will be no harm to the Marline Valley Woods Site of Special Scientific Interest (SSSI). They otherwise provide some advice on protected landscapes, trees and ecology.

The **Assistant Director Regeneration & Culture**, subject to meeting the policy requirement of the adopted Local Plan, supports this application in view of the contribution and significant boost this site will make to the supply of market and affordable homes in the short term.

The **Environment Agency** has raised no objection subject to a condition regarding a surface water drainage scheme for the site which must be based on sustainable drainage principles. This is to ensure that surface water run-off for the site does not exceed that of the current undeveloped site.

**Southern Water** has raised no objection to the development. They have flagged up issues with capacity in the sewerage network and the water mains and sewers crossing the site, but these issues and details of the new drainage infrastructure for the site can be secured by condition.

**Sussex Police** has raised no objection but advises on the detail that would be required if a reserved matters application were to be submitted. They also require a financial contribution towards policing infrastructure in the Hastings area.

The **Arts & Cultural Development Officer** has raised no objection and welcomes the proposals for the statue of Queen Anne. He recommends that the statue become a public feature for all to enjoy.

**Hastings & Rother Building Control Partnership** has raised no objection but has flagged up potential issues for the applicant to consider.

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

The **Assistant Director Environment & Place** is responsible for the Environmental Protection Team who would usually provide feedback on the matters in this application relating to air quality, noise and vibrations, and ground conditions. Given the scale of the development proposed and the issues raised within the application submission, the Assistant Director sought the advice of an environmental consultancy (ACCON UK) to review the application on behalf of the Council.

The consultant's initial review concluded that:

- The assessment of noise impacts is not considered to have been carried out adequately. The applicant will need to address the matters raised.
- The air quality assessment has not included relevant baseline data from nearby diffusion tubes and no verification has been undertaken. The consultant advised that the assessment should be updated and verified to better reflect local pollutant concentrations.
- The consultant made various comments about the ground conditions assessment. No serious concerns but recommends that Environmental Statement (ES) is updated. Also recommends conditions.

The **County Public Rights of Way Officer** has raised no objections subject to conditions to maintain the footpath through the site during construction, to divert the footpath to reflect its new alignment and to ensure the footpath is brought up to an adoptable standard. These conditions will also address the concerns raised by the Ramblers' Association.

The **County Strategic Economic Infrastructure Team Manager** has raised no objection subject to financial contributions for schools, libraries and Public Rights of Way. These can be secured by s106 legal agreement.

**UK Power Networks** has raised no objection.

**Southern Gas Networks** has raised no objection.

The **Housing Needs & Enabling Manager** has raised no objection but has commented on the affordable housing requirement which is 40% of the total development. This would likely be as a mixture of affordable rent and shared ownership with a percentage of the properties being for wheelchair users.

The **Local Highway Authority** has raised no objection with regard to the western access from Eldridge Way, the indicative layout of the development or the impact on the local highway network but insisted on the removal of the second access, which was closer to St Anne's. Now that this has been removed from the scheme they recommend a number of conditions and matters to secure by s106 legal agreement to ensure highway safety, improve the local highway network and to enhance sustainable means of transport.

**Stagecoach** has raised no objection to the proposed development. Whilst they would have liked a bus link through to Welton Rise they consider this impractical given the design of the highway along Welton Rise. Instead they recommend that a link be made possible through future development at the Harrow Lane playing fields site. Such a link is obviously possible but Stagecoach's other suggestion is that the road be widened to a minimum of 6m. Whether this is possible will be considered at the detailed design stage and it will need to be weighted up against the comments of the Local Highway Authority who consider the site to be adequately served by Public Transport. Stagecoach also request improvement to bus stops and travel packs for new houses which are likely to be secured as part of the financial contribution and travel plan requested by the Local Highway Authority.

**Historic England** initially raised concerns about the setting of the statue being harmed by the new access road at the western end of the site and the close proximity of proposed houses. As the western access has been removed from the scheme and the houses in close proximity to the statue have been removed, Historic England no longer raised any objection to the proposed development. Historic England note that the indicative plans are still not completely acceptable in terms of the layout and the setting of the statue - particularly the position of the proposed flatted block - but they are satisfied that this matter can be resolved as part of any reserved matters application.

The **Ramblers' Association** has objected to the application. However, this objection is a technicality as it relates to the lack of any formal legislative agreement being in place to secure the necessary changes to the Public Right of Way which runs through the site. This can be dealt with by condition.

The **Licensing Manager** has raised no objection.

There has been a petition of objection with **10 signatories** and **49 individual objections** received against the development proposals. Concerns include:

- Traffic generation and congestion
- Road safety
- Insufficient parking
- Impacts of Bexhill to Hastings Link Road (BHLR) on The Ridge
- Restrictions to emergency vehicles
- Impacts on heritage including gardens and statue
- Impact on the environment
- Harm to ecology
- Loss of trees and hedges
- Conflicts with planning policy
- Development on greenfield land rather than brownfield
- Quantum of development too high
- Land instability
- Presence of Japanese Knotweed and other invasive species
- Protection of the graveyard previously linked to the former convent
- Impact on local schools
- Loss of recreation areas and green space
- Impact on health and social services
- Lack of consultation
- Risk of flooding
- Lack of local facilities
- Harm to ancient woodland
- Air pollution
- Further use of natural resources
- Design and use of materials

The following matters have also been raised but are not considered material to determining the planning application:

- Ownership of the land and sale of the land
- Loss of sports field - this site does not include a sports field so it is presumed that the concerns relate to adjacent Harrow Lane Playing fields which are not part of this proposal
- Poor grammar in the description of the development - the description is as listed by the applicant on their application form.

## **Planning Considerations**

In determining the application 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".

In this instance the main policies of the development plan include policies SC1, SC7, EN1, EN2, EN3, EN4, EN6, EN7, EN8, H1, H2, H3, CI1, CI3, T3 and T4 of the Hastings Local Plan: The Hastings Planning Strategy (HPS) and policies LRA1, DM1, DM3, DM4, DM5, DM6, HN1, HN4, HN7, HN8 and HN9 of the DMP. Others apply and are listed above.

As explained above this is an outline planning application for the provision of up to 208 new dwellings. As this is an outline planning application, the main consideration is whether the principle of the development is acceptable as the applicant has requested that matters of appearance, landscaping, layout and scale are reserved matters and details of these will be submitted at a later date should outline planning permission be granted. The developer has requested that access is approved at this stage and a single point of access is shown (following negotiations to remove a second access) on the indicative layout plan submitted with the application. The access would utilise the existing Eldridge Way. The proposal includes the demolition of existing buildings on site.

In order to establish whether the principle of development is acceptable, the applicant has provided an indicative drawing showing the layout of the development and the design of the houses. Given the size of the development and its potential impact, the application has also been accompanied by an Environmental Statement (ES), in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. Between the indicative drawings and the ES an assessment can be made on the main issues, which include, the impact on the character and appearance of the area, the standard of the accommodation proposed, the impact on neighbouring residential amenities, highway safety and parking related matters, the impact on protected species and biodiversity (including trees), flooding and surface water drainage issues, air quality, noise and vibration, land contamination, heritage and archaeology. These considerations will help determine whether the development is acceptable in principle as well as whether the proposed access is appropriate.

**Policy LRA1 - Holmhurst St Mary allocation**

As mentioned above part of the allocation site - the majority of the part proposed to be developed for housing - is allocated for residential development in DMP. This allocation forms part of policy LRA1. This policy is the first consideration in establishing the principle of developing the site for residential. As the site is allocated, significant weight can be given to residential development and this is particularly true given that the DMP has been recently adopted. This means that the allocation and the suitability for development can be considered up-to-date.

Development in accordance with policy LRA1 requires a number of policy criteria to be met. As this is an outline planning application, explicit detail of the policy criteria has not been provided but where detail is lacking this could form part of any later detailed planning application or could be secured by condition. Considering this, I consider that the proposed development is generally in conformity with policy LRA1 but the table below summarises this in a bit more detail:

Policy LRA1 criteria

a) include 40% affordable housing	The applicant has not contested this requirement although they have stated in their design and access statement that the site could currently provide for 30% affordable housing. The requirement remains at 40% and is currently expected to be provided. It should be secured by a legal agreement.
b) 2% of homes to be adapted for wheelchair users	No details but this matter can be dealt with at any reserved matters stage.



c) sustain and enhance the significance and setting of the Queen Anne statue	This will be achieved and is subject to a separate listed building consent application. The works will be secured by a legal agreement.
d) provide an Ecological Constraints and Opportunities Plan (ECOP), consider the impact to the LWS and provide access to LWS	The application does not include a document specifically referenced as an ECOP but the ecology reports, tree reports and the landscaping information between them identify the constraints of the site. The ecological matters have also been considered and are discussed in more details below.
e) provide a landscape buffer	Landscaping details are listed as reserved matters. That being said the indicative plans show plenty of opportunity for landscape buffering.
f) provide an arboricultural report explaining how trees will be incorporated into the development	Landscaping and layout are reserved matters but the application has been accompanied by an arboricultural report and landscape masterplan and the indicative plans show how trees can be incorporated within the development. This is discussed in further detail below but I am satisfied with the impact on trees. There will be some loss but there is also opportunity for enhancement which is a good balance.
g) include a Flood Risk Assessment (FRA) and drainage details	The applicant has been accompanied by an FRA and has been considered by the Environment Agency. Subject to appropriate conditions there will be no flooding issues.
h) investigate the feasibility of district heating	This is not covered within the application but I am satisfied that such details could be included within any reserved matters application.
i) contribute to existing play facilities	The proposal will include its own play facilities which is considered a suitable alternative.
j) include walking and cycling links	These are either shown indicatively or can be secured by condition. Final details will be included in any reserved matters application.
k) be supported by a transport assessment and travel plan	The proposal has been accompanied by these documents. The matters have been considered by the Local Highway Authority, which is discussed in further detail below, and the recommendations have been incorporated into the proposal. Conditions and contributions have been requested by the LHA.
l) provide connections to the sewerage and water supply systems	As this is an outline application, full details of this have not been provided. Southern Water have also flagged up concerns about capacity in the network. These matters can be addressed by condition.

As can be seen from this summary the proposal currently demonstrates compliance with this policy or the matters can be addressed by condition. This compliance offers support for the development of the site and significant weight is attached to this.

## **EIA considerations**

An EIA has been undertaken in accordance with the relevant legislation. The scope of the EIA was agreed with the Local Planning Authority prior to the submission of the application. The application has been accompanied by an ES which summarises the overall effects of the development including the cumulative impact in association with the development of the allocated sites. The findings are as follows:

- The proposed development and its impact upon the highway network has been assessed both with and without the BHLR in place. Even taking the worst case scenarios into account the development is considered to have a neutral impact in terms of highway related issues.
- The overall impact on air quality is considered to be negligible both during construction and following completion of the development. This is because the pollutant levels will remain well below relevant objective levels.
- During the construction phase the impact on local residents from noise and vibrations is considered to be minor adverse. Mitigation measures are suggested to help address this which will be secured via a construction environmental management plan by condition.
- Once completed the proposed development is considered to have a negligible effect in terms of noise and vibrations due to the proposed uses, the design and mitigation proposed.
- Overall the development is considered to be of benefit in terms of landscape and visual issues. There will be some negative impact in terms of views from neighbouring properties and loss of trees but ultimately the development will have no impact on the AONB, will provide restoration of the statue and will provide significant improvements to open space which will be formally and legally publicly accessible.
- In terms of ecology and nature conservation a range of impacts are considered. These range from negligible impacts to potential significant harm. This assessment includes harm to trees and designated wildlife areas, as well as impacts on specific protected species. Through appropriate mitigation, enhancement and management, many of these impacts have been reduced to negligible levels or even of benefit - particularly the maintenance and management of the LWS.
- The overall impact of the development in terms of water quality, hydrology and flood risk is considered negligible to minor adverse. This is based on the implementation of various mitigation measures during construction and once the development is completed.
- Minor adverse impacts are considered in terms of soils, geology and contamination both during construction and once the development is completed. Subject to mitigation most of these impacts are reduced to negligible or even beneficial impacts.
- The impact of the development on archaeological interest both during construction and after development is considered to be negligible. This is based on appropriate assessments being completed and work being carried out in accordance with good archaeological practice.

Following consultation with statutory and non-statutory consultees, I concur with the findings of the EIA. With appropriate mitigation being agreed and secured via conditions the proposed development will be acceptable and many of the issues remain uncontentious. It is acknowledged that the proposal includes some significant issues and these are discussed in further detail below.

## **Impact upon the character and appearance of the area, standard of accommodation and impact on neighbouring residential amenities**

The proposed development is for up to 208 new units. The applicant has provided indicative drawings of how this may be accommodated on site. Members should be reminded that none of the details, other than access are being approved at this stage, but generally speaking, the development fits quite comfortably on site. The layout is comparable with development along Harrow Lane and Little Ridge Avenue and so is consistent with the prevalent character of the area. Densities and housing mix are also in accordance with current planning policies. The entrance to the site will remain undeveloped which will help with the transition to the AONB north of The Ridge and the proposal includes the creation of a large public open space which is a significant achievement in place-making terms.

The homes appear to be of decent size, include off-street parking and have adequately-sized gardens. The developer has taken care to show that the new properties are either back-to-back with existing properties or are suitably distanced and include landscape buffering to ensure that there will be no harm to neighbouring residents.

The indicative design of the houses is also mostly acceptable, although I agree with some of the local residents who have objected to the application, that better quality will have to be provided closer to the Holmhurst St Mary listed buildings and the statue of Queen Anne. These details will form part of any detailed application.

As the full details have not been submitted at this stage, any issues with regard to the size of the properties, garden provision, issues with the layout and how it impacts on character, relationship with neighbouring properties, etc. can be addressed at the detailed stage. It could mean a reduction in unit numbers but as the proposal is for up to 208 units this would be acceptable.

Details of the green and sustainable design in accordance with policies DC3 and DC4 of the HPS can be secured by condition and submitted as part of the detailed application.

In principle the proposed development is compliment with policy SC1, EN1, EN7, H1 and H2 of the HPS and policies DM1, DM3, HN1 and HN9 of the DMP and will not have an adverse impact on local character or neighbouring amenities and homes will be built to an appropriate standard.

### **Highway matters and public footpaths**

The impact on local highways and more specifically The Ridge, is the most contested issue. Amongst others, many concerns have been raised about increased traffic, congestion, the impact of the opening of the BHLR and the safety of the access at the Eldridge Way/The Ridge junction. All of these objections have been seriously considered, although I consider some of the concerns raised in objections that have been submitted are very general or anecdotal. With that in mind, I am left to consider the information submitted by the applicant and the comments of the Local Highway Authority.

As explained above the LHA very early on objected to the creation of a second access near to the entrance with St Anne's House for strategic as well as safety concerns. This access has now been removed from the scheme and as such resolves some of the submitted objections.

The LHA have highlighted deficiencies within the submitted Transport Assessment but are satisfied that information produced by the County Council itself in relation to traffic, improvements along The Ridge and improvements in relation to allocated development sites covers any concerns they may have had. In that respect, the proposed development is considered acceptable subject to conditions and a s106 legal agreement to secure the necessary improvements.

The LHA, or the County Public Rights of Way Officer, acknowledge many of the concerns residents have raised including access along Eldridge Way, parking, cycle routes, footpaths; all of these matters can be dealt with by condition. For example traffic restrictions can be put in place along Eldridge Way to prevent unsafe congestion of the road and they have advised on the amount of parking that is likely to be required when a detailed application comes forward.

The LHA also make certain recommendations in relation to emergency access (such as a restricted access way to Welton Rise) and how the development may improve sustainable transport modes such as cycling, walking and public transport.

Overall the proposed development is considered to be acceptable in terms of policies C11 and T3 of the HPS and policy DM4 of the DMP.

### **Ecology, trees and open space**

The planning application has been accompanied by appropriate reports in terms of ecology. The reports identify a number of activities on site in relation to protected species and explains how these can be dealt with. It should be noted that the proposal is in outline form so exact details of the impact on ecology and any mitigation will be agreed later but the applicant has provided sufficient information to explain that harm will be limited and in some cases there will even be benefits and enhancements.

As mentioned above the proposed development does encroach into a designated LWS and in this respect policy EN6 of the HPS states:

*POLICY EN6: Local Wildlife Sites (LWS)*

*Development proposals within or adjacent to Local Wildlife Sites (LWS) will only be permitted where there is a local need which outweighs any harm to the nature conservation interest.*

*The Council may attach conditions to any planning permission and/or may seek to enter into agreement(s) to minimise the harm and/or secure the protection, enhancement and management of the nature conservation interest*

In this particular case, the applicant has shown that the encroachment is very small - around 6% - but I consider that the realisation of the housing designation as well as the provision of a well managed public open space and ecological area are substantial public benefits meaning that, in the long term there may actually be improvements to the LWS. The proposal also includes no development around the listed statue and at the entrance to the site which will further enhance ecology, landscape and open space provision.

There will be some tree loss but a significant amount would remain as well as some additional planting. The benefits of this scheme are considered to outweigh the small loss of trees.

No objection has been raised by Natural England in terms of the Marline Valley SSSI.

Subject to appropriate conditions and a legal agreement, the impacts of the development in terms of ecology are considered acceptable. The proposals adequately address policies EN2, EN3, EN4, EN6 and EN8 of the HPS and HN7 and HN8 of the DMP.

### **Flooding and drainage**

The application has been accompanied by a Flood Risk Assessment that advises of minimal risks. The Environment Agency has considered this information and appropriate conditions can be put in place to ensure that any detailed application includes a design that considers appropriate sustainable drainage methods for the site.

Southern Water have noted concerns about capacity in the water supply and sewerage network but again these matters can be dealt with by condition.

The proposed development addresses policy SC7 of the HPS.

### **Environmental Health matters**

The proposed environmental statement includes chapters on air quality, noise and vibrations and land contamination. Following some initial feedback, these particular chapters were updated to include more robust information.

This information has been considered by a specialist consultant on behalf of the Environmental Protection Team and they have confirmed that the submitted information is an appropriate assessment and that the development, subject to certain conditions to control environmental issues during construction and post development, will not result in any concerns.

The proposed development addresses policies DM5 and DM6 of the DMP.

### **Heritage and archaeology**

The applicant has assessed the heritage of the site, taking into account the adjacent listed buildings at Holmhurst St Mary, the Grade II\* listed statue of Queen Anne within the site, the sites archaeological potential and the general historic landscaping which includes remnants of a former formal garden for the Holmhurst estate and a nun's graveyard.

This information has been considered by the County Archaeologist and Historic England.

The County Archaeologist has recommended conditions to ensure that archaeology is dealt with appropriately during construction.

Historic England were initially concerned about the impact on the setting of the statue and I raised concerns about the relationship of the development to Holmhurst St Mary. This led to amendments to the indicative layout. The changes show improvements but, like Historic England, I still believe improvements can be made. I am satisfied that a later detailed submission will address remaining concerns about layout and the design of specific buildings.

The specific details of the restoration of the statue are being considered as part of a separate listed building consent application but the restoration of the statue will be secured by legal agreement.

The applicant has confirmed that the nun's graveyard will remain untouched but the old gardens will be remodelled in order to deliver the development,. The gardens have no formal heritage designation so I do not consider that they benefit from any protection.

The scheme has considered heritage impacts appropriately and is acceptable in terms of policy EN1 of the HPS and policies HN1 and HN4 of the DMP.

### **Other**

The presence of invasive species on site and how they will be dealt with can be controlled by condition.

This is an allocated housing site and its impacts on infrastructure are considered in the Borough's Infrastructure Delivery Plan. Matters like road improvements and the impact on schools can be addressed by the financial contributions required but it is not considered that the development needs to provide for health or social related services.

### **Evidence of Community Involvement**

The applicant engaged in a Pre-Application Forum and undertook some of their own public consultation. This dialogue with the local community has helped inform the planning application

### **Conclusion**

Considering the above discussion the proposed development is considered to be sustainable development in accordance with the NPPF. It will provide for much needed residential accommodation and secure benefits such as affordable housing, public open space and improvements to the Local Wildlife Site. These proposals are also considered to comply with or appropriately address 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**

**A) That the Development Manager be authorised to issue planning permission upon completion of an agreement under S106 of the Town and Country Planning Act to secure:**

- **a financial contribution towards local highway improvements;**
- **a Travel Plan and associated auditing contribution;**
- **the provision, maintenance and management of open space and play provision;**
- **the maintenance, management and monitoring of trees, protected species and wildlife areas;**
- **a financial contribution towards Sussex Police and their infrastructure requirements;**
- **the repair and restoration of the Statue of Queen Anne - a Grade II\* Listed Building;**
- **financial contributions to schools, libraries and Public Rights of Way; and**
- **affordable housing**

**unless it has been conclusively shown that the development would not be viable and it would still be acceptable in planning terms without the identified development contributions. In the event that the Agreement is not completed or the viability issue not resolved by 25 August 2016 that permission be refused on the grounds that the application does not comply with the relevant policies (policies H3, CI1, T3, EN3, EN6, EN1, and HN1) of the Hastings Local Plan, The Hastings Planning Strategy 2011-2028 or the Hastings Local Plan, Development Management Plan unless an extension of time has been agreed in writing by the Planning Services Manager in consultation with the Chair and Vice Chair of the Planning Committee.**

**B) Subject to the above:**

## **Recommendation**

**Grant Outline Planning Permission subject to the following conditions:**

1. Approval of the details of the layout, scale and external appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
2. Plans and particulars of the reserved matters referred to in Condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.
3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. The development hereby permitted shall be carried out, in terms of access only, in accordance with the following approved plans:  
  
Indicative Site Layout - Rev K
6. Prior to the commencement of development, details of the proposed surface water drainage to prevent the discharge of surface water from the proposed site onto the public highway and, similarly, to prevent the discharge of surface water from the highway onto the site, shall be submitted to the Local Planning Authority for approval in consultation with the Highway Authority. The development shall be carried out in accordance with the approved details.

7. Before house building commences, the new estate road(s) shall be completed to base course level, together with the surface water and foul sewers and main services to the approval of the Planning Authority in consultation with this Authority.
8. Prior to development, including excavation works, commencing on site a Traffic Management Scheme (TMS) shall be submitted to and approved by the Local Planning Authority in consultation with the Highway Authority. This shall include an outline construction schedule, compound areas for plant, machinery, materials, contractor parking; routing of vehicles and details of wheel washing facilities. Given the proximity to local schools, deliveries should avoid peak periods. The development shall be carried out in accordance with the approved TMS.
9. The development hereby permitted shall not commence until details of the layout of the access roads and the specification for the construction of the access which shall include details of footways, surfaces, lighting, parking, cycle parking and emergency access onto Welton Rise, have been submitted to and approved in writing by the Local Planning Authority and the use hereby permitted shall not commence until the construction of the road link has been completed in accordance with the specification to be agreed with the Highway Authority.
10. The new estate road[s] shall be designed and constructed to a standard approved by the Local Planning Authority in accordance with Highway Authority's standards with a view to their subsequent adoption as a publicly maintained highway.
11. The development shall not be occupied until a turning space for vehicles has been provided and constructed in accordance with details submitted and approved in relation to condition 1 (reserved matters) above. The turning space shall thereafter be retained for that use and shall not be used for any other purpose.
12. The development shall not be occupied until parking area[s] have been provided in accordance with the details which have been submitted and approved in accordance with condition 1 (reserved matters) above. The parking shall thereafter be retained for that use and shall not be used other than for the parking of motor vehicles.
13. The development shall not be occupied until cycle parking areas have been provided in accordance with the details which have been submitted to and approved in relation to condition 1 (reserved matters) above. The areas shall thereafter be retained for that use and shall not be used other than for the parking of cycles.
14. The development shall not be brought into use until a Traffic Regulation Order to restrict parking along Eldridge Way or an alternative measures to maintain safe passage of vehicles has been implemented in accordance with details to be submitted to and approved in writing by the Local Planning Authority in consultation with the Highway 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 for condition 15 above shall include details of the measures which will be undertaken to protect the public water mains sewers during the course of development.
17. The details required for condition 15 above shall include details of management and maintenance of the SuDS system during the lifetime of the development.
18. The surface water drainage details for condition 15 above shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year (including appropriate climate change allowances) critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.
19. No development shall take place until the developer has secured the implementation of a programme of archaeological work, in accordance with a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.
20. The development hereby permitted shall not be brought into use until the archaeological site investigation and post investigation assessment (including provision for analysis, publication and dissemination of results and archive deposition) has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition [1] to the satisfaction of the Local Planning Authority, in consultation with the County Planning Authority.
21. Safe access to footpath Hastings 145 is to be maintained at all times during and following completion of the development.
22. Due to the alteration to footpath Hastings 145 the development shall not be brought into use until it has been formally diverted under s257 of the Town and Country Planning Act 1990.

23. The development shall not be brought into use until footpath Hastings 145, from Welton Rise to The Ridge, has been improved to an adoptable standard in accordance with details submitted to and approved in writing by the Local Planning Authority.
24. The landscaping details required by condition 1 above (reserved matters) shall include details of open space and play provision.
25. No development shall commence until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details in accordance with the submitted environmental statement, which includes matters such as controlling noise, dust, hours of building work and surface water run-off. Development shall be carried out in accordance with the approved CEMP.
26. The reserved matters details submitted for conditions 1 above shall include 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.
27. Before the development hereby approved is occupied provision shall be made for the ability to connect to fibre-based broadband.
28. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP: Biodiversity shall include the following;
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
  - d) The location and timing of sensitive works to avoid harm to biodiversity features.
  - e) The times during construction when specialist ecologists need to be present on site to oversee works.
  - f) Responsible persons and lines of communication.
  - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
  - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details and phasing agreed, unless otherwise agreed in writing by the local planning authority.
30. No development shall take place (including demolition, ground works, vegetation clearance) until an ecological design strategy (EDS) addressing, mitigation, compensation, enhancement, restoration has been submitted to and approved in writing by the Local Planning Authority.

The Ecological Design Strategy shall include the following;

- Review of site potential and constraints.
- Detailed design(s) and/or working method(s) to achieve stated objectives.
- Extent and location/area of proposed works on appropriate scale maps and plans.
- Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- Persons responsible for implementing the works.
- Details of initial aftercare and long-term maintenance and management.
- Details for monitoring and remedial measures.
- Details for disposal of any wastes arising from works.

The Ecological Design Strategy shall be implemented in accordance with the approved details and phasing and all features shall be retained in that manner thereafter.

32. The details submitted for condition 1 (reserved matters) above shall include provision of at least 2% of the dwellings to be fully adapted for wheelchair users.
33. The details submitted for condition 1 (reserved matters) above shall include provision of a district heating or combined heat and power system, with possible connections to existing and allocated development, unless otherwise agreed in writing by the Local Planning Authority.
34. The sound insulation measures of the dwellings hereby approved (specifically the glazing and ventilation) should ensure that the internal noise levels in habitable rooms do not exceed 35 dB LAeq,16hr during the daytime and 30 dB LAeq,8hr during the daytime. Internal noise levels in bedrooms at night should also not exceed 45 dB L<sub>Amax,F</sub>.
35. The CEMP required at condition 25 above shall include an addendum report which provides details of the expected noise levels at existing residential receptors during each phase of the construction process. The significance of the predicted construction noise levels should be assessed against the ABC method detailed within BS 5228-1:2009+A1:2014 "Code of practice for noise and vibration control on construction and open sites – Part 1: Noise". Where a significant adverse impact is identified, appropriate noise mitigation measures will be detailed within and will be implemented in accordance with the approved CEMP.

**Reasons:**

1. The application is in outline only.
2. The application is in outline only.
3. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.

4. This condition is imposed in accordance with the provisions of Section 92 of the Town & Country Planning Act 1990.
5. For the avoidance of doubt and in the interests of proper planning.
6. In the interests of highway safety.
7. In the interests of highway safety and for the benefit and convenience of the public at large.
8. In the interests of highway safety and to protect neighbouring residential amenities.
9. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
10. In the interest of highway safety and for this benefit and convenience of the public at large.
11. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
12. To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.
13. In order that the development site is accessible by non car modes and to meet the objectives of sustainable development.
14. In the interests of highway safety.
15. To prevent increased risk of flooding.
16. To prevent increased risk of flooding.
17. To prevent increased risk of flooding.
18. To prevent increased risk of flooding.
19. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
20. To ensure that the archaeological and historical interest of the site is safeguarded and recorded to comply with the National Planning Policy Framework.
21. To maintain Public Rights of Way.
22. To maintain Public Rights of Way
23. In the interests of pedestrian safety.

24. To ensure a satisfactory form of development in the interests of the character and amenity of the area.
25. In the interests of the amenity of the neighbouring residential occupiers.
26. To ensure the development complies with policy SC3 of the Hastings Local Plan: The Hastings Planning Strategy.
27. To ensure the development complies with policy SC1 of the Hastings Local Plan: The Hastings Planning Strategy.
28. To protect features of recognised nature conservation importance.
29. To prevent the spread of invasive non-native species.
30. To prevent the spread of invasive non-native species.
31. In the interests of the health of the trees and the visual amenity of the area.
32. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.
33. To comply with condition LRA1 of the Hastings Local Plan, Development Management Plan.
34. To protect the amenity of future occupiers.
35. 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. The developer's attention is drawn to the committee report and the consultation responses received as part of the application. Both include comments which will be necessary to take on board when developing a detailed submission.
4. Consideration should be given to the provision of a domestic sprinkler system.
5. This permission is the subject of an obligation under Section 106 of the Town and Country Planning Act 1990 (as amended).

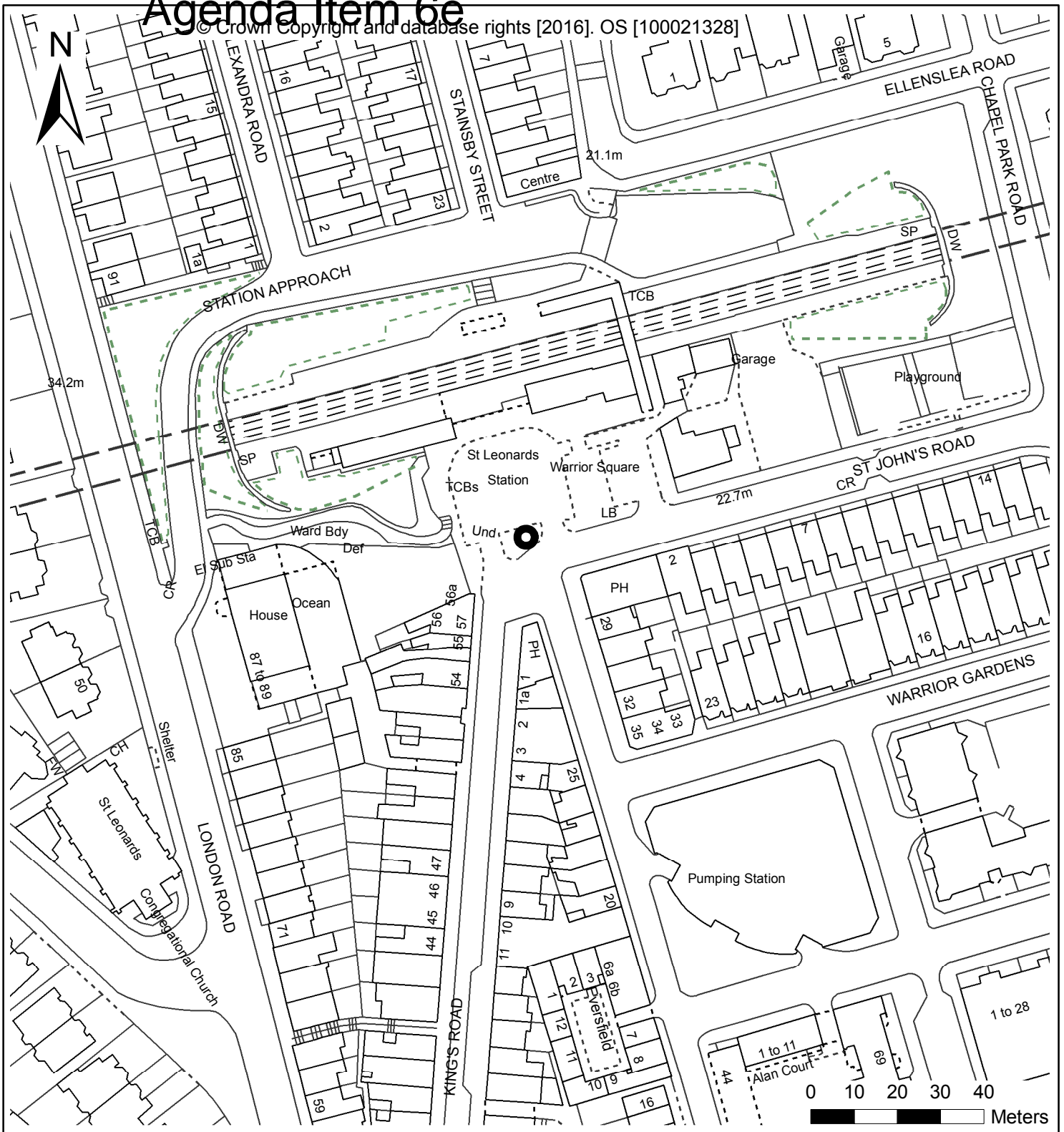
**Officer to Contact**

Mr S Batchelor, Telephone 01424 783254

**Background Papers**

Application No: HS/OA/15/00077 including all letters and documents

# Agenda Item 6e



## Island outside St Leonards Warrior Square Rail Station

**Kings Road  
St Leonards-on-sea  
TN37 6HL**

To install one KX100 style telephone kiosk.



Assistant Director Housing & Built Environment  
Hastings Borough Council,  
Aquila House, Breeds Place,  
Hastings, East Sussex TN34 3UY  
Tel: 01424 451090  
email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)

Date: May 2016

Scale: 1:1,250

Application No. HS/TL/16/00090

Use of this data is subject to terms and conditions. You are granted a non-exclusive, royalty free, revocable licence solely to view the Licensed Data for non-commercial purposes for the period during which Hastings Borough Council makes it available. You are permitted to copy, sub-license, distribute, sell or otherwise make available the Licensed Data to third parties in any form. Third party rights to enforce the terms of this licence shall be reserved to OS.

This page is intentionally left blank



**Report to:** PLANNING COMMITTEE

**Date:** 25 May 2016

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

**Application Address:** Island outside St Leonards Warrior Square  
Railway Station, Kings Road, St  
Leonards-on-sea, TN37 6HL

**Proposal:** To install one KX100 style telephone kiosk.  
**Application No:** HS/TL/16/00090

**Recommendation:** Prior Approval is required and is hereby given

Ward: GENSING  
File No: XJ70050T  
Applicant: BT Payphones Planning Office 4th Floor -  
Monument T.E. 11-13 Great Tower Street  
London EC3R 5AQ

Interest: BT  
Existing Use: No existing use

**Policies**  
Conservation Area: Yes - Kings Road  
Listed Building: No

**Public Consultation**  
Adj. Properties: Yes  
Advertisement: Yes - Conservation Area  
Letters of Objection: 6  
Petitions Received: 0

Application Status: Not delegated - More than 2 letters of objection received

## Notes

Neighbours Expire: 22 March 2016      Members Expire: 22 March 2016 or same as advert expiry if later.

Advert Expires: 01 April 2016

Neighbours Checked on site: Yes

Objection letters read: Yes

Site Visited: 14 April 2016

## **Summary**

The application sought determination as to whether the installation of one KX100 style telephone kiosk outside St Leonards Warrior Square Railway Station, Kings Road requires prior approval to the siting and appearance of the development. Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 applies.

The application has been referred to committee in accordance with clause 44 of Hastings Borough Council's Constitution, Part 8 (October 2015) as more than 2 letters of objection have been received. Clause 43(e) of the same requires applications relating to prior approvals under the Town and Country (General Permitted Development order 1995) to be referred to committee.

Due to the application expiring on 25 April 2016 and the timing of this committee meeting, 'Deemed Consent' has already occurred by default for this prior approval application as no decision was issued within 56 days. Therefore, this application is being presented to committee members for your information as the proposed development can be carried out.

It is worth noting that the proposed development meets the requirements of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. As per the prior approval process the kiosk is not considered to cause harm in terms of siting or appearance. If the application could have been considered under delegated powers it would have been recommended that prior approval be granted and consent issued within the correct timeframe.

## **Site and Surrounding Area**

The proposed site is located within Kings Road Conservation Area outside the St Leonards Warrior Square railway station and its junction with Kings Road, St Johns Road and Western Road. There is an access road and a car park to the front of the station.

## **Proposed development**

The application sought determination as to whether the installation of one KX100 style telephone kiosk outside of St Leonards Warrior Square Rail Station, Kings Road required prior approval to the siting and appearance of the development. Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 applies.

Dimensions: Height (2.192m), Width (0.89m), depth (0.89m) and ground base area (0.79m<sup>2</sup>).

The application was supported by the following documents:

Letters from BT, dated 8, 29 February 2016  
Block Plan  
Photo (outside St Leonards Station)  
Location Plan  
KX100 specification

## Relevant Planning History

HS/TL/15/00840 Replace four telephone kiosks to new locations, granted by default on 2 February 2015

## Consultations comments

Network Rail - No comments.

Conservation and Design stated the following on 17 March 2016:

*"Permission was granted by default in 2015 which looked to position a phone kiosk on the pavement directly in front of the station building adjacent to the easternmost original entrance piers. This location was of concern to Conservation and Design as it was considered to have a negative impact upon the street scene of this part of the conservation area and the setting of the station building which makes a positive contribution to the special character of the area.*

*The relocated site whilst visible in the approach from Kings Road would be sited adjacent to the CCTV pole and station sign and as such is not considered to be visually dominant in the street scene. By locating the phone box in this position, the views and vistas from Western Road approach and Johns Road would be largely unaffected.*

*Conservation and Design would welcome an assurance by the operator not to provide any advertising on the kiosk to lessen the visual impact on the area."*

## Representations

6 letters of objection were received raising the following concerns:

- Security
- Vandalism
- Siting
- Lack of maintenance
- Dirty
- Health hazard
- Advertising on phone box
- Spoil the view of the station
- Used as a urinal
- Eye sore
- Prone to anti-social behaviour
- Lack of upkeep of existing phone boxes

## Determining Issues

As stated above, this is a prior approval application where only the siting, appearance and the ground base area of the kiosk can be taken into account. Furthermore, the application had to show that it complied with conditions as set out in paragraph A.3 (prior approval).

There are no highway implications in terms of siting with good visibility maintained to ensure vehicular and pedestrian safety.

The objection comments have been considered and understood - especially in relation to the impact on the Conservation Area. Unfortunately, there is a history to this location that kiosks can no longer be sited on the station land so the previous less prominent location cannot be used. A previous proposal to site a kiosk directly in line with the main station building was also criticised as too harmful so this new location has come about as a result of negotiations with BT. The proposed location was considered to allow BT to meet their service requirements whilst causing the least harm in the context of limited options.

It has been noted that the site is generally quite open with the built form set back providing open and generally uncluttered views and vistas. However, the site chosen has a stand alone pole adjacent with signage ("St Leonards Warrior Square" and "Crystal Square parking") and CCTV attached. The proposed siting is also immediately next to the car parking area which should soften the impact when cars are parked. The proposed telephone box is modern in design with three clear sides and as such does not appear overly dominant. The telephone box needs to be easily accessible and is centrally and strategically placed adjacent to the car parking area and existing pole. The views and vistas from Western Road approach and Johns Road would be largely unaffected.

Paragraph A.1 (4) states that development is not permitted in the case of the installation of a public call box if the ground or base area of the structure would exceed 1.5m<sup>2</sup>. The ground base area of the kiosk will be 0.79m<sup>2</sup> and is, therefore, permitted development in terms of this requirement.

The application as submitted meets all the conditions set out in paragraph A.3 (prior approval).

Although concerns have been raised regarding the proposed display of advertising on the telephone kiosk, advertisements on telephone kiosks benefit from deemed consent. An informative has been placed on the consent, drawing the applicants attention to the Advertisement Regulations 2007 and 2012. Planning permission for the display of advertisements may be required if proposed advertisements don't accord with the Advertisement Regulations.

Given the above, it is considered that the telephone kiosk would not detrimentally impact on the siting and appearance of the conservation area.

## **Conclusion**

Given the above discussion, the proposed development meets all the requirements of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. As per the prior approval process the kiosk is not considered to cause harm in terms of the character, siting or appearance of the conservation area.

Due to the application having expired on 25 April 2016 and the timing of this committee meeting, 'Deemed Consent' has already occurred by default for this prior approval application as no decision was issued within 56 days. This application is being presented to committee members in order to comply with Council protocol regarding prior approval applications.

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

## **Recommendation**

### **Prior Approval is required and is hereby given**

1. The development must be completed on or before 30 May 2018.
2. The development shall be carried out in accordance with the details approved.

### **Reasons:**

1. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015
2. In accordance with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### **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 paragraphs 186 and 187 of the National Planning Policy Framework.
3. Prior to the display of any advertisements on the approved telephone kiosk, you are advised to make sure they are displayed in accordance with the Advertisement Regulations. Planning permission may be required.

---

**Officer to Contact**

Mr Y Watt, Telephone 01424 783336

**Background Papers**

Application No: HS/TL/16/00090 including all letters and documents

# Agenda Item 7

Agenda Item: 7

**Report to:** Planning Committee

**Date:** 25 May 2016

**Report from:** Planning Services Manager

**Title of report:** **PLANNING APPEALS & DELEGATED DECISIONS**

**Purpose of report:** To inform the Planning Committee of any planning appeals that have been lodged, of any decisions received from the Planning Inspectorate and the number of delegated decisions made between 11 April to 13 May 2016

**Recommendations:** That the report be noted

Address/ Application Number	Proposal	PSM's Rec.	Where the decision was made	Type of Appeal
-----------------------------------	----------	------------	-----------------------------------	-------------------

**The following appeals have been received:**

Nothing to report

**The following appeals have been dismissed:**

Restaurant and Premises, 12 George Street, Hastings, TN34 3EE  HS/FA/15/00614	Change of use from A3 (restaurant) to A4 (drinking establishment)	Refuse Planning Permission	Delegated	Planning
---	--	----------------------------------	-----------	----------

**The following appeals have been allowed:**

Nothing to report

<b>Type of Delegated Decision</b>	<b>Number of Decisions</b>
Granted	66
Refused	3
Withdrawn by Applicant	4
General PD Approval	1

**Background Papers:**

Various correspondence with Planning Inspectorate

**Report written by:**

Naiomi Sargant - Tel: (01424) 783264 Email: [dcenquiries@hastings.gov.uk](mailto:dcenquiries@hastings.gov.uk)